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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

HARMAN SINGH,

Petitioner,

v.

TONYA ANDREWS, Facility Administrator of
Golden State Annex Detention Facility; POLLY
KAISER, Acting Field Office Director of the
San Francisco Immigration and Customs
Enforcement Office; TODD LYONS, Acting
Director of United States Immigration and
Customs Enforcement; KRISTI NOEM,
Secretary of the United States Department of
Homeland Security, PAMELA BONDI,
Attorney General of the United States, acting in
their official capacities,

Respondents.

CASE NO. _____

**PETITION FOR WRIT OF HABEAS
CORPUS**

INTRODUCTION

1. Petitioner Harman Singh (“Harman” or “Petitioner”) is a 19-year-old asylum seeker who fled political persecution in India. After Harman arrived in the United States, federal agents briefly detained him, determined that he was not a flight risk or danger to the community, and released him on his own recognizance with a notice to appear for removal proceedings in immigration court. Since then, Harman has done everything the government asked him to do: he has diligently attended every immigration court hearing; informed the court about changes in his address; complied with all terms of his supervision; and timely filed applications for protection from removal. He has no criminal history, and he has lawful work authorization in connection with his pending asylum application. On top of all that, Harman is pursuing Special Immigrant Juvenile Status (“SIJS”) which, if approved, would give him a pathway to a green card, and eventually, U.S. citizenship.

2. On May 27, 2025, Harman again did what the government told him to do: He went to San Francisco Immigration Court for a routine hearing before Immigration Judge (“IJ”) Jeremiah Johnson. Harman expected that he would proceed with his asylum application at the hearing. To his surprise, the government orally moved to dismiss his case for the purpose of placing him in so-called “expedited removal” proceedings. IJ Johnson did not grant the motion to dismiss. Instead, the judge directed the government to file a written motion and gave Harman ten days to respond.

3. Nevertheless, minutes after Harman exited the courtroom, masked Department of Homeland Security (“DHS”) agents in plainclothes arrested him at the elevator lobby before he could leave the courthouse. They did not have a warrant, nor did they tell him why they were arresting him. The agents subsequently transferred Harman hundreds of miles away to Golden State Annex Detention Facility, where he is currently incarcerated.

4. This arrest is part of a new, nationwide DHS strategy of sweeping up people who attend their immigration court hearings, detaining them, and seeking to re-route them to fast-track deportations. Since mid-May, DHS has implemented a coordinated practice of leveraging immigration detention to strip people like Harman of their substantive and procedural rights and

1 pressure them into deportation. Immigration detention is civil, and thus is permissible for only two
2 reasons: to ensure a noncitizen's appearance at immigration hearings and to prevent danger to the
3 community. But DHS did not arrest and detain Harman—who demonstrably poses no risk of
4 absconding from immigration proceedings or danger to the community—for either of these
5 reasons. Instead, as part of its broader enforcement campaign, DHS detained Harman to strip him
6 of his procedural rights, force him to forfeit his applications for relief, and pressure him into fast-
7 track removal.

8 5. In immigration court, noncitizens have the right to pursue claims for relief from
9 removal (including asylum), be represented by counsel, gather and present evidence, and pursue
10 appeals. 8 U.S.C. § 1229(a). By dismissing an ongoing case, DHS—in its view—can transfer a
11 noncitizen's case from removal proceedings in immigration court, governed by 8 U.S.C. § 1229a,
12 to cursory proceedings under 8 U.S.C. § 1225(b)(1) called “expedited removal,” where the
13 procedural protections and opportunities to pursue relief from removal built into regular
14 immigration-court proceedings do not apply.

15 6. This case illustrates the Kafka-esque consequences of the government's
16 unconstitutional courthouse arrest policy. After Harman was taken to Golden State Annex, the
17 government filed a written motion to dismiss his case. Harman's original judge, IJ Johnson, denied
18 the motion, specifically finding that Harman had established a “reasonable probability” for asylum
19 relief based on “past harm on account of his political opinion.” So IJ Johnson concluded that
20 Harman should be afforded the “opportunity to pursue [his] existing application for relief.” Yet,
21 with no notice to Harman nor any opportunity to respond, the government unilaterally transferred
22 the venue of Harman's removal proceedings to the Adelanto Immigration Court, where the case
23 was assigned to a new IJ at that court. The government then renewed an oral motion to dismiss
24 before the new IJ—who granted it without any reference to IJ Johnson's prior decision and without
25 giving Harman even the opportunity to respond.

26 7. Harman's arrest and detention have caused him tremendous and ongoing harm. He
27 has been torn away from his work, his temple, and his community and support network. His
28 detention also seriously interferes with his ability to pursue his asylum claim and SIJS application.

1 Every additional day Harman spends in unlawful detention subjects him to further irreparable
2 harm.

3 8. The Constitution protects Harman—and every other person present in this
4 country—from arbitrary deprivations of his liberty, and guarantees him due process of law. The
5 government’s power over immigration is broad, but as the Supreme Court has declared, it “is
6 subject to important constitutional limitations.” *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001).
7 “Freedom from bodily restraint has always been at the core of the liberty protected by the Due
8 Process Clause from arbitrary governmental action.” *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

9 9. Harman respectfully seeks a writ of habeas corpus ordering the government to
10 immediately release him from his ongoing, unlawful detention, prohibiting his re-arrest without a
11 hearing to contest that re-arrest before a neutral decisionmaker, and prohibiting the government
12 from placing him in expedited removal proceedings. In addition, to preserve this Court’s
13 jurisdiction, Harman also requests that this Court order the government not to transfer him outside
14 of the District or deport him for the duration of this proceeding.

15 **JURISDICTION AND VENUE**

16 10. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal
17 question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201–02 (Declaratory Judgment Act),
18 28 U.S.C. § 2241 (habeas corpus), Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension
19 Clause), the Fourth and Fifth Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-706
20 (Administrative Procedure Act).

21 11. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(a) and 28
22 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is physically detained within this district.

23 **PARTIES**

24 12. Petitioner Harman Singh is a 19-year-old who has lived in the San Francisco Bay
25 Area for nearly two years. He has no criminal history and is pursuing asylum and Special
26 Immigrant Juvenile Status, either of which would, if approved, give him a pathway to permanent
27 residency and, eventually, U.S. citizenship. He is presently in civil immigration detention in
28 Golden State Annex in McFarland, California.

13. Respondent Tonya Andrews is the Facility Administrator of Golden State Annex, a private for-profit detention facility owned and operated by the GEO Group, Inc., that contracts with ICE to detain individuals suspected of civil immigration violations. Respondent Andrews is Petitioner's immediate physical custodian. Respondent Andrews is sued in her official capacity.

14. Respondent Polly Kaiser is the Acting Field Office Director of the San Francisco ICE Field Office. In this capacity, she is responsible for the administration of immigration laws and the execution of immigration enforcement and detention policy within ICE's San Francisco Area of Responsibility, including the detention of Petitioner. Respondent Kaiser maintains an office and regularly conducts business in this district. Respondent Kaiser is sued in her official capacity.

15. Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior Official Performing the Duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws of the United States; routinely transacts business in this District; and is legally responsible for pursuing any effort to detain and remove the Petitioner. Respondent Lyons is sued in his official capacity.

16. Respondent Kristi Noem is the Secretary of Homeland Security and has ultimate authority over DHS. In that capacity and through her agents, Respondent Noem has broad authority over and responsibility for the operation and enforcement of the immigration laws; routinely transacts business in this District; and is legally responsible for pursuing any effort to detain and remove the Petitioner. Respondent Noem is sued in her official capacity.

17. Respondent Pamela Bondi is the Attorney General of the United States and the most senior official at the Department of Justice. In that capacity and through her agents, she is responsible for overseeing the implementation and enforcement of the federal immigration laws. The Attorney General delegates this responsibility to the Executive Office for Immigration Review, which administers the immigration courts and the BIA. Respondent Bondi is sued in her official capacity.

EXHAUSTION

18. There is no requirement to exhaust because no other forum exists in which

Petitioner can raise the claims herein. There is no statutory exhaustion requirement prior to challenging the constitutionality of an arrest or detention, or challenging a policy under the Administrative Procedure Act. Prudential exhaustion is not required here because it would be futile, and Petitioner will “suffer irreparable harm if unable to secure immediate judicial consideration of [their] claim.” *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). Any further exhaustion requirements would be unreasonable.

LEGAL BACKGROUND

A. The Constitution Protects Noncitizens Like Harman from Arbitrary Arrest and Detention.

19. The Constitution establishes due process rights for “all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533 U.S. at 693). These due process rights are both substantive and procedural.

20. *First*, “[t]he touchstone of due process is protection of the individual against arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the exercise of power without any reasonable justification in the service of a legitimate government objective,” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

21. These protections extend to noncitizens facing detention, as “[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, “[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

22. Substantive due process thus requires that all forms of civil detention—including immigration detention—bear a “reasonable relation” to a non-punitive purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible non-punitive purposes for immigration detention: ensuring a noncitizen’s appearance at immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–92; *see also Demore v. Kim*, 538 U.S. 510 at 519–20, 527–28, 31 (2003).

23. *Second*, the procedural component of the Due Process Clause prohibits the

1 government from imposing even permissible physical restraints without adequate procedural
2 safeguards.

3 24. Generally, “the Constitution requires some kind of a hearing *before* the State
4 deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990). This is so
5 even in cases where that freedom is lawfully revocable. *See Hurd v. D.C., Gov’t*, 864 F.3d at 683
6 (citing *Young v. Harper*, 520 U.S. 143, 152 (1997) (re-detention after pre-parole conditional
7 supervision requires pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973)
8 (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole context).

9 25. After an initial release from custody on conditions, even a person paroled following
10 a conviction for a criminal offense for which they may lawfully have remained incarcerated has a
11 protected liberty interest in that conditional release. *Morrissey* at 408 U.S. at 482. As the Supreme
12 Court recognized, “[t]he parolee has relied on at least an implicit promise that parole will be
13 revoked only if he fails to live up to the parole conditions.” *Id.* “By whatever name, the liberty is
14 valuable and must be seen within the protection of the [Constitution].” *Id.*

15 26. This reasoning applies with equal if not greater force to people released from civil
16 immigration detention at the border, like Harman. After all, noncitizens living in the United States
17 like Harman have a protected liberty interest in their ongoing freedom from confinement. *See*
18 *Zadvydas*, 533 U.S. at 690. And, “[g]iven the civil context [of immigration detention], [the] liberty
19 interest [of noncitizens released from custody] is arguably greater than the interest of parolees.”
20 *Ortega v. Bonmar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

21 ***B. Due Process and the Immigration and Nationality Act Protect Noncitizens like Harman***
22 ***from Summary Removal Without a Hearing.***

23 27. Deportation, like detention, constitutes a deprivation of liberty protected by the
24 Due Process Clause. As the Supreme Court has held, a noncitizen’s interest in deportation
25 proceedings “is, without question, a weighty one” because “[s]he stands to lose the right ‘to stay
26 and live and work in this land of freedom.’” *Landon v. Plasencia*, 459 U.S. 21, 34 (1982) (quoting
27 *Bridges v. Wixon*, 326 U.S. 135, 154 (1945)).

28 28. Indeed, modern-day removal proceedings developed in response to a series of

1 Supreme Court decisions recognizing that the deportation of noncitizens already in the United
2 States without a hearing before a neutral arbiter would violate due process. *See Yamataya v.*
3 *Fisher*, 189 U.S. 86, 101 (1903) (construing immigration statutes to require hearing before
4 deportation to “bring them into harmony with the constitution”); *Wong Yang Sung v. McGrath*,
5 339 U.S. 33, 49, *modified*, 339 U.S. 908 (1950) (same, reasoning that “the difficulty with any
6 argument premised on the proposition that the deportation statute does not require a hearing is
7 that, without such hearing, there would be no constitutional authority for deportation”).

8 29. Removal proceedings under Section 240 of the Immigration and Nationality Act
9 (“Section 240” proceedings) accordingly provide important substantive and procedural
10 protections. Noncitizens in Section 240 proceedings, like Harman when he was arrested, are
11 entitled to full hearings in immigration court before immigration authorities can remove them. 8
12 U.S.C. § 1229a. They are statutorily afforded rights and procedural protections, including the right
13 to be represented by counsel of their choice, and the right to present and confront evidence. *See id.*
14 § 1229a(4). They are also entitled to administrative appellate review at the Board of Immigration
15 Appeals and further judicial review in the federal Courts of Appeals. *See* 8 C.F.R. § 1003.1(b)
16 (Board of Immigration Appeals); 8 U.S.C. § 1252(a)(5) (Courts of Appeals).

17 30. Expedited removal is a form of summary removal historically applicable only to
18 recently-arrived noncitizens that sharply limits the rights and process available in Section 240
19 proceedings.

20 31. In contrast to Section 240 proceedings, expedited removal takes place almost
21 entirely outside of immigration court: A person subject to expedited removal can be removed by
22 an immigration officer “without further hearing or review.” 8 U.S.C. § 1225(b)(1)(A)(i). At this
23 stage, the person is typically detained and unable to access counsel. In effect, immigration
24 enforcement agents from ICE or Border Patrol serve as judge, jury, and jailer; they detain the
25 noncitizen, unilaterally determine whether he is subject to the expedited removal statute, and
26 unilaterally order him removed.

27 32. When a person in expedited removal expresses a fear of persecution or intent to
28 seek asylum, the immigration officer refers the person to an asylum officer for a credible fear

1 interview. 8 U.S.C. § 1225(b)(1)(A)(ii). If the asylum officer finds that the person has a credible
2 fear, they are permitted to seek to apply for asylum through Section 240 proceedings. *Id.*
3 § 1225(b)(1)(B)(ii). However, when an asylum officer determines that someone has not
4 established a credible fear, the officer must order them removed “without further hearing or
5 review,” subject to highly limited review by an immigration judge that the person “does not have
6 a credible fear of persecution.” *Id.* § 1225(b)(1)(B)(iii).

7 **FACTUAL ALLEGATIONS**

8 ***A. DHS Dramatically Expands the Scope of Expedited Removal.***

9 33. For decades, DHS applied expedited removal exclusively in the border enforcement
10 context, with only narrow exceptions to that general rule. From 1997 until 2002, expedited removal
11 applied only to inadmissible noncitizens arriving at ports of entry. *See* Inspection and Expedited
12 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum
13 Procedures; Final Rule, 62 Fed. Reg. 10312 (Mar. 6, 1997).

14 34. In 2002, the government for the first time invoked its authority to apply expedited
15 removal to persons already inside the country, but only for a narrow group of people who arrived
16 by sea, were not admitted or paroled, and were apprehended within two years of entry. *See* Notice
17 Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(A)(iii) of the
18 Immigration and Nationality Act, 67 Fed. Reg. 68924 (Nov. 13, 2002).

19 35. In 2004, the government authorized the application of expedited removal to
20 individuals who entered by means other than sea, but only if they were apprehended within 100
21 miles of a land border and were unable to demonstrate that they had been continuously physically
22 present in the United States for 14 days. *See* Designating Aliens for Expedited Removal, 69 Fed.
23 Reg. 48877 (Aug. 11, 2004).

24 36. In 2019, at the direction of President Trump, DHS published a Federal Register
25 Notice authorizing the application of expedited removal to certain noncitizens arrested anywhere
26 in the country who could not affirmatively show that they had been continuously present for two
27 years. *See* Designating Aliens for Expedited Removal, 84 Fed. Reg. 35409 (July 23, 2019). The
28 District Court for the District of Columbia entered a preliminary injunction preventing the rule

1 from taking effect, which the D.C. Circuit later vacated. *Make the Rd. New York v. McAleenan*,
2 405 F. Supp. 3d 1, 11 (D.D.C. 2019), *vacated sub nom. Make the Rd. New York v. Wolf*, 962 F.3d
3 612, 618 (D.C. Cir. 2020).

4 37. In 2021, President Biden directed the DHS Secretary to review the rule expanding
5 expedited removal and consider whether it comported with legal and constitutional requirements,
6 including due process. In 2022, DHS rescinded the rule. *See* Rescission of the Notice of July 23,
7 2019, Designating Aliens for Expedited Removal, 87 Fed. Reg. 16022 (Mar. 21, 2022).

8 38. While the 2019 expansion was in effect, the government applied expedited removal
9 to persons inside the country in an exceedingly small number of cases. Thus, from 1997 to 2025,
10 with limited exceptions, immigration authorities generally did not apply expedited removal to
11 noncitizens apprehended far from the border, or individuals anywhere in the United States
12 (including near the border) who had been residing in the country for more than fourteen days.

13 39. This state of affairs changed drastically on January 20, 2025, the day that President
14 Trump took office for his second term. That day, President Trump signed Executive Order 14159,
15 “Protecting the American People Against Invasion,” the purpose of which was “to faithfully
16 execute the immigration laws against all inadmissible and removable aliens, particularly those
17 aliens who threaten the safety or security of the American people.” Exec. Order No. 14,159, 90
18 C.F.R. § 8443 (Jan. 20, 2025). The order directed the Secretary of Homeland Security to take
19 various actions “to ensure the efficient and expedited removal of aliens from the United States.”
20 *Id.*

21 40. To implement this Executive Order, DHS issued a notice immediately authorizing
22 application of expedited removal to certain noncitizens arrested anywhere in the country who
23 cannot show “to the satisfaction of an immigration officer” that they have been continuously
24 present in the United States for at least two years. 90 Fed. Reg. 8139 (published Jan. 24, 2025).

25 41. On January 23, 2025, the Acting Secretary of Homeland Security issued a
26 memorandum “provid[ing] guidance regarding how to exercise enforcement discretion in
27 implementing” the new expedited-removal rule. The guidance directed federal immigration
28 officers to “consider . . . whether to apply expedited removal” to “any alien DHS is aware of who

1 is amenable to expedited removal but to whom expedited removal has not been applied.” As part
 2 of that process, the guidance encourages officers to “take steps to terminate any ongoing removal
 3 proceeding and/or any active parole status.”¹

4 42. Under the administration’s expanded approach to expedited removal, hundreds of
 5 thousands of noncitizens who have lived in the country for less than two years are at imminent risk
 6 of summary removal without any hearing, meaningful process, access to counsel, or judicial
 7 review—regardless of the strength of their ties to the United States.

8 ***B. To Place More People in Expedited Removal, DHS Undertakes New Campaign of***
 9 ***Courthouse Arrests and Detention.***

10 43. Since mid-May 2025, DHS has initiated an aggressive new enforcement campaign
 11 targeting people who are in regular removal proceedings in immigration court, many of whom
 12 have pending applications for asylum or other relief. This “coordinated operation” is “aimed at
 13 dramatically accelerating deportations” by arresting people at the courthouse and placing them
 14 into expedited removal.²

15 44. The first step of this enforcement operation typically takes place inside the
 16 immigration court. When people arrive in court for their master calendar hearings, DHS attorneys
 17 orally file a motion to dismiss the proceedings—without any notice to the affected individual.
 18 Although DHS regulations do not permit such motions to dismiss absent a showing that the
 19 “[c]ircumstances of the case have changed,” 8 C.F.R. § 239.2(a)(7), (c), DHS attorneys do not
 20 conduct any case-specific analysis of changed circumstances before filing these motions to
 21 dismiss.

22 45. Even though individuals are supposed to have ten days to respond to a motion to
 23

24 ¹ Benamine C. Huffman, *Guidance Regarding How to Exercise Enforcement Discretion*, Dep’t
 25 of Homeland Sec. (Jan. 23, 2025), https://www.dhs.gov/sites/default/files/2025-01/25_0123_er-and-parole-guidance.pdf.

26 ² Arelis R. Hernández & Maria Sacchetti, *Immigrant Arrests at Courthouses Signal New Tactic*
 27 *in Trump’s Deportation Push*, Wash. Post, May 23, 2025,
 28 <https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-arrests-ice-trump/>;
 see also Hamed Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, *How ICE is Seeking to Ramp Up*
Deportations Through Courthouse Arrests, N.Y. Times, May 30, 2025,
<https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html>.

1 dismiss, some IJs have granted the government's oral motion on the spot and immediately
2 dismissed the case. This is consistent with recent instructions from the Department of Justice to
3 immigration judges stating that they may allow the government to move to dismiss cases orally,
4 in court, without a written motion, and to decide that motion without allowing the noncitizen an
5 opportunity to file a response.

6 46. Despite these instructions, some IJs have still asked DHS to re-file the motion as a
7 written motion and continued proceedings to allow individuals to file their response. A smaller
8 group of IJs have expressly denied the motion to dismiss on the record or in a written order.

9 47. The next step of DHS's new campaign takes place outside the courtroom. ICE
10 officers, in consultation with DHS attorneys and officials, station themselves in courthouse waiting
11 rooms, hallways, and elevator banks. When an individual exits their immigration hearings, ICE
12 officers—typically masked and in plainclothes—immediately arrest the person and detain them.
13 ICE officers execute these arrests regardless of how the IJ rules on the government's motion to
14 dismiss. On information and belief, they typically do not have an arrest warrant.

15 48. Once the person has been transferred to a detention facility, the government places
16 the individual in expedited removal. In cases in which the IJ did not dismiss the person's removal
17 proceedings, DHS attorneys unilaterally transfer venue of the case to a "detained" immigration
18 court, where they renew their motions to dismiss—again with the goal of putting the person in
19 expedited removal.

20 49. DHS is aggressively pursuing this arrest and detention campaign at courthouses
21 throughout the country. In New York City, for example, "ICE agents have apprehended so many
22 people showing up for routine appointments this month that the facilities" are "overcrowded," with
23 "[h]undreds of migrants . . . sle[eping] on the floor or sitting upright, sometimes for days."³

24 50. The same is true at the San Francisco Immigration Court, where Harman was
25 arrested. Over the last month, dozens of people have been arrested and detained after attending
26

27 ³ Luis Ferré-Sadurní, *Inside a Courthouse, Chaos and Tears as Trump Accelerates Deportations*,
28 N.Y. Times, June 12, 2025, <https://www.nytimes.com/2025/06/12/nyregion/immigration-courthouse-arrests-trump-deportation.html>.

1 their routine immigration hearings.⁴

2 51. DHS's aggressive tactics at immigration courts appear to be motivated by the
3 Administration's imposition of a new daily quota of 3,000 ICE arrests.⁵ In part as a result of this
4 campaign, ICE's arrests of noncitizens with no criminal record have increased more than 800%
5 since before January.⁶

6 52. The new courthouse arrest and detention campaign is a sharp break from DHS's
7 previous practices, when immigration officers avoided arrests at courthouses given the concern
8 that such enforcement actions would deter people from appearing for their proceedings and
9 complying with court orders.⁷

10 53. In fact, DHS officials previously permitted ICE officers to conduct "civil
11 immigration enforcement action . . . in or near a courthouse" only in highly limited
12 circumstances, such as when "it involves a national security threat," or "there is an imminent risk
13 of death, violence, or physical harm." These limitations were necessary, DHS explained, because
14 "[e]xecuting civil immigration enforcement actions in or near a courthouse may chill individuals'
15 access to courthouses, and, as a result, impair the fair administration of justice."⁸ The new policy

16
17 ⁴ Sarah Ravani, *ICE Arrests Two More at S.F. Immigration Court, Advocates Say*, S.F. Chron.,
June 12, 2025, [https://www.sfchronicle.com/bayarea/article/sf-immigration-court-arrests-](https://www.sfchronicle.com/bayarea/article/sf-immigration-court-arrests-20374755.php)
18 [20374755.php](https://www.sfchronicle.com/bayarea/article/sf-immigration-court-arrests-20374755.php); Margaret Kadifa & Gustavo Hernandez, *Immigrants fearful as ICE Nabs at least*
19 *15 in S.F., Including Toddler*, Mission Local, June 5, 2025, [https://missionlocal.org/2025/06/ice-](https://missionlocal.org/2025/06/ice-arrest-san-francisco-toddler/)
20 [arrest-san-francisco-toddler/](https://missionlocal.org/2025/06/ice-arrest-san-francisco-toddler/); Tomoki Chien, *Undercover ICE Agents Begin Making Arrests at*
SF Immigration Court, S.F. Standard, May 27, 2025,
<https://sfstandard.com/2025/05/27/undercover-ice-agents-make-arrests-san-francisco-court/>.

21 ⁵ Ted Hesson & Kristina Cooke, *ICE's Tactics Draw Criticism as it Triples Daily Arrest Targets*,
Reuters, June 10, 2025, [https://www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-](https://www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-daily-arrest-targets-2025-06-10/)
22 [daily-arrest-targets-2025-06-10/](https://www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-daily-arrest-targets-2025-06-10/); Alayna Alvarez & Brittany Gibson, *ICE Ramps Up*
Immigration Arrests in Courthouses Across the U.S., Axios, June 12, 2025,
23 <https://www.axios.com/2025/06/12/ice-courthouse-arrests-trump>.

24 ⁶ José Olivares & Will Craft, *ICE Arrests of Migrants with No Criminal History Surging under*
Trump, The Guardian, June 14, 2025, [https://www.theguardian.com/us-news/2025/jun/14/ice-](https://www.theguardian.com/us-news/2025/jun/14/ice-arrests-migrants-trump-figures)
25 [arrests-migrants-trump-figures](https://www.theguardian.com/us-news/2025/jun/14/ice-arrests-migrants-trump-figures).

26 ⁷ Hamed Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, *How ICE Is Seeking to Ramp Up*
Deportations Through Courthouse Arrests, N.Y. Times, May 30, 2025,
<https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html>.

27 ⁸ A true and correct copy of DHS' April 27, 2021 *Civil Immigration Enforcement Actions in or*
28 *Near Courthouses* memorandum from Tae Johnson and Troy Miller is attached hereto as Exhibit
1.

includes no such limiting language.⁹

54. The government's new campaign is also a significant shift from previous DHS practice of re-detaining noncitizens only after a material change in circumstances. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018) (describing prior practice).

C. Harman is Unlawfully Arrested and Detained Pursuant to DHS's New Policy.

55. Harman is a 19-year-old citizen of India. He worked as a farmer and was active with political groups advocating for the rights of India's Sikh minority. On multiple occasions, Harman faced physical attacks and threats to his life based on his political affiliations.

56. In early 2024, Harman fled to the United States seeking safety. He was initially arrested by DHS officers after entering the country, but was released within one day on his own recognizance with a notice to appear for removal proceedings. In granting him release without requiring that he pay bond or wear an ankle monitor, DHS determined that he posed little if any risk of flight or danger to the community.

57. When DHS released him, they told him to check in at an ICE office within 60 days. Harman appeared at an ICE office in the Los Angeles area as he was instructed.

58. Harman thereafter moved to Hayward, California. He informed the immigration court about his change of address, and he attended multiple required check-ins at the San Francisco ICE office after he moved.

59. In May 2024, Harman applied for asylum, withholding of removal, and relief under the Convention Against Torture.

60. He subsequently began the process for seeking SIJS, a path to lawful permanent residency that is available to certain young people who have been abandoned, abused, or neglected by a parent and placed in the care of a custodian by a state family or probate court. Only days after

⁹ A true and correct copy of ICE's January 21, 2025 *Interim Guidance: Civil Immigration Enforcement Actions in or near Courthouses* memorandum from Caleb Vitello is attached hereto as Exhibit 2. A true and correct copy of ICE's May 27, 2025 *Civil Immigration Enforcement Actions In or Near Courthouses* memorandum from Todd M. Lyons is attached hereto as Exhibit 3.

1 Harman was detained, a probate court in Alameda County granted his petition to be placed in the
2 care of a guardian as a result of his abandonment, abuse, and neglect by his parents. The probate
3 court also issued an order finding that Harman satisfies the threshold eligibility requirements for
4 SIJS. He is planning to soon file a SIJS application to the United States Citizenship and
5 Immigration Services (USCIS). Immigration judges do not have jurisdiction to adjudicate SIJS
6 applications. If his SIJS application is approved, he will be statutorily exempted from removability
7 under 8 U.S.C. § 1182(a)(6)(A)(i)—the only grounds for removability with which he has been
8 charged—and eligible to apply for lawful permanent residency. *See* 8 U.S.C. § 1255(h)(2)(B)
9 (listing waived and waivable removability grounds after a grant of SIJS).

10 61. Ever since Harman entered the country, he has fully complied with court and
11 supervision requirements. He informed the immigration court every time he changed his address,
12 and he diligently attended all court hearings and ICE check-ins. He has no criminal history.

13 62. In connection with his pending asylum application, Harman obtained work
14 authorization in October 2024. Prior to his detention, he had been lawfully working full-time at an
15 Amazon warehouse.

16 63. On May 27, 2025, Harman appeared at San Francisco Immigration Court for a
17 master calendar hearing before IJ Johnson. Harman's attorney appeared remotely.

18 64. After discussing some initial procedural and scheduling matters with the IJ, the
19 DHS attorney orally moved to dismiss Harman's case for the purpose of placing him in expedited
20 removal. Harman did not understand why the government was seeking to dismiss his case, and the
21 DHS attorney did not explain it to him.

22 65. Harman's attorney objected and said that she preferred the government file a
23 written motion. IJ Johnson agreed, and then directed DHS to file that motion and gave Harman
24 ten days to respond. Noting that Harman had filed an asylum application that reasonably stated
25 eligibility for relief, IJ Johnson then set a final hearing date for August 2028.

26 66. When Harman left the courtroom, he saw two masked men in plainclothes by the
27 elevators. They came up to him, showed a badge revealing that they were ICE agents, and asked
28 his name. After he answered, the agents handcuffed him. The ICE agents did not tell Harman why

1 he was being arrested, nor did they say they had a warrant.

2 67. The agents put Harman in a van and took him to the ICE office at 630 Sansome
3 Street in San Francisco. An agent searched and fingerprinted him, took all of his property, and kept
4 him in a waiting room for much of the day. Harman repeatedly asked why he was arrested but the
5 agents didn't respond. He also asked to speak with his attorney but was not permitted to do so.

6 68. After processing him at the ICE office in San Francisco, DHS transferred him to
7 Golden State Annex, where he remains detained.

8 69. In the days after Harman's arrest, DHS attorneys filed a written motion to dismiss,
9 as IJ Johnson had directed them to do.¹⁰ At the same time, they filed a motion to change venue
10 from the San Francisco Immigration Court to the "detained" docket at Adelanto Immigration
11 Court.

12 70. IJ Johnson denied the motion to dismiss in a written order on May 30, 2025.¹¹ He
13 concluded that Harman should receive "an opportunity to pursue [his] existing application for
14 relief," based on his finding that Harman has established a "reasonable possibility" of obtaining
15 asylum. The order further stated that "it would be an inefficient use of judicial resources to
16 dismiss these proceedings in order to place Respondent in expedited removal for him to make a
17 credible fear claim (that he has already made, and the Court has already reviewed) to then be
18 placed back in these proceedings."

19 71. A couple days later, Harman's lawyer filed a bond request and an objection to the
20 change of venue with IJ Johnson. These filings were rejected on the ground that jurisdiction over
21 the case had transferred from the San Francisco Immigration Court to Adelanto Immigration
22 Court.

23 72. Harman had a hearing on June 11, 2025, before IJ Ravit Halperin at the Adelanto
24 Immigration Court. At that hearing, DHS attorneys renewed the motion to dismiss the case,
25 without giving Harman any prior notice that they planned to do so despite IJ Johnson's previous

26 _____
27 ¹⁰ A true and correct copy of the Department of Homeland Security Motion to Dismiss to Pursue
Expedited Removal is attached hereto as Exhibit 4.

28 ¹¹ A true and correct copy of IJ Johnson's Order on Motion to Dismiss is attached hereto as
Exhibit 5.

1 denial. Harman's lawyer, who was appearing remotely, asked for time to file a response and
2 noted that she had a pending objection to the change of venue. IJ Halperin granted the motion to
3 dismiss without affording Harman the opportunity to respond.¹²

4 73. Because Harman has never been determined to be a flight risk or danger to the
5 community, his ongoing detention is not related to either of the permissible justifications for civil
6 immigration litigation. His detention does not further any legitimate government interest.

7 ***D. As a Result of His Arrest and Detention, Harman is Suffering Ongoing and Irreparable***
8 ***Harm.***

9 74. Harman is being deprived of his liberty without any permissible justification. The
10 government previously released him on his own recognizance because he did not pose sufficient
11 risk of flight or danger to the community to warrant detention.

12 75. None of that has changed. Harman has no criminal record, and there is no basis to
13 believe that he poses any public-safety risk. Nor is Harman, who was arrested *while appearing in*
14 *court for his immigration case*, conceivably a flight risk. To the contrary, Harman appeared for
15 every immigration court hearing and supervision check-in, and he has consistently informed the
16 court about any change in his address or other circumstances.

17 76. Harman received work authorization in connection with his pending asylum
18 application in October 2024, along with a valid Social Security number. Prior to his arrest, Harman
19 had been lawfully working in the United States, most recently at an Amazon warehouse. But his
20 arrest and detention has interrupted his ability to work and earn a livelihood.

21 77. Harman is now separated from his friends and faith-based community. He is a
22 deeply devout Sikh who, before his detention, typically attended religious services at the Sikh
23 temple in Hayward every day after work. He also sometimes volunteered by cleaning areas at the
24 temple or helping prepare free meals for worshippers. His arrest and detention have substantially
25 interfered with his ability to pray and otherwise practice his faith.

26 ///

27 _____
28 ¹² A true and correct copy of IJ Halperin's Order on Motion to Dismiss is attached hereto as
Exhibit 6.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Violation of the Fifth Amendment to the United States Constitution

(Substantive Due Process—Detention)

78. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

79. The Due Process Clause of the Fifth Amendment protects all “person[s]” from deprivation of liberty “without due process of law.” U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

80. Immigration detention is constitutionally permissible only when it furthers the government’s legitimate goals of ensuring the noncitizen’s appearance during removal proceedings and preventing danger to the community. *See id.*

81. Petitioner is not a flight risk or danger to the community. Respondents’ detention of Petitioner is therefore unjustified and unlawful. Accordingly, Petitioner is being detained in violation of the Due Process Clause of the Fifth Amendment.

82. Moreover, Petitioner’s detention is punitive as it bears no “reasonable relation” to any legitimate government purpose. *Id.* (finding immigration detention is civil and thus ostensibly “nonpunitive in purpose and effect”). Here, the purpose of Petitioner’s detention appears to be “not to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for other reasons”—namely, to meet newly-imposed DHS quotas and transfer immigration court venue away from an IJ who refused to facilitate DHS’s new expedited removal scheme. *Demore*, 538 U.S. at 532–33 (Kennedy, J., concurring).

SECOND CLAIM FOR RELIEF

Violation of the Fifth Amendment to the United States Constitution

(Procedural Due Process—Detention)

83. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

1 84. As part of the liberty protected by the Due Process Clause, Petitioner has a weighty
2 liberty interest in avoiding re-incarceration after his release. *See Young v. Harper*, 520 U.S. 143,
3 146–47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82 (1973); *Morrissey v. Brewer*, 408 U.S.
4 471, 482–83 (1972); *see also Ortega*, 415 F. Supp. 3d at 969–70 (holding that a noncitizen has a
5 protected liberty interest in remaining out of custody following an IJ’s bond determination).

6 85. Accordingly, “[i]n the context of immigration detention, it is well-settled that due
7 process requires adequate procedural protections to ensure that the government’s asserted
8 justification for physical confinement outweighs the individual’s constitutionally protected
9 interest in avoiding physical restraint.” *Hernandez*, 872 F.3d at 990 (cleaned up); *Zinemon*, 494
10 U.S. at 127 (Generally, “the Constitution requires some kind of a hearing *before* the State
11 deprives a person of liberty or property.”). In the immigration context, for such hearings to
12 comply with due process, the government must bear the burden to demonstrate, by clear and
13 convincing evidence, that the noncitizen poses a flight risk or danger to the community. *See Singh*
14 *v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *see also Martinez v. Clark*, 124 F.4th 775, 785,
15 786 (9th Cir. 2024).

16 86. Harman’s re-detention without a pre-deprivation hearing violated due process.
17 Nearly two years after deciding to release Petitioner from custody on his own recognizance,
18 Respondents re-detained Harman with no notice, no explanation of the justification of his re-
19 detention, and no opportunity to contest his re-detention before a neutral adjudicator before being
20 taken into custody.

21 87. Harman has a profound personal interest in his liberty. Because he received no
22 procedural protections, the risk of erroneous deprivation is high. And the government has no
23 legitimate interest in detaining Harman without a hearing; bond hearings are conducted as a
24 matter of course in immigration proceedings, and nothing in Harman’s record suggested that he
25 would abscond or endanger the community before a bond hearing could be carried out. *See, e.g.,*
26 *Jorge M.F. v. Wilkinson*, 2021 WL 783561, at *3 (N.D. Cal. Mar. 1, 2021); *Vargas v. Jennings*,
27 2020 WL 5074312, at *3 (N.D. Cal. Aug. 23, 2020) (“the government’s concern that delay in
28 scheduling a hearing could exacerbate flight risk or danger is unsubstantiated in light of

petitioner's strong family ties and his continued employment during the pandemic as an essential agricultural worker").

THIRD CLAIM FOR RELIEF

Violation of the Fourth Amendment to the United States Constitution

(Unlawful Arrest)

88. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

89. The Fourth Amendment protects the right of persons present in the United States to be free from unreasonable seizures by government officials.

90. As a corollary to that right, the Fourth Amendment prohibits government officials from conducting repeated arrests on the same probable cause.

It is axiomatic that seizures have purposes. When those purposes are spent, further seizure is unreasonable. . . . [T]he primary purpose of an arrest is to ensure the arrestee appears to answer charges. . . . Once the arrestee appears before the court, the purpose of the initial seizure has been accomplished. Further seizure requires a court order or new cause; the original probable cause determination is no justification.

Williams v. Dart, 967 F.3d 625, 634 (7th Cir. 2020) (cleaned up); *see also United States v. Kordosky*, No. 88-CR-52-C, 1988 WL 238041, at *7 n.14 (W.D. Wis. Sept. 12, 1988) ("Absent some compelling justification, the repeated seizure of a person on the same probable cause cannot, by any standard, be regarded as reasonable under the Fourth Amendment.").

91. In the immigration context, this prohibition means that a person who immigration authorities released from initial custody cannot be re-arrested "solely on the ground that he is subject to removal proceedings" and without some new, intervening cause. *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1196 (N.D. Cal. 2017), *aff'd sub nom., Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018). Courts have long recognized that permitting such rearrests could result in "harassment by continual rearrests." *United States v. Holmes*, 452 F.2d 249, 261 (7th Cir. 1971).

92. DHS agents arrested Petitioner in 2024 after he entered the United States, charged him with a violation of civil immigration law, and released him on his own recognizance with a

1 notice to appear in immigration court. Petitioner appeared in immigration court as instructed,
2 answered the charges, and diligently pursued applications for relief from removal. Petitioner
3 complied with the minimal conditions of release that DHS imposed on him.

4 93. DHS re-arrested Petitioner on May 27, 2025, based on nothing more than the 2024
5 civil charge of violating immigration law for which he had *just appeared* in court. Petitioner had
6 not engaged in any conduct in the intervening time that made him a flight risk or danger to the
7 community. No material change in circumstances justified Petitioner's re-arrest.

8 94. Petitioner's re-arrest and detention by Respondents after he had already appeared
9 in court on his civil immigration charge and absent any material change in circumstances is thus
10 an unreasonable seizure in violation of the Fourth Amendment.

11 **FOURTH CLAIM FOR RELIEF**

12 **Violation of the Administrative Procedure Act**

13 95. Petitioner repeats and re-alleges the allegations contained in the preceding
14 paragraphs of this Petition as if fully set forth herein.

15 96. The Administrative Procedure Act prohibits federal action that is "in excess of
16 statutory jurisdiction, authority or limitations, or short of statutory right," 5 U.S.C. § 706(2)(C),
17 and "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," *id.*
18 § 706(2)(A).

19 97. The government's policy targeting people attending their immigration hearings at
20 immigration court for arrest violates the longstanding common-law privilege against civil arrests
21 in and around courthouses. That privilege extends to parties, witnesses, and all people attending
22 the courts on business.

23 98. Congress did not displace this privilege when it enacted the Immigration and
24 Nationality Act, and the privilege was incorporated as a limit on ICE's arrest authority. The
25 government's courthouse arrest policy therefore is in excess of statutory authority in violation of
26 the Administrative Procedure Act, 5 U.S.C. § 706(2)(C).

27 99. The policy is also arbitrary and capricious, in violation of 5 U.S.C. § 706(2)(A).

28 100. The government has provided no reasoned or adequate explanation for the policy,

1 which is a dramatic shift from recent and longstanding agency policy and practice.

2 101. Additionally, in adopting the policy, the government failed to adequately consider
3 all relevant factors and crucial aspects of the issue. The policy will deter individuals from
4 appearing as parties and witnesses at immigration and other judicial proceedings, preventing the
5 adjudication of meritorious claims, impeding the administration of justice, and hindering
6 cooperation with law enforcement.

7 102. The policy is also in excess of the agency's authority, and arbitrary and capricious,
8 because it violates the agency's own regulations making clear that the government cannot
9 terminate a person's Section 240 proceedings absent a showing that the "[c]ircumstances of the
10 case have changed after the notice to appear was issued." 8 C.F.R. § 239.2(a)(7), (c); *see United*
11 *States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

12 103. Harman's arrest and detention pursuant to the government's policy is a final agency
13 action that violates the Administrative Procedure Act. *See* 5 U.S.C. § 706(2).

14 **FIFTH CLAIM FOR RELIEF**

15 **Violation of the First and Fifth Amendments to the United States Constitution**

16 **(Right to Access Courts and Petition for Redress)**

17 104. Petitioner repeats and re-alleges the allegations contained in the preceding
18 paragraphs of this Petition as if fully set forth herein.

19 105. The First and Fifth Amendments to the United States Constitution guarantee the
20 rights to access the courts and to petition for redress of grievances, which includes the right to
21 participate as a party or witness in judicial and administrative proceedings.

22 106. The Constitution as a corollary prohibits systemic official action that bans or
23 obstructs meaningful access to the courts, including the filing or presenting of legal claims. *See*
24 *Christopher v. Harbury*, 536 U.S. 403 (2002).

25 107. Harman's arrest and detention have interfered with his ability to access immigration
26 court and participate in his immigration proceedings—including pursuing his applications for
27 asylum, withholding of removal, and relief under the Convention Against Torture.

28 108. Harman's detention also imperils his ability to pursue his SIJS application.

109. The government’s arrest of Harman therefore deprived him of his First and Fifth Amendment rights to meaningfully access court and to petition for redress of grievances.

110. Harman has no adequate remedy at law.

SIXTH CLAIM FOR RELIEF

Violation of the Fifth Amendment to the United States Constitution

(Procedural Due Process—Expedited Removal)

111. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

112. Subjecting Harman to expedited removal would violate his right to procedural due process. Noncitizens have a profound liberty interest in protection from deportation. *See Landon v. Plasencia*, 459 U.S. 21, 34 (1982) (a noncitizen’s interest in deportation proceedings “is, without question, a weighty one” because “she stands to lose the right ‘to stay and live and work in this land of freedom’”) (quoting *Bridges v. Wixon*, 326 U.S. 135, 154 (1945)); *Orantes-Hernandez v. Smith*, 541 F. Supp. 351, 377 n.32 (C.D. Cal. 1982) (“It is well-settled that the right to a deportation hearing is of constitutional scope because deportation ‘involves issues basic to human liberty and happiness and, in the present upheavals in lands to which aliens may be returned perhaps to life itself.’”) (quoting *Wong Yang Sung v. McGrath*, 339 U.S. 33, 50 (1950)). Accordingly, “[a] person who faces deportation is entitled under our constitution to a full and fair deportation hearing,” *Hartooni v. I.N.S.*, 21 F.3d 336, 339–40 (9th Cir. 1994), because “without such a hearing, there would be no constitutional authority for deportation.” *Wong Yang Sung*, 339 U.S. at 49.

113. Because Harman was deprived of a fundamental liberty interest, his deprivation is unconstitutional unless it was “accompanied by sufficient procedural protections.” *See Johnson v. Ryan*, 55 F.4th 1167, 1179–80 (9th Cir. 2022) (citing *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)). It was not here.

114. The private interest affected is immense. Harman has lived in the United States for nearly two years and established strong ties here. He has joined a faith community, become gainfully and lawfully employed, and been placed in the care of a guardian by the Alameda County

1 Superior Court. He has submitted an application for asylum and is submitting a petition for SIJS,
2 both of which would result in him receiving a green card and eventually U.S. citizenship.

3 115. The risk of erroneous deprivation absent the procedural protections of removal
4 proceedings is high; for example, in expedited removal, Harman may pursue *only* his asylum claim
5 through a credible fear interview and must entirely give up his SIJS claim, even though he has
6 been the subject of findings in probate court that he is facially eligible for SIJS. There is thus a
7 meaningful risk that he could erroneously be removed through expedited removal despite being
8 eligible for SIJS and adjustment of status.

9 116. In contrast, the government's interest is minimal. The government could have
10 placed Harman in expedited removal at the border but chose not to, instead permitting him to enter
11 the country, develop deep ties, and engage in Section 240 proceedings. Moreover, the government
12 regularly effectuates removals following Section 240 proceedings; any interest the government
13 has in the implementation of the immigration laws is satisfied equally through Section 240
14 proceedings. Indeed, given Congress' clear intent to protect SIJS-eligible young people from
15 removal by enacting the SIJS statute, the government's interest here is *better* served by Section
16 240 proceedings—which would not disrupt Harman's pursuit of SIJS.

17 117. Due process thus constrains the government from subjecting Harman to expedited
18 removal or removing Harman, except based on a final, executable removal order issued through
19 Section 240 removal proceedings.

20 **PRAYER FOR RELIEF**

21 Harman respectfully requests that this Court:

- 22 1. Assume jurisdiction over this matter;
- 23 2. Issue a writ of habeas corpus ordering Respondents to immediately release Harman
- 24 from custody;
- 25 3. Declare that Harman's arrest and detention violate the Due Process Clause of the
- 26 Fifth Amendment, the Fourth Amendment, the First Amendment, and the
- 27 Administrative Procedure Act;
- 28

4. Declare that placing Harman in expedited removal proceedings would violate the Due Process Clause of the Fifth Amendment;
5. Enjoin Respondents from transferring Harman outside this District or deporting Harman pending these proceedings;
6. Enjoin Respondents from re-detaining Harman unless his re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that Harman is a flight risk or danger to the community;
7. Order that Respondents may not place Harman in expedited removal proceedings or remove Harman except based on a final, executable removal order issued through Section 240 removal proceedings;
8. Award Harman his costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act and 28 U.S.C. § 2412; and
9. Grant such further relief as the Court deems just and proper.

Date: July 1, 2025

Respectfully Submitted,

/s/ Bree Bernwanger

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