JUDGE LEON SCHYDLOWER

FILED
JAN 13 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

Ibrahim A. Abakar,

Petitioner

v.

Pamela Bondi, Attorney General; Kristi Noem, Secretary of Homeland Security; Todd M. Lyons, Acting Director of U.S. Immigration & Customs Enforcement; Marcos Charles, Acting Executive Associate Director for Enforcement and Removal Operations; Mary De Anda-Ybarra, Field Office Director for Enforcement and Removal Operations; U.S. Immigration & Customs Enforcement; U.S. Department of Homeland Security; John Doe, Warden of ERO Camp East Montana Detention Facility.

Respondents.

Case No.: _____

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

EP26CV0044

EXPEDITED PROCESSING REQUESTED UNDER 28 U.S.C. § 1657

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Respondents are detaining Petitioner, Ibrahim A. Abakar ([redacted]), in violation of law.

2. Petitioner is a citizen of Sudan who entered the United States lawfully on April 18, 2024 as a refugee whose status remains valid for as long as he remains a refugee.

His I-94 Admission Number is [redacted]. Petitioner has a valid Employment Authorization Document ("EAD" or "work permit") under 8 C.F.R. § 274a.12(a)(3).

3. Petitioner has a pending application to adjust his status to that of a lawful permanent resident ("LPR" or "permanent resident"), given Receipt Notice Number [redacted]. Petitioner filed this application with USCIS on July 25, 2025. Petitioner attended a biometrics appointment in relation to this application on August 18, 2025 and is waiting for an interview or decision on the application.

4. On January 9, 2026, immigration agents employed by the U.S. Immigration and Customs Enforcement ("ICE") agency arrested Petitioner. Upon information and belief, Petitioner had committed no crime, was suspected of no crime, and was arrested in the absence of probable cause, a warrant, or any exception to the warrant requirement.

5. Upon information and belief, Respondents assert authority to detain Petitioner under 8 U.S.C. § 1159(a)(1), which states:

> Any alien who has been admitted to the United States under section 1157 of this title—
>
> (A) Whose admission has not been terminated by the Secretary of Homeland Security or the Attorney General…,
>
> (B) who has been physically present in the United States for at least one year, and
>
> (C) Who has not acquired permanent resident status,
>
> shall, at the end of such year period, return or be returned to the custody of the Department of Homeland Security for inspection and examination for admission to the United States as an immigrant in accordance with the provisions of sections 1225, 1229a, and 1231 of this title.

6. Respondents cannot lawfully or constitutionally detain Petitioner under 8 U.S.C. § 1159(a)(1) under the circumstances of his case. The sole reason he has not acquired permanent residence status is because of Respondents' refusal to adjudicate his pending application for permanent residence. More specifically, Respondents are presently refusing to adjudicate adjustment of status applications filed by refugees from certain countries (including but not limited to Sudan) pursuant to Executive Order 14161, Presidential Proclamation 10949, USCIS Operation PARRIS, and other internal guidance. Respondents have created the conditions that they now claim requires Petitioner's indefinite civil detention in the absence of any indication that Petitioner has committed a crime, and in the absence of any indication that Petitioner is deportable under 8 U.S.C. § 1227 or inadmissible under 8 U.S.C. § 1182.

7. Respondents have not charged Petitioner as deportable, have not issued a Notice to Appear under 8 U.S.C. § 1229a, have not issued a Notice of Intent to Terminate his refugee status, and have not otherwise taken any action consistent with detaining Petitioner. *See* 8 C.F.R. § 207.9 (requiring a Notice of Intent to Terminate refugee status and a 30-day response period prior to termination). The only action Respondents have taken besides detaining Petitioner is whisking him out of the State of Minnesota as quickly as possible.

8. Additionally, to the extent that § 1159(a)(1)(C) permits detention, it does so only to the extent necessary to conduct an inspection and examination, which is limited to ensuring that the individual is admissible to the United States. It does not permit

indefinite civil detention simply for failure to timely adjust status. It does not permit detention for the purpose of punishment. It does not permit detention for the purpose of completing a pending or contemplated fraud investigation. Respondents' reliance on § 1159(a)(1)(C) is a pretextual justification for maliciously detaining immigrants from countries disfavored by the present administration and punishing them for their immutable characteristics such as national origin and their past experiences that led to them obtaining refugee status.

9. On May 10, 2010, ICE's Director, James Chaparro, issued a Policy Memorandum ("PM") entitled Detention of Refugees Admitted Under INA § 207 Who Have Failed to Adjust to Lawful Permanent Resident Status. *See* Exhibit 1. Upon information and belief, this PM has never been vacated, superseded, or otherwise deprived of effect through a valid legal mechanism. The PM states, in relevant part:

   a. "Failure by [refugees] to **apply for** adjustment of status under this provision **is not** a sufficient ground to place them in removal proceedings, and therefore **not a proper basis for detaining them**." (emphasis added).

   b. "Except in the case of emergency or other extraordinary circumstances, upon the arrest of an unadjusted refugee **upon reasonable belief of removability**, a DRO Field Office must determine, **no later than 48 hours after the arrest**, whether to release the individual or issue a Notice to Appear (NTA), Form I-862, indicating the removal charge(s) applicable to the alien. *See* 8 C.F.R. § 287.3(d); Memorandum from Asa Hutchinson, Undersecretary for Border and Transp. Sec., Guidance on ICE Implementation of Policy and Practice

Changes Recommended by the Dep't of Justice Inspector Gen. 2 (Mar. 30, 2004). **If it becomes apparent earlier that no removability ground applies, the individual must be released promptly**." (emphasis added).

c. "A refugee may not be placed in removal proceedings based on a failure to adjust status or to apply for adjustment of status because an alien's failure to adjust status or apply for adjustment under INA § 209(a) is not a ground of removability. Therefore, the only way DRO may place an unadjusted refugee in proceedings is if a violation of the INA can be established that is unrelated to the alien's failure to adjust, such as fraud or a criminal conviction that forms the basis for a charge under INA §§ 212 or 237."

d. "Any NTA must be served on the NTA promptly, and service must in any case be accomplished within 72 hours of arrest in the absence of emergency or other extraordinary circumstances. For unadjusted refugees who are placed in removal proceedings, DRO should make custody determinations under section 236 of the Act."

e. "If a determination to place an unadjusted refugee in removal proceedings has not been made within the initial 48-hour period discussed above, the DRO Field Office should release the alien with a reminder that the INA imposes an obligation upon him or her to apply for adjustment of status under section 209(a) and to provide DHS with updated address information..."

10. No facts indicate that there is a reasonable belief that Petitioner is removable. Instead, Respondents decided that every single refugee from certain countries, who

are now living in Minnesota, is suspected to have committed fraud, and Respondents are rounding up those refugees en masse for the purpose of keeping them detained while Respondents conduct a pretextual fraud investigation.

11. Petitioner remains detained at this time. He is housed at ERO EL PASO CAMP EAST MONTANA, 6920 Digital Road, El Paso, TX 79936.

12. The detention of Petitioner serves no legitimate purpose. Instead, his detention is punitive in both intent and effect. The redetention of Petitioner is designed to send a message to refugees living in Minnesota, who hail from newly disfavored countries, that they need to leave the United States or they will be jailed indefinitely and without any process.

13. To remedy his unlawful detention, Petitioner seeks declaratory and injunctive relief in the form of immediate release from detention.

14. Pending the adjudication of his Petition, Petitioner seeks an order restraining the Respondents from transferring him to a location where he cannot reasonably consult with counsel, such a location to be construed as any location outside of the geographic jurisdiction of the day-to- day operations of U.S. Immigration & Customs Enforcement's ("ICE") El Paso Office of Enforcement and Removal Operations in the State of Texas.

15. Pending the adjudication of this Petition, Petitioner also respectfully requests that Respondents be ordered to provide seventy-two (72) hour notice of any movement of Petitioner.

16. Petitioner requests the same opportunity to be heard in a meaningful manner, at a meaningful time, and thus requests 72-hour notice prior to any removal or movement of him away from the State of Texas.

17. Petitioner requests an order compelling Respondents to release him pending the outcome of this petition.

18. In accordance with 28 U.S.C. § 1657, Petitioner requests that the district court issue an Order to Show Cause ("OSC") giving the government no more than 3 days to file evidence and argument in response to the OSC.

19. In accordance with 28 U.S.C. § 1657 and Rule 4 of the Rules Governing Section 2254 and 2255 Cases, Petitioner requests that rather than proceed via summonses, the Court order the Clerk of Courts to serve a copy of the petition and any subsequent Order on Respondents and any other appropriate individual involved.

20. Petitioner requests that the Court order his immediate release.

JURISDICTION AND VENUE

21. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question), § 1361 (mandamus action), § 1651 (All Writs Act), and § 2241 (habeas corpus); Art. I, § 9, cl. 2 of the U.S. Constitution ("Suspension Clause"); 5 U.S.C. § 702 (Administrative Procedure Act); and 28 U.S.C. § 2201 (Declaratory Judgment Act). This action further arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), specifically, 8 U.S.C. § 1231(a)(1)-(3) and 8 C.F.R. §§ 241.4, 241.13.

22. Nothing in 8 U.S.C. § 1252 deprives this Court of jurisdiction.

23. Because Petitioner seeks to challenge his custody as a violation of the Constitution and laws of the United States, jurisdiction is proper in this Court.

24. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by DHS. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Jennings v. Rodriguez*, 138 S. Ct. 830, 839–41 (2018); *Nielsen v. Preap*, 139 S. Ct. 954, 961–63 (2019); *Sopo v. U.S. Attorney Gen.*, 825 F.3d 1199, 1209-12 (11th Cir. 2016).

25. Venue is proper in this Court pursuant to 28 USC §§ 1391(b), (e)(1)(B), and 2241(d) because Petitioner is detained within this District. He is currently detained at ERO EL PASO CAMP EAST MONTANA, 6920 Digital Road, El Paso, TX 79936. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A) because Respondents are operating in this district.

PARTIES

26. Petitioner is a citizen of Sudan. His Alien Registration Number ("A number") is [redacted]. Petitioner is a resident of Minnesota. He is refugee with a pending application to adjust his status to that of an LPR. Petitioner is currently in custody of the Immigration and Customs Enforcement ("ICE") in El Paso, Texas.

27. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice, which encompasses the BIA and the immigration judges through the Executive Office for Immigration Review. Attorney General Bondi shares responsibility for

implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of Petitioner.

28. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of the immigration laws pursuant to § 103(a) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1103(a), routinely transacts business in the Western District of Texas, supervises the relevant ICE Field Office, and is legally responsible for pursuing Petitioner's detention and removal. As such, Respondent Noem is a legal custodian of Petitioner.

29. Respondent Department of Homeland Security ("DHS") is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

30. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Defendant Lyons is responsible for Petitioner's detention.

31. Respondent Immigration and Customs Enforcement ("ICE") is the subagency within the Department of Homeland Security responsible for implementing and enforcing the Immigration & Nationality Act, including the detention of noncitizens.

32. Respondent Marcos Charles is the Acting Executive Associate Director for ICE Enforcement and Removal Operations ("ERO")

33. Respondent Mary De Anda-Ybarra is being sued in her official capacity as the Field Office Director for the El Paso Field Office for ICE within DHS. In that capacity, Field Director Anda-Ybarra has supervisory authority over the ICE agents responsible for detaining Petitioner.

34. Respondent John Doe is being sued in his official capacity as the local detention authority having authority over ERO EL PASO CAMP EAST MONTANA, 6920 Digital Road, El Paso, TX 79936. Because Petitioner is detained by John Doe, Respondent John Doe has immediate day-to-day control over Petitioner. John Doe is a pseudonym; the true identity of the warden of the detention center is unknown and does not appear to be publicly available at time of filing.

EXHAUSTION

35. ICE asserts authority to jail Petitioner pursuant to 8 U.S.C. § 1159(a)(1). No statutory requirement of exhaustion applies to Petitioner's challenge to the lawfulness of his detention. *See, e.g.*, *Araujo-Cortes v. Shanahan*, 35 F. Supp. 3d 533, 538 (S.D.N.Y. 2014) ("There is no statutory requirement that a habeas petitioner exhaust his administrative remedies before challenging his immigration detention."); *Rodriguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 1193850, at *11 (W.D. Wash. Apr. 24, 2025) (citing *Marroquin Ambriz v. Barr*, 420 F. Supp. 3d 953, 962 (N.D. Cal. 2019) ("this Court 'follows the vast majority of other cases which have waived exhaustion based on irreparable injury when an individual has been detained for months without a bond hearing, and where several additional months may pass before the BIA renders a decision on a pending appeal.'"); *Gomes*

v. Hyde, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *5 (D. Mass. July 7, 2025) ((citing *Portela-Gonzalez v. Sec'y of the Navy*, 109 F.3d 74, 77 (1st Cir. 1997) (quoting *McCarthy v. Madigan*, 503 U.S. 140, 146 (1992)).

36. To the extent that prudential consideration may require exhaustion in some circumstances, Petitioner has exhausted all effective administrative remedies available to him. Any further efforts would be futile.

37. Prudential exhaustion is not required when to do so would be futile or "the administrative body . . . has . . . predetermined the issue before it." *McCarthy v. Madigan*, 503 U.S. 140, 148 (1992), *superseded by statute on other grounds as stated in Woodford v. Ngo*, 548 U.S. 81 (2006).

38. Prudential exhaustion is also not required in cases where "a particular plaintiff may suffer irreparable harm if unable to secure immediate judicial consideration of his claim." *McCarthy*, 503 U.S. at 147. Every day Petitioner is unlawfully detained causes him and his family irreparable harm. *Jarpa v. Mumford*, 211 F. Supp. 3d 706, 711 (D. Md. 2016) ("Here, continued loss of liberty without any individualized bail determination constitutes the kind of irreparable harm which forgives exhaustion."); *Matacua v. Frank*, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018) (explaining that "a loss of liberty" is "perhaps the best example of irreparable harm"); *Hamama v. Adducci*, 349 F. Supp. 3d 665, 701 (E.D. Mich. 2018) (holding that "detention has inflicted grave" and "irreparable harm" and describing the impact of prolonged detention on individuals and their families). Additionally, Petitioner's entire family relies on his presence as he is the main breadwinner and translator for the family.

39. Prudential exhaustion is additionally not required in cases where the agency "lacks the institutional competence to resolve the particular type of issue presented, such as the constitutionality of a statute." *McCarthy*, 503 U.S. at 147–48. Immigration agencies have no jurisdiction over constitutional challenges of the kind Petitioner raises here. *See, e.g., Matter of C-*, 20 I. & N. Dec. 529, 532 (BIA 1992) ("[I]t is settled that the immigration judge and this Board lack jurisdiction to rule upon the constitutionality of the Act and the regulations."); *Matter of Akram*, 25 I. & N. Dec. 874, 880 (BIA 2012); *Matter of Valdovinos*, 18 I. & N. Dec. 343, 345 (BIA 1982); *Matter of Fuentes-Campos*, 21 I. & N. Dec. 905, 912 (BIA 1997); *Matter of U-M-*, 20 I. & N. Dec. 327 (BIA 1991).

40. Because requiring Petitioner to exhaust administrative remedies would be futile, would cause him irreparable harm, and the immigration agencies lack jurisdiction over the constitutional claims, this Court should not require exhaustion as a prudential matter.

41. In any event, Petitioner has indeed exhausted all remedies available to him.

42. ICE has arrested Petitioner and denied Petitioner release because: (A) DHS is misinterpreting and otherwise failing to follow binding regulations; (B) DHS has decided to change its longstanding interpretations of § 1159(a) without warning, and in a fashion that is arbitrary, capricious, an abuse of discretion, unconstitutional, or otherwise not in accordance with law; (C) DHS is refusing to adjudicate Petitioner's pending adjustment application, thereby creating the conditions for detention through intentional dereliction of duty; (D) DHS seeks to punish Petitioner on the

basis of his refugee status, national origin, and chosen state of residence; (E) DHS seeks to use Petitioner's detention to send a message to similarly situated persons who have not yet been detained as a way to encourage those similarly situated people to immediately leave the United States to avoid Petitioner's fate; and (F) Respondents seek to engage in political violence against Minnesota and its residents per the instructions of the President of the United States.

LEGAL FRAMEWORK

Habeas Corpus

43. The origin of the writ of habeas corpus lies in clause 39 of the Magna Carta, which stated that no free man could be imprisoned except by lawful judgment of his peers or by the law of the land. *See Boumediene v. Bush*, 553 U.S. 723, 740 (2008) (citations omitted). The Magna Carta, and especially clause 39, was designed to limit the king's power by protecting the most fundamental rights of free men. *See Boumediene*, 553 U.S. at 739-42 (collecting sources).

44. When the United States seceded from Great Britain, the Framers of the Constitution and the States that were to make up the Union, in order to ensure sufficient signatories, reserved debate on most of the civil rights for a few years in what would later become the Bill of Rights. However, one right was so fundamental and so undisputed that it was placed into the actual Constitution. *See generally* U.S. Const., Art. I, § 9, cl. 2. The Framers and the States thus recognized and agreed that habeas corpus is the most fundamental and important civil right in any free society. *Cf. Boumediene*, 553 U.S. at 743 ("Surviving accounts of the ratification debates

provide additional evidence that the Framers deemed the writ to be an essential mechanism in the separation-of-powers scheme."). As Alexander Hamilton explained in The Federalist No. 84:

> "[T]he practice of arbitrary imprisonments, have been, in all ages, the favorite and most formidable instruments of tyranny. The observations of the judicious Blackstone ... are well worthy of recital: 'To bereave a man of life ... or by violence to confiscate his estate, without accusation or trial, would be so gross and notorious an act of despotism as must at once convey the alarm of tyranny throughout the whole nation; but confinement of the person, by secretly hurrying him to jail, where his sufferings are unknown or forgotten, is a less public, a less striking, and therefore a *more dangerous engine* of arbitrary government.' And as a remedy for this fatal evil he is everywhere peculiarly emphatical in his encomiums on the *habeas corpus* act, which in one place he calls 'the bulwark of the British Constitution.' " C. Rossiter ed., p. 512 (1961) (quoting 1 Blackstone *136, 4 *id.*, at *438).

45. Throughout the history of the United States, habeas corpus has had three principal eras of importance. First, there was the post-reconstruction era following the civil war. *See, e.g., Ex parte Milligan*, 71 U.S. 2 (1866) (ruling that civilians cannot be tried by military tribunals when civilian courts are open and functioning); Habeas Corpus Act of 1867, 14 Stat, 385, 28 U.S.C. § 451 et seq. The second era occurred during World War 2 when the United States placed persons of Japanese origin in internment camps. *See, e.g., Korematsu v. United States*, 323 U.S. 214 (1944), abrogated by Trump v. Hawaii, 585 U.S. 667 (2018). Most recently, there was the war on terror and associated detentions at Guantanamo Bay, Cuba. *See Rasul v. Bush*, 542 U.S. 466 (2004) (foreign nationals housed at Guantanamo Bay had the right to challenge their detention via habeas corpus); *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004) (U.S. citizens designated as "enemy combatants" and detained in the

United States have a constitutional right to due process, including a meaningful opportunity to challenge their detention before a neutral decisionmaker); *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006) (military commissions used to try Guantanamo Bay detainees lacked congressional authorization and violated both the Uniform Code of Military Justice and the Geneva Convention); *Boumediene v. Bush*, 553 U.S. 723, 740 (2008) (foreign detainees at Guantanamo Bay have a constitutional right to habeas corpus and the Military Commissions Act of 2006's procedures were an inadequate substitute for habeas corpus).

46. We are now in the fourth major era of habeas, which began when the present administration started arbitrarily revoking student visas and detaining students on the basis of those revocations, deporting individuals not from El Salvador to Salvadoran prison without due process, jailing immigrants for exercising their rights to free speech, and announcing an intent to use civil detention punitively against criminal aliens. *Accord, cf.*, Exhibit 2, *100 Days of Fighting Fake News*, HOMELAND SECURITY (Apr. 30, 2025).[1] Most recently, the present administration has began rounding up bona fide refugees and throwing them into detention centers without cause.

47. Over the past year, courts around the country have found that the present immigration administration is using immigration detention punitively, as well as to coerce noncitizens into self-deporting from the United States. *E.g.*, *Mohammed H.*

[1] Available at: https://www.dhs.gov/news/2025/04/30/100-days-fighting-fake-news.

v. Trump, No.: 25-CV-1576-JWB-DTS, --- F. Supp. 3d ---, 2025 WL 1692739, at *5 (D. Minn. June 17, 2025); *Khalil v. Trump*, No. 25-CV-01963 (MEF/MAH), --- F. Supp. 3d ---, 2025 WL 1649197 (D.N.J. June 11, 2025), *opinion clarified*, No. 25-CV-01963 (MEF/MAH), 2025 WL 1981392 (D.N.J. July 16, 2025), and *opinion clarified*, No. 25-CV-01963 (MEF/MAH), 2025 WL 1983755 (D.N.J. July 17, 2025); *Noem v. Abrego Garcia*, 145 S. Ct. 1017 (2025); *Mahdawi v. Trump*, No. 2:25-CV-389 (GWC), --- F. Supp. 3d ---, 2025 WL 1243135, at *11-12 (D. Vt. Apr. 30, 2025); *Ozturk v. Trump*, No. 2:25-CV-374 (WKS), --- F. Supp. 3d ---, 2025 WL 1420540, at *7 (D. Vt. May 16, 2025) ("Ms. Ozturk argued that her detention is punishment for her op-ed, and that her punishment is intended to serve as a warning to other non-citizens who are contemplating public speech on issues of the day. The Court found that Ms. Ozturk has presented credible evidence to support her argument.").

Refugee Admission

48. The United States Refugee Admissions Program ("USRAP") is a federal program established pursuant to the Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102 (codified as amended at 8 U.S.C. § 1157), and is administered jointly by the Department of State, the Department of Homeland Security through U.S. Citizenship and Immigration Services ("USCIS"), and the Department of Health and Human Services.

49. Under 8 U.S.C. § 1101(a)(42), a "refugee" is defined as any person who is outside their country of nationality and is unable or unwilling to return to 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 President, in consultation with Congress, determines the maximum number of refugees who may be admitted to the United States each fiscal year. 8 U.S.C. § 1157(a).

50. To be considered for refugee resettlement to the United States, an individual must first be referred to USRAP by the United Nations High Commissioner for Refugees ("UNHCR"), a U.S. Embassy, or a designated non-governmental organization. The overwhelming majority of refugee applicants are referred by UNHCR based on its determination that they meet the international definition of refugee and require resettlement as a durable solution. Of the more than 30 million refugees worldwide, UNHCR refers fewer than 1% for resettlement to any country in any given year.

51. After receiving a referral, refugee applicants undergo the most extensive security vetting of any category of travelers to the United States. The security screening process typically takes 18 to 24 months or longer and involves multiple federal agencies, including the National Counterterrorism Center, the FBI's Terrorist Screening Center, the Department of Defense, and multiple DHS components. Applicants' biographic information is screened against numerous databases, including the Consular Lookout and Support System, the Treasury Enforcement Communications System, the National Crime Information Center, and classified databases.

52. Following initial security screening, refugee applicants are interviewed under oath

by a specially trained USCIS Refugee Officer who assesses the applicant's eligibility for refugee status and evaluates the credibility of the applicant's claim. The Refugee Officer has the authority to approve or deny the refugee application based on whether the applicant meets the statutory definition of refugee and does not fall within any of the bars to refugee status under 8 U.S.C. § 1157(c), including those who have participated in persecution, those who pose a danger to U.S. security, and those who have provided material support to terrorist organizations.

53. Applicants who are conditionally approved by USCIS must undergo a medical examination by physicians designated by the Department of State and complete a cultural orientation program. Prior to travel, all applicants undergo additional recurrent security checks to ensure no new derogatory information has emerged.

54. Refugees are matched with a local resettlement agency in the United States that will provide initial reception and placement services. Upon arrival, refugees are inspected by U.S. Customs and Border Protection officers at the port of entry and are allowed an admission into the United States.

55. Under the Board of Immigration Appeals precedent, refugees who are admitted into the United States have effectuated an "admission" under 8 U.S.C. 1101(a)(13). *Matter of D-K-*, 25 I&N Dec. 761 (BIA 2012); *see* 8 U.S.C. 1157.

56. Upon admission to the United States, refugees are authorized to work immediately and are eligible for certain federal benefits and services to assist with initial resettlement, including cash and medical assistance through programs administered by HHS's Office of Refugee Resettlement.

Refugee Adjustment

57. Admitted refugees are allowed to adjust their status to that of lawful permanent residents. The statutory framework for refugee adjustment is set out in 8 U.S.C. 1159(a) and (c). Under that statute, refugees are eligible for adjustment of status once they have "been physically present in the United States for at least one year." 8 U.S.C. 1159(a).

58. Refugees are given notification that they must file their application for adjustment of status one year after entry. Under the regulation the language is presented as "Upon admission to the United States, every refugee entrant will be notified of the requirement to submit an application for permanent residence one year after entry." 8 C.F.R. 209.1(b).

59. Once the adjustment application was filed and the refugee had met the requirements, under 8 U.S.C. 1159, such as having been physically present in the United States, applied for adjustment, still a refugee or a spouse of child of a refugee, and has not been firmly resettled and is not inadmissible under INA 212 the refugees is admitted as a permanent resident. The statute under 8 U.S.C. 1159(c) exempts refugees from inadmissibility grounds found under 1182(a)(4), (5), (7)(A) and provides a humanitarian waiver for a number of other inadmissibility grounds.

Detention and Removal of Unadjusted Refugees

60. Refugee status is an indefinite status that has no expiration date.

61. Those admitted as refugees have lawful status and are protected from removal unless and until the Department of Homeland Security ("DHS") proves their

deportability in removal proceedings under 8 U.S.C. 1229a and a final order of removal is entered against them.

62. To secure a removal order against a refugee pursuant to removal proceedings under 8 U.S.C. 1229a, DHS must establish by clear and convincing evidence that one more grounds of deportability under 8 U.S.C. 1227 apply to the refugee. *See* 8 U.S.C. 1227 (applying to those "admitted" to the United States); *Matter of D-K,* 25 I&N Dec. 761 (BIA 2012) ("Thus, we conclude that under the language of the Act and regulations, and also in view of the context and structure of the provisions at issue, an alien admitted to the United States as a refugee has been "admitted" for purposes of section 101(a)(13)(A) of the Act." And as such, "the respondent is present in the United States pursuant to a prior admission as a refugee, and any charges in the notice to appear must be based on the grounds of deportability under section 237 of the Act."). Being a refugee who has not yet adjusted their status to permanent resident is not a ground of deportability under 8 U.S.C. 1227.

63. Nowhere in the statute does a refugee's application for adjustment of status process provide an independent basis for detention or removal.

64. The statutory language of 1159(a) authorizes a "return to the custody" but only "in accordance with the provisions of sections 1225, 1229a, and 1231." An unadjusted refugee is not detainable merely for being unadjusted as they are also not subject to removal for being unadjusted. No provision under either 8 U.S.C. 1182 or 8 U.S.C. 1227 provides a basis for removal for being an unadjusted refugee. Importantly, given that a refugee is not eligible to adjust until 1 year of physical presence,

requiring custody for any refugee who is not adjusted within a year would necessitate detaining essentially all refugees, which would violate congressional intent.

65. DHS in 2010 issued guidance on when the agency can detain unadjusted refugees. In order to detain an unadjusted refugee there must be a basis for removal under the immigration statutes. *See Vue v. Kane*, No. CIV-09-1939-PHX-PGR, 2010 WL 5535387, at *6 (D. Ariz. Nov. 19, 2010), report and recommendation adopted, No. CV-09-1939-PHX-PGR, 2011 WL 43465 (D. Ariz. Jan. 6, 2011) (quoting the 2010 directive).

66. The guidance was clear, "Failure by such individuals to apply for adjustment of status under this provision is not a sufficient ground to place them in removal proceedings, and therefore not a proper basis for detaining them." Exhibit 1 at 2.

67. ICE directive in 2010 contemplated potential charges of removability based on 8 U.S.C. 1182, this was later overturned by Board of Immigration Appeals precedent. As the directive indicates, "Except in case of emergency or other extraordinary circumstances, upon the arrest of an unadjusted refugee upon reasonable belief of removability, a DRO Field Office must determine, no later than 48 hours after the arrest, whether to release the individual or issue a Notice to Appear (NTA), Form 1-862, indicating the removal charge(s) applicable to the alien." Moreover, "If it becomes apparent earlier that no removability ground applies, the individual must be released promptly." The Directive is crystal clear that failure to adjust within a year is not a basis for removal. "A refugee may not be placed in removal proceedings

based on a failure to adjust status or to apply for adjustment of status because an alien's failure to adjust status or apply for adjustment under INA § 209(a) is not a ground of removability." Exhibit 1.

68. Moreover the Directive is clear that a determination of removability is required before the refugee could be placed in detention as the detention itself is contingent on eligibility for removal. In other words, the agency may not detain a person first in order to investigate the possibility of removal eligibility.

69. While the directive contemplates the possibility of charging refugees in removal proceedings based on inadmissibility grounds as defined under 8 U.S.C. 1182, this was later overruled by the Board of Immigration Appeals decision in *Matter of D-K,* 25 I&N Dec. 761 (BIA 2012). In this decision the Board of Immigration appeals had to decide whether the "conditional nature" of refugee admission meant that refugees may be chargeable in removal proceedings for being inadmissible. The BIA found that the answer was no. " Thus, we conclude that under the language of the Act and regulations, and also in view of the context and structure of the provisions at issue, an alien admitted to the United States as a refugee has been "admitted" for purposes of section 101(a)(13)(A) of the Act." And as such, "the respondent is present in the United States pursuant to a prior admission as a refugee, and any charges in the notice to appear must be based on the grounds of deportability under section 237 of the Act."

Detention Under the Immigration and Nationality Act

70. There are several detention statutes that can authorize the detention of noncitizens

depending on their procedural circumstance. See 1225(b)(1) (applying to noncitizen subjected to expedited removal); 1225(b)(2)(A) (applying to certain inadmissible noncitizens detained while seeking admission at the border); 1231(a) (applying to noncitizens with final removal orders); 1226(a) (discretionary detention authority for those in removal proceedings); 1226(c) (applying to noncitizens in removal proceedings with certain criminal history).

71. The only possible statutory authority for a refugee admitted to the United States who lacks any criminal history and has never been subjected to any prior removal process is 8 U.S.C. 1226(a). That statute allows DHS to detain a noncitizen "[o]n a warrant issued by the Attorney General . . . pending a decision on whether the alien is to be removed from the United States." But this statute only applies to those whom DHS places into removal proceedings under 8 U.S.C. 1229a pursuant to a charge that the noncitizen has triggered a ground of removal. For an admitted noncitizen such as a refugee, DHS may only commence removal proceedings, and thus justify 1226(a) detention, if they are alleged to have triggered one or more grounds of deportability under 8 U.S.C. 1227.

72. Detention and the invasion of non-citizen liberty may not be at the whim of the Respondents or merely part of the process of deciding adjustment of status applications.

73. Under the Supreme Court's decision in *Zadvydas v. Davis*, a noncitizen subject to a civil immigration detention cannot, consistent with the Due Process Clause, be detained indefinitely. 533 U.S. 678, 699-700 (2001).

74. *Zadvydas* further held that civil detention violates due process unless special, nonpunitive circumstances outweigh an individual's interest in avoiding restraint. 533 U.S. at 690 **(immigration detention must remain "nonpunitive in purpose and effect")** (emphasis added).

The *Accardi* Doctrine Requires Agencies to Follow Internal Rules

75. Under the *Accardi* doctrine, a foundational principle of administrative law, agencies must follow their own procedures, rules, and instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (setting aside an order of deportation where the Board of Immigration Appeals failed to follow procedures governing deportation proceedings); *see also Morton v. Ruiz*, 415 U.S. 199, 235 (1974) ("Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures . . . even where the internal procedures are possibly more rigorous than otherwise would be required.").

76. *Accardi* is not "limited to rules attaining the status of formal regulations." *Montilla v. INS*, 926 F.2d 162, 167 (2d Cir. 1991). Courts must also reverse agency action for violation of unpublished rules and instructions to agency officials. *See Morton v. Ruiz*, 415 U.S. 235 (affirming reversal of agency denial of public assistance made in violation of internal agency manual); *United States v. Heffner*, 420 F.2d 809, 812 (4th Cir. 1969) (under *Accardi*, reversing decision to admit evidence obtained by IRS agents for violating instructions on investigating tax fraud).

FACTUAL ALLEGATIONS & PROCEDURAL HISTORY

Federal Respondents' Operation PARRIS

77. On January 9, 2026, the Department of Homeland Security launched so-called "OPERATION PARRIS" which in its words were to "target fraudulent refugee applications in Minnesota." The announcement also states that the "initial focus is on Minnesota's 5,600 refugees who have not yet been given lawful permanent resident status (Green Cards)."

78. The announcement refers to both the Executive Order 14161 and also Presidential Proclamation 10949.

79. Executive Order 14161 was aimed at requiring additional screening and vetting procedures for people entering the United States from certain designated countries. One of the countries that has been designed for these procedures is Sudan. The Executive Order does not provide any statutory authority to detain any individuals.

80. Presidential Proclamation 14161 lists Sudan as a country of concern, and restricts *entry* of individuals from Sudan. The listed restrictions are solely on *entry* of non-citizens into the United States and do not discuss adjustment of status. Moreover, nothing in the Proclamation discusses detention or any authority for detention under the law.

Petitioner's Individual Factual Allegations

81. Petitioner realleges and incorporates by reference as if fully set forth herein paragraphs 1-80 of this Complaint.

82. Petitioner's present detention is governed by 8 U.S.C. § 1159(a)(1). Petitioner incorporates by reference and realleges as if fully set forth herein, ¶¶ 5-9, *supra*.

83. Petitioner was not allowed to apply for adjustment of status until he had been physically present in the United States for at least one-year. *See* 8 C.F.R. § 207.8 ("For the purpose of adjustment of status under section 209(a)(1) of the Act, the required one year physical presence of the applicant in the United States is computed from the date the applicant entered the United States as a refugee."). This regulation demonstrates that the Secretary's prior and binding interpretation of 8 U.S.C. § 1159(a)(1)(C) is inconsistent with authority to detain simply because an adjustment application has not been fully adjudicated within one year of entering the United States as a refugee.

84. On January 9, 2026, Petitioner was arrested by ICE. He was removed from his vehicle, which was left abandoned in the road. He has remained detained in Respondents' custody since that date.

85. Upon information and belief, Respondents did not have or serve a valid judicial or administrative arrest warrant when they arrested Petitioner, nor probable cause to believe Petitioner had personally engaged in criminal activity or fraud, rendering the present detention unlawful under the Fourth Amendment as an unreasonable seizure, and under 8 U.S.C. § 1226(a), which only permits detention upon "a warrant issued by the Attorney General."

86. Respondents detained Petitioner on a Friday, and had moved him out of his state of residence by Sunday, January 11, 2026.

87. Prior to and since arresting Petitioner, Respondents have never issued or served Petitioner a Notice of Intent to Terminate his refugee status.

88. Petitioner has not been convicted of or charged with any crimes since entering the United States in refugee status.

89. Petitioner did not commit any fraud in applying for refugee status.

90. There is no reasoned basis for believing that Petitioner is deportable or removable, nor was there at the time of his arrest.

91. Respondents maintain Petitioner is ineligible for release from custody.

92. On April 30, 2025, the Department of Homeland Security issued a press release entitled *100 Days of Fighting Fake News*.[2] In that document, DHS referenced civil immigration detention and the present administration's heavy reliance on civil detention to accomplish its political aims. Specifically, the document states:

> The reality is that **prison isn't supposed to be fun. It's a necessary measure to** protect society and **punish bad guys.** It is not meant to be comfortable. **What's more: prison can be avoided by self-deportation.** CBP Home makes it simple and easy. If you are a criminal alien and we have to deport you, you could end up in Guantanamo Bay or CECOT. **Leave now.**

Exhibit 2 (emphasis added). In addition, President Donald Trump has been repeatedly and recently referring to African immigrants living in Minnesota as fraudsters who all deserve to be deported, while also attacking a political enemy in Minnesota (Governor Walz).

93. Myriad courts around the country have granted habeas corpus petitions and/or

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[2] Available at: https://www.dhs.gov/news/2025/04/30/100-days-fighting-fake-news (attached as Exhibit 2).

enjoined the current administration's attempts to use civil detention punitively against noncitizens. *See, e.g.*, *Abuelhawa v. Noem*, No. 4:25-CV-04128, 2025 WL 2937692, at *8-9 (S.D. Tex. Oct. 16, 2025); *Phong Van Do v. Bondi*, No. 4:25-CV-05643, ECF No. 10 (Slip Op.) (S.D. Tex. Dec. 18, 2025); *Bon Van Nguyen v. Bondi*, No. 4:25-CV-05827, ECF No. 11 (Slip Op.) (S.D. Tex. Dec. 19, 2025); *Dang Pham v. Bondi*, No. 4:25-CV-05765-H, ECF No. 12 (Slip Op.) (S.D. Tex. Jan. 9, 2026); *Mohammed H. v. Trump*, No.: 25-CV-1576-JWB-DTS, --- F. Supp. 3d ---, 2025 WL 1692739, at *5 (D. Minn. June 17, 2025) ("Punishing Petitioner for protected speech or using him as an example to intimidate other students into self-deportation is abusive and does not reflect legitimate immigration detention purposes."); *Mahdawi v. Trump*, 781 F. Supp. 3d 214, 231-32 (D. Vt. Apr. 30, 2021) (recognizing that immigration detention cannot be motivated by the desire to punish speech or to deter others from speaking); *Ozturk*, 779 F. Supp. 3d 462, 493 ("So long as detention is motivated by those goals, and not a desire for punishment, the Court is generally required to defer to the political branches on the administration of the immigration system."); *see also Fong Yue Ting v. United States*, 149 U.S. 698, 730 (1893) ("The order of deportation is not a punishment"); *Roble v. Bondi*, No. 25-cv-3196, 2025 WL 2443453 (D. Minn. Aug. 25, 2025) (ordering release and characterizing the government's actions as "Kafkaesque"); *Sarail A. v. Bondi*, No. 25-CV-2144, 2025 WL 2533673 (D. Minn. Sept. 3, 2025) (ordering release); *Sonam T. v. Bondi*, No. 25-CV-2834, *slip op.*, ECF No. 19 (D. Minn. Sept. 16, 2025) (R&R recommending order of release); *see also Sonam T. v. Bondi*, No. 25-CV-2834, ECF No. 25 (D.

Minn. Sept. 19, 2025) (ordering release); *Mehran S. v. Bondi*, No. 25-CV-3724, ECF No. 11 (D. Minn. Sept. 29, 2025) (ordering release); *Omar J. v. Bondi*, No. 25-CV-3719 (D. Minn. Sept. 29, 2025), ECF No. 11 (ordering release); *Yee S. v. Bondi*, No. 25-CV-02782-JMB-DLM (D. Minn. Oct. 9, 2025), ECF No. 13 (granting habeas petition 4 days after TRO and motion to expedite was filed); *Constantinovici v. Bondi*, No. 3:25-CV-02405-RBM-AHG (S.D. Cal. Oct. 10, 2025), ECF No. 15 (granting habeas petition less than one month after filing).

REMEDY

94. Respondents' detention of Petitioner violates the *Accardi* doctrine because it violates the 2010 ICE Directive (*see* Exhibit 1).

95. Respondents' detention of Petitioner violates the Due Process Clause of the United States Constitution. Petitioner's ongoing detention violates the Fifth Amendment's guarantee that "[n]o person shall be . . . deprived of life, liberty, or property without due process of law." U.S. Const., amend. V.

96. Due Process requires that detention "bear [] a reasonable relation to the purpose for which the individual [was] committed." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).

97. Petitioner seeks immediate release. His ongoing detention under § 1159(a)(1) does not bear a reasonable relation to the purpose for which he was committed. It is designed to be punitive, and the effect is punitive. Petitioner has done everything in his power to comply with the law by applying for adjustment of status by July of 2025, just a couple of months after obtaining the required one-year of physical

presence.

98. Petitioner seeks immediate release to the extent that Respondents have violated his due process rights by failing to comply with 8 C.F.R. § 207.9's pre-deprivation procedures and ICE's internal Policy Memorandum. *See supra*, ¶ 9.

99. Petitioner seeks immediate release to the extent that Respondents have redetained him for the purpose of sending a message to similarly situated individuals for the purpose of encouraging those similarly situated persons to leave the United States before they share Petitioner's fate.

100. Additionally, to the extent that Respondents arrested Petitioner in the absence of a valid judicial or administrative arrest warrant and probable cause to believe Petitioner had personally committed a crime or engaged in fraud, Respondents' seizure of Petitioner is unreasonable under the Fourth Amendment.

101. Although neither the Constitution nor the federal habeas statutes delineate the necessary content of habeas relief, *I.N.S. v. St. Cyr*, 533 U.S. 289, 337 (2001) (Scalia, J., dissenting) ("A straightforward reading of [the Suspension Clause] discloses that it does not guarantee any content to . . . the writ of habeas corpus"), implicit in habeas jurisdiction is the power to order release. *Boumediene v. Bush*, 553 U.S. 723, 779 (2008) ("[T]he habeas court must have the power to order the conditional release of an individual unlawfully detained.").

102. The Supreme Court has noted that the typical remedy for unlawful detention is release from detention. *See, e.g.*, *Munaf v. Geren*, 553 U.S. 674 (2008) ("The typical remedy for [unlawful executive detention] is, of course, release."); *see also Wajda*

v. United States, 64 F.3d 385, 389 (8th Cir. 1995) (stating the function of habeas relief under 28 U.S.C. § 2241 "is to obtain release from the duration or fact of present custody.").

103. That courts with habeas jurisdiction have the power to order outright release is justified by the fact that, "habeas corpus is, at its core, an equitable remedy," *Schlup v. Delo*, 513 U.S. 298, 319 (1995), and that as an equitable remedy, federal courts "[have] broad discretion in conditioning a judgment granting habeas relief [and are] authorized . . . to dispose of habeas corpus matters 'as law and justice require.'" *Hilton v. Braunskill*, 481 U.S. 770, 775 (1987) (quoting 28 U.S.C. § 2243). An order of release falls under court's broad discretion to fashion relief. *See, e.g.*, *Jimenez v. Cronen*, 317 F. Supp. 3d 626, 636 (D. Mass. 2018) ("Habeas corpus is an equitable remedy. The court has the discretion to fashion relief that is fair in the circumstances, including to order an alien's release.").

104. Immediate release is an appropriate remedy in this case.

CAUSE OF ACTION

COUNT ONE: DECLARATORY RELIEF

105. Petitioner re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

106. Petitioner requests a declaratory judgment pursuant to 28 U.S.C. § 2201 that Petitioner is detained in violation of 8 U.S.C. § 1159(a).

107. Petitioner requests a declaratory judgment pursuant to 28 U.S.C. § 2201 that Petitioner is detained in violation of 8 U.S.C. § 1226(a).

108. Petitioner requests a declaratory judgment pursuant to 28 U.S.C. § 2201 that Petitioner was seized in the absence of probable cause, a valid warrant, or an exception to the warrant requirement (*i.e.*, unreasonably) and in violation of the Fourth Amendment.

109. Petitioner requests a declaratory judgment pursuant to 28 U.S.C. § 2201 that Petitioner is detained in violation the Due Process Clause of the Fifth Amendment.

COUNT TWO: VIOLATION OF THE IMMIGRATION & NATIONALITY ACT – 8 C.F.R. § 241.13(i)(2)-(3)

110. Petitioner re-alleges and incorporates by reference each allegation contained in ¶¶ 1-104 as if set forth fully herein.

111. Section 1159(a)(1), 8 C.F.R. Parts 207, 209, and ICE's 2010 Policy Memorandum (*supra*, ¶ 9) govern the detention, admission, and adjustment of refugees.

112. Respondents have failed to comply with these provisions prior to detaining Petitioner. Conversely, Petitioner complied with these provisions by submitting a refugee application that was approved, lawfully entering the United States pursuant to his refugee status, acquiring a work permit on the basis of his refugee status, and applying for adjustment of status shortly after obtaining the required one-year of physical presence in the United States.

113. Respondents, through their intentional policies, have made it functionally impossible for Petitioner to fully comply with 8 U.S.C. § 1159 by: (1) promulgating a regulation (8 C.F.R. § 207.8) that requires obtaining one-year of physical presence prior to applying for adjustment of status; (2) interpreting § 1159(a)(1)(C) to require

detention where adjustment of status has not been completed within one year of entry as a refugee; and (3) arbitrarily pausing adjudication of Petitioner's adjustment of status application based on his country of origin and pretextual non-specific claims of widespread fraud lacking any individualized nexus to this Petitioner.

114. No independent alternative basis supports Respondents' decision to redetain Petitioner.

115. Petitioner is therefore detained in violation of the INA.

COUNT THREE: VIOLATION OF THE FIFTH AMENDMENT

116. Petitioner re-alleges and incorporates by reference each allegation contained in ¶¶ 1-104 as if set forth fully herein.

117. The Fifth Amendment Due Process Clause protects against arbitrary detention and requires that detention be reasonably related to its purpose and accompanied by adequate procedures to ensure that detention is serving its legitimate goals.

118. Here, Respondents have intentionally created the conditions for detention by intentionally delaying adjudication of Petitioner's adjustment application for the purpose of detaining him under § 1159(a)(1)(C), basing such detention of the fact that his adjustment of status application has not been adjudicated. This is a manifest injustice and fundamentally unfair. It is a denial of both procedural and substantive due process.

119. Petitioner is not subject to mandatory custody under the Immigration & Nationality Act. Petitioner does not have any criminal history, he has not committed any fraud, and he is lawfully present in the United States after having been inspected by

immigration officers. The government has not rebutted this with credible or probative evidence. Respondents have not made any attempt to comply with pre-deprivation termination procedures, nor have Respondents even attempted to terminate Petitioner's refugee status, yet they have detained him for a significant period, and intend to continue detaining him indefinitely. Respondents have violated Petitioner's Fifth Amendment guarantee of due process.

120. Respondents have also independently violated Petitioner's Fifth Amendment due process right by incarcerating him to punish him or to otherwise send a message to similarly situated individuals that they must leave the United States to avoid a similar fate.

COUNT FOUR: VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT – CONTRARY TO LAW AND ARBITRARY AND CAPRICIOUS AGENCY POLICY

121. Petitioner re-alleges and incorporates by reference each allegation contained in ¶¶ 1-104 as if set forth fully herein.

122. The APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

123. Respondents have failed to articulate any reasoned explanation for deviating from prior interpretations of 8 U.S.C. § 1159(a)(1)(C) and the 2010 Policy Memorandum identified in ¶ 9 of this Complaint.

124. Respondents' decisions, which represent changes in the agencies' policies and

positions, have considered factors that Congress did not intend to be considered, have entirely failed to consider important aspects of the problem, and have offered explanations for their decisions that run counter to the evidence before the agencies.

125. Respondents' decision to redetain Petitioner is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. *See* 5 U.S.C. § 706(2).

COUNT FIVE: VIOLATION OF THE *ACCARDI* DOCTRINE

126. Petitioner re-alleges and incorporates by reference each allegation contained in ¶¶ 1-104 as if set forth fully herein.

127. Under the *Accardi* doctrine, Petitioner has a right to set aside agency action that violated agency procedures, rules, or instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) ("If Petitioner can prove the allegation [that agency failed to follow its rules in a hearing] he should receive a new hearing").

128. Respondents violated 2010 ICE Directive that specifically covers Petitioner's situation and governing when an unadjusted refugee may be detained.

129. Under *Accardi*, Respondents' actions should be set aside for violating agency procedures, rules, or instructions.

130. The APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

131. Respondents have failed to articulate any reasoned explanation for deviating from

prior interpretations of 8 U.S.C. § 1159(a)(1)(C) and the 2010 Policy Memorandum identified in ¶ 9 of this Complaint.

132. Respondents' decisions, which represent changes in the agencies' policies and positions, have considered factors that Congress did not intend to be considered, have entirely failed to consider important aspects of the problem, and have offered explanations for their decisions that run counter to the evidence before the agencies.

133. Respondents' decision to redetain Petitioner is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. *See* 5 U.S.C. § 706(2).

PRAYER FOR RELIEF

WHEREFORE, Petitioner, Ibrahim A. Abakar, asks this Court for the following relief:

1. Assume jurisdiction over this matter.

2. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under 28 U.S.C. Ch. 153.

    a. Issue an Order to Show Cause ordering Respondents to state the true cause of Petitioner's detention within 3 days of the Court's issuance of the OSC.

    b. If a magistrate is assigned then, pursuant to 28 U.S.C. § 1657, issue an Order shortening the time for making any objections to the magistrate's forthcoming Report & Recommendation from 14 days to 3 days.

    c. Order the Clerk of Courts to promptly serve a copy of the petition and any subsequent Order on Respondents and any other appropriate individual

involved pursuant Rule 4 of the Rules Governing Section 2254 and 2255 Cases.

3. Issue an emergency preliminary order restraining Respondents from attempting to move Petitioner from the State of Texas during the pendency of this Petition.

4. Issue an emergency preliminary order requiring Respondents to provide 72-hour notice of any intended movement of Petitioner.

5. Order Petitioner's immediate release.

6. Declare that Respondents' action is arbitrary and capricious.

7. Declare that Respondents failed to adhere to binding regulations and precedent.

8. Declare that Petitioner's arrest violates the Fourth Amendment's reasonableness standard and/or 8 U.S.C. § 1226(a)'s warrant requirement.

9. Declare that Petitioner's ongoing detention violates the Due Process Clause of the Fifth Amendment, the INA, the APA, and the *Accardi* doctrine.

10. Permanently enjoin Respondents from redetaining Petitioner under 8 U.S.C. § 1159(a)(1)(C) while his adjustment of status application remains pending.

11. Grant Petitioner reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).

12. Grant all further relief this Court deems just and proper.

DATED: January 12, 2026

Respectfully submitted,

RATKOWSKI LAW PLLC

/s/ Nico Ratkowski

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Attorney for Petitioner

Verification by Petitioner Pursuant to 28 U.S.C. § 2242

I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding my detention status, are true and correct to the best of my knowledge and belief. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that all of the factual allegations and statements in the Petition are true and correct to the best of my knowledge and belief.

/s/ Ibrahim A. Abakar
Ibrahim A. Abakar

Dated: January 1, 2026

Policy Number: 11039.1
FEA Number: 112-05

Office of Detention and Removal Operations

U.S. Department of Homeland Security
500 12th St., SW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

MAY 10 2010

MEMORANDUM FOR: Field Office Directors

FROM: James Chaparro
Director

SUBJECT: Detention of Refugees Admitted Under INA § 207 Who Have Failed to Adjust to Lawful Permanent Resident Status

Purpose

This memorandum clarifies when and under what circumstances U.S. Immigration and Customs Enforcement's (ICE) Office of Detention and Removal Operations (DRO) Field Offices may detain refugees who have failed to adjust to lawful permanent resident (LPR) status. To the extent that any provisions of this memorandum may appear inconsistent with Chapter 11.19(e) or other provisions of the Detention and Removal Operations Policy and Procedure Manual,[1] this memorandum should be followed.

Background

An alien resettled in the United States under the U.S. Refugee Admissions Program is conditionally admitted to the United States as a "refugee" under section 207 of the Immigration and Nationality Act (INA or Act). Section 209(a)(1) of the Act, entitled "Adjustment of Status of Refugees," generally provides that after such refugees have been physically present in the United States for at least one year, they "shall, at the end of such period, return or be returned to the custody of the Department of Homeland Security for inspection and examination for admission to the United States as an immigrant in accordance with [INA §§ 235, 240, and 241]."

Although this language creates a clear expectation that refugees should present themselves for adjustment to LPR status after one year's physical presence in the United States, ICE officers and agents occasionally encounter refugees who have failed to timely apply for adjustment of status under INA § 209(a). Such encounters most often occur when a refugee has been apprehended by other law enforcement agencies for suspected criminal activity.

[1] The Policy and Procedure Manual should be promptly revised, in consultation with the Office of the Principal Legal Advisor, to reflect the approach outlined in this memorandum.

Notice: *This memorandum is intended to provide internal operational and policy guidance to ICE personnel. It does not, is not intended to, shall not be construed to, and may not be relied upon to, create any rights, substantive or procedural, enforceable at law by any person in any matter, criminal or civil.*

Exhibit 7

Under section 209(a) of the Act, refugees are subject to examination and inspection by USCIS for admission to the United States as an LPR after one year's physical presence. Failure by such individuals to apply for adjustment of status under this provision is not a sufficient ground to place them in removal proceedings, and therefore not a proper basis for detaining them. ICE, however, may charge a refugee with removability, consistent with the guidance below, if one or more grounds apply even if the individual's refugee status has not been terminated. Moreover, if USCIS denies a refugee's application for adjustment of status, USCIS may place the individual in removal proceedings as a new applicant for admission, charging any applicable grounds of inadmissibility under section 212 of the Act. *See* 8 C.F.R. § 209.1(e).

Discussion

ICE has arrest authority over aliens under section 287(a)(2) of the Act and detention authority under sections 235 and 236, among other provisions of law. Except in case of emergency or other extraordinary circumstances, upon the arrest of an unadjusted refugee upon reasonable belief of removability, a DRO Field Office must determine, no later than 48 hours after the arrest, whether to release the individual or issue a Notice to Appear (NTA), Form I-862, indicating the removal charge(s) applicable to the alien. *See* 8 C.F.R. § 287.3(d); Memorandum from Asa Hutchinson, Undersecretary for Border and Transp. Sec., Guidance on ICE Implementation of Policy and Practice Changes Recommended by the Dep't of Justice Inspector Gen. 2 (Mar. 30, 2004). If it becomes apparent earlier that no removability ground applies, the individual must be released promptly.

Accordingly, upon taking an unadjusted refugee into custody based upon a reasonable belief that he or she is removable, the DRO Field Office first must finalize its determination whether to place the individual in removal proceedings under INA § 240 and, if so, whether to continue detention. A refugee may not be placed in removal proceedings based on a failure to adjust status or to apply for adjustment of status because an alien's failure to adjust status or apply for adjustment under INA § 209(a) is not a ground of removability. Therefore, the only way DRO may place an unadjusted refugee in proceedings is if a violation of the INA can be established that is unrelated to the alien's failure to adjust, such as fraud or a criminal conviction that forms the basis for a charge under INA §§ 212 or 237.

The DRO Field Office, in the exercise of discretion, may make a determination to issue an NTA to any unadjusted refugee for whom it believes there is prima facie evidence of inadmissibility under INA § 212(a) or deportability under INA § 237(a), regardless of whether the individual's refugee status has been terminated and even if USCIS has not yet considered the refugee's adjustment application. Although DHS is working to achieve clarity in the law, some immigration courts have taken varied positions on whether someone initially admitted as a refugee under INA § 207 is most appropriately charged under section 212 or 237 of the Act. It is critical, therefore, that DRO Field Offices work closely with ICE Offices of Chief Counsel (OCCs) to identify the most appropriate charge(s) and draft legally sufficient NTAs.[2]

[2] Refugees admitted under INA § 207 who are not seeking readmission at a port-of-entry, however, should not be considered arriving aliens as defined in 8 C.F.R. § 1.1(q).

Notice: *This memorandum is intended to provide internal operational and policy guidance to ICE personnel. It does not, is not intended to, shall not be construed to, and may not be relied upon to, create any rights, substantive or procedural, enforceable at law by any person in any matter, criminal or civil.*

Any NTA must be served on the alien promptly, and service must in any case be accomplished within 72 hours of arrest in the absence of emergency or other extraordinary circumstances. For unadjusted refugees who are placed in removal proceedings, DRO should make custody determinations under section 236 of the Act.[3]

If it is determined that the individual should be placed in removal proceedings, DRO Field Office personnel should also attempt to ascertain, through examination of available records systems and direct questioning of the alien, whether he or she has applied for adjustment of status under INA § 209(a). If no application has been filed, the DRO Field Office should promptly notify its corresponding USCIS Field Office Director, or a point-of-contact designated by the USCIS Field Office Director, of the decision to charge, so that USCIS can commence the adjustment process pursuant to INA § 209(a) and 8 C.F.R. § 209.1.[4] The DRO Field Office should advise the alien that he or she is required by law to apply for adjustment of status and provide the alien with a copy of the Form I-485 (Application to Register Permanent Residence or Adjust Status) and Form I-602 (Application by Refugee for Waiver of Grounds of Excludability), and corresponding instructions, which are all available on the USCIS public website. To the fullest extent possible, these forms should be completed by the alien before he or she is released from custody.[5] DRO Field Offices should make a copy of the forms for the alien and provide the originals to the USCIS Field Office Director (or designee).

In addition to providing USCIS with identifying information (including full name, alien registration number, and date of birth pertaining to the alien), a DRO Field Office should provide an explanation of how the alien came to be in ICE custody. This information, particularly if it entails a criminal arrest or conviction, may be relevant to USCIS's determination whether to grant adjustment of status.

If a determination to place an unadjusted refugee in removal proceedings has not been made within the initial 48-hour period discussed above, the DRO Field Office should release the alien with a reminder that the INA imposes an obligation upon him or her to apply for adjustment of status under section 209(a) and to provide DHS with updated address information under section

(b)(7)(E)

Notice: ***This memorandum is intended to provide internal operational and policy guidance to ICE personnel. It does not, is not intended to, shall not be construed to, and may not be relied upon to, create any rights, substantive or procedural, enforceable at law by any person in any matter, criminal or civil.***

265. The DRO Field Office should notify the USCIS District Director (or designee) of the release and provide USCIS with any information obtained from the alien regarding where he or she currently resides.

Contact

For questions about this guidance, DRO Field Offices should contact the DRO Headquarters Case Management Unit. For legal questions regarding refugee detention and charging authority, or in the event DRO Field Offices become aware of federal court litigation brought by unadjusted refugees challenging their ICE detention, they should promptly contact their corresponding OCCs.

Attachment

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Homeland Security

U.S. Department of Homeland Security

100 Days of Fighting Fake News

Release Date: April 30, 2025

From Stories on Criminals to Statistics, DHS has been Holding the Media Accountable for Spreading Disinformation to the American people

WASHINGTON— During President Trump's 100 days in office, the Department of Homeland Security published a non-exhaustive list of facts, to help set the record straight on numerous false and misleading stories that have spread around news coverage and social media.

The list can be found below:

The Facts on Noteworthy Individuals Deported or Prevented from Entering the U.S.

- **The Deportation Of American Citizens**
  - The media has FALSELY claimed that ICE is deporting US citizen children of illegal aliens. This is false.
  - In both cases the mother made the determination to take her children with her back to Honduras.
  - DHS takes our responsibility to protect children seriously and will continue to work with federal law enforcement to ensure that children are safe and protected.
  - The Trump Administration is giving parents in this country illegally the opportunity to self-deport and take control of their departure process with the potential ability to return the legal, right way and come back to live the American dream. The CBP Home app is a free and easy way to self deport.
- **Kilmar Abrego Garcia - The "Maryland Man"**
  - Garcia is NOT an American citizen. He is a citizen of El Salvador who had been living in the country illegally.
  - In 2019, two courts – an immigration court and an appellate immigration court – ruled that he was not only a member of MS-13, but that he was in our country illegally. There was a deportation order for him dating back to 2019.
  - Further details about Garcia's history prove that he is far from innocent.
    - In 2020, his wife filed a petition for protection citing three separate instances of violence
    - In 2021, his wife filed for a restraining order against him due to domestic violence.
    - In 2022, Garcia was pulled over by Tennessee Highway Patrol with 8 people crammed into one car. Despite telling the officers that they were going on a trip from Houston, Texas to Temple Hills, Maryland, there was no sign of luggage in the car.
    - It was later revealed that the vehicle Garcia was driving during this stop was registered to another illegal alien who had been convicted of human trafficking, Jose Ramon Hernandez Reyes.
  - The media further claimed that the Supreme Court ordered the Trump Administration to return Garcia to the United States. This is another falsehood.
  - The Supreme Court unanimously overturned that judge's ruling but instead said that the United States should "facilitate" Garcia's return. This would only be possible if the government of El Salvador decided to return him, in which case the United States would have to provide transportation.
  - It's up to Salvadoran President Nayib Bukele and the government of El Salvador if they want to return him. But as President Bukele said during his Oval Office visit with President Trump, he has no intention of releasing a terrorist and sending him back to the United States.
  - When President Trump declared MS-13 a foreign terrorist organization, Abrego Garcia became no longer eligible for any form of immigration relief in the United States. He had a valid deportation order.
  - Furthermore, the Supreme Court also held that EVEN IF El Salvador returned this MS-13 member to the United States, we could deport him a second time. NO version of this legally ends with him ever living in the U.S., because he is a citizen of El Salvador.
  - The foreign policy of the United States is conducted by the President – not by a court – and no court in the United States has the power to conduct the foreign policy of the United States.
- **Dr. Rasha Alawieh - "The Brown University Assistant Professor"**
  - Dr. Rasha Alawieh was an assistant professor at Brown University. She was in the United States with an H-1B visa.
  - She was deported back to her home country of Lebanon after she admitted to attending the funeral of Hassan Nasrallah, a brutal terrorist who led Hezbollah and was responsible for killing hundreds of Americans.

Exhibit 2

- The media tried to portray Alawieh's case as an example of a "lawful immigrant" being deported. But they completely ignored her direct and alarming ties to radical Islamic terrorism, including her veneration of a dead terrorist leader.

- **Alfredo "Alex" Orellana - "The Caregiver"**
  - Alfredo "Alex" Orellana has multiple charges on his record from 2012 to 2019, including: distributing drugs, drug possession, assault and battery, failure to appear to court (twice), theft at the second degree, and larceny.
  - He has since been arrested and faces deportation.
  - The New York Times wrote a lengthy article on Orellana's case. Their article painted a picture of a loving 31-year-old caregiver who was the "best friend" of a 28-year-old autistic man. They also pointed to the fact that Orellana had a green card. The press tried to paint him as a victim who was a caretaker, despite violent charges on his record.
- **Jerce Reyes Barrios - "The Venezuelan Soccer Player"**
  - Jerce Reyes Barrios was in the United States illegally. He was a member of the vicious Tren de Aragua gang, and he was deported to El Salvador.
  - He has tattoos that are consistent with those indicating membership in the vicious Tren de Aragua gang.
  - His own social media indicates that he is a Tren de Aragua member.
  - That hasn't stopped the media, however. They tried to whip up a frenzy over this deported criminal gang member, publishing wild claims that he was deported because of a tattoo of a soccer team on his arm.
  - The facts are the facts. Our intelligence assessments go beyond just social media and tattoos. We are confident in our findings.
- **Nascimento Blair - "The Ex-Con"**
  - Blair was an illegal alien living in the United States who was tried and convicted for kidnapping and sentenced to 15 years in prison.
  - The New York Times published a fawning profile about this criminal illegal alien.
  - In 2008, he was ordered removed out of the country. However, because of the Biden administration's open border policies, this criminal illegal alien was released onto the streets of New York.
  - The Trump administration is putting the American people first by getting this criminal illegal alien off the streets and out of our country.
- **"The French Scientist Denied Entry Over His Political Views"**
  - In March, a French scientist was denied entry into the United States.
  - The researcher in question was in possession of confidential information on his electronic device from Los Alamos National Laboratory.
  - This was in clear violation of a non-disclosure agreement - something he admitted to taking without permission and attempted to conceal to authorities.
  - The mainstream media ran with the baseless narrative that this individual was blocked from entering the U.S. because of social media posts that were critical of President Trump.
  - This lie was even echoed by France's Minister for Higher Education, Philippe Baptiste.
  - His political beliefs were not considered at all in his removal.
- **Marie Lepère and Charlotte Pohl – "German Tourists Turned Away on Vacation"**
  - Two German tourists were denied entry after attempting to enter the U.S. under false pretenses.
  - Both claimed they were touring California but later admitted that they intended to work.
  - One used a Visitor visa, while the other used the Visa Waiver Program. Under U.S. immigration laws, work is prohibited for these visas.
  - The media version of events depicted two young women who tried to go on a five-week backpacking trip through the United States. The media claimed that the two – aged 18 and 19 – were "deported" because they simply wanted to go on a fun, loosely-planned trip.
  - These travelers weren't deported—they were denied entry. And the reason for their removal was visa fraud, not because of the planning nature of their so-called "vacation."
- **Jose Hermosillo – "The American Citizen Detained by Border Patrol"**
  - Hermosillo turned himself in to immigration authorities on April 8. He approached Border Patrol in Tucson, Arizona and declared that he had entered the U.S. illegally.
  - He completed a sworn statement identifying as a Mexican citizen who had entered unlawfully. He was processed and appeared in court on April 11. Afterwards, he was held by the U.S. Marshals in Florence, Arizona.
  - A few days later, his family presented documents showing U.S. citizenship. The charges were dismissed, and he was released to his family.
  - The media, instead of reporting the facts, created a false and baseless story that an American citizen was illegally detained.
  - Hermosillio's arrest was the direct action of his own actions and statements. When his citizenship was confirmed, he was promptly released back to his family.
- **Kseniia Petrova - "The Russian Scientist Trying to Cure Cancer"**
  - Kseniia Petrova, a Russian researcher working for Harvard University, was lawfully detained after lying to federal officers about carrying substances into the country. A subsequent K9 inspection uncovered undeclared petri dishes, containers of unknown substances, and loose vials of embryonic frog cells, all without proper permits.
  - Messages found on her phone revealed she planned to smuggle the materials through customs without declaring them.
  - She knowingly broke the law and took deliberate steps to evade it.
  - But upon her detainment, the media rushed to defend her by claiming that her research could help to cure cancer.

  - The facts of the matter are simple: Petrova broke the law and actively planned to do so. Her research does not make her exempt from the laws of our country.
- **Renato Subotic – "The MMA Coach"**
  - Subotic is an MMA coach who entered the United States under a visa waiver program that prohibits compensation – only travel reimbursements are allowed.
  - When Subotic was detained under American law, the media claimed that he was thrown in prison and deported for no real reason. Here are the facts: Subotic couldn't meet the requirement to prove he wasn't being compensated for participating at a high-dollar, multi-day event.
  - The law is clear: the burden of proof is on the traveler. Since he couldn't provide detailed answers or the necessary documentation for compensation related to the work event, he was held until the next available flight out the following day.
- **Ricardo Jesus Prada Vasquez – The "Disappearing" Delivery Driver**
  - Yet again, the media has manufactured a fake controversy on behalf of a terrorist gang member and criminal illegal alien.
  - Ricardo Jesus Prada Vasquez is a Venezuelan national and confirmed member of Tren De Aragua. He entered the United States illegally on November 29, 2024 at the Brownsville, Texas Port of Entry via the CBP One App.
  - The Biden administration, like it did with so many other dangerous criminals, released Prada Vasquez back into the United States.
  - On January 15th, Prada was encountered trying to enter the U.S. from Canada. He was detained, investigated, and confirmed as a member of TDA and a public safety threat. On February 27, a judge ordered him removed from the U.S. He was then removed to El Salvador.
  - The media, however, has falsely claimed that Prada Vasquez was an innocent delivery driver who was "disappeared" by the government.
  - Prada Vasquez was living and working in the U.S. illegally, he was a member of a criminal gang designated as a terrorist organization, and was deported with full compliance with American law.
- **Jeanette Vizguerra – "The Activist Who Needed Sanctuary"**
  - Jeanette Vizguerra is a convicted criminal alien from Mexico who has a final order of deportation issued by a federal immigration judge. She illegally entered the United States near El Paso, Texas, on Dec. 24, 1997, and has received legal due process in U.S. immigration court.
  - The media, however, has tried to turn her into a martyr. They claim she was an "activist" who needed "sanctuary." In reality, she getting famous and making money for breaking the law.
  - Under President Trump, this is a nation of laws. We will find, arrest, and deport illegal aliens, no matter how famous the media thinks they are.
  - Vizguerra was in the United States illegally. She was convicted of breaking the law. She was deported.
  - If you come to our country illegally, we will deport you, and you will never return. The safest option for illegal aliens is to self-deport, so they still have the opportunity to return and live the American dream.

The Facts on Those Who Have Abused The Privilege of a Student Visa

- **Yunseo Chung – "The Columbia Student"**
  - Yunseo Chung, who was born in South Korea, is a Columbia University student who engaged in concerning conduct on-campus. This includes her being arrested by NYPD during a pro-Hamas protest at Barnard College.
- **Mahmoud Khalil - "The Activist Leader at Columbia"**
  - Mahmoud Khalil, a former Columbia University graduate student from Syria, is one of the ringleaders of the vicious, anti-American, anti-Semitic protests at Columbia University. His activities are aligned with Hamas, a designated terrorist organization.
  - On March 9, 2025, in support of President Trump's executive orders prohibiting anti-Semitism, and in coordination with the Department of State, U.S. Immigration and Customs Enforcement arrested Khalil.
  - But upon his arrest, radical student protesters at Columbia and across the country have attempted to turn him into a martyr, waving signs and banners bearing his likeness.
  - Taking over private buildings, inciting violence, harassing Jewish students, defacing buildings, and passing out terrorist propaganda do not constitute free speech.
  - A judge ruled that Khalil's deportation can move forward. He will be removed from our country.
- **Mohsen Mahdawi – "The Palestinian at Columbia University"**
  - Mahdawi is a Palestinian who has been living in the United States on a visa while he was studying at Columbia University.
  - Like many other anti-Israel student protesters, supporters in the media tried to claim that Mahdawi was a victim of political persecution. But his rhetoric on the war in Israel proves his terrorist sympathies.
  - In the wake of October 7, Mahdawi said he could empathize with Hamas's attack on Israel.
  - He appeared on "60 Minutes" justifying the massacre.
  - He organized and led pro-Hamas protests on Columbia University's campus, harassed Jewish students, and openly displayed his support for a terrorist organization.
- **Leqaa Kordia – "The Palestinian at Columbia University"**

  - Leqaa Kordia was another Columbia Student who actively participated in anti-American, pro-terrorist activities on campus.
  - However, her arrest had nothing to do with her radical activities.
  - Kordia was arrested for immigration violations due to having overstayed her F-1 student visa, which had been terminated on January 26, 2022 for lack of attendance
- **Dogukan Gunaydin - "The University of Minnesota Student"**
  - Dogukan Gunaydin, a graduate student at the University of Minnesota, was arrested after a visa revocation by the State Dept. related to a prior criminal history for a DUI.
  - Contrary to the mainstream media's quick speculation that he was arrested due to his involvement in student protests, his protest activity had nothing to do with his detainment.
- **Badar Khan Suri – "The Georgetown Foreign Exchange Student"**
  - Suri was a foreign exchange student at Georgetown University actively spreading Hamas propaganda and promoting antisemitism on social media.
  - The media calls him a "scholar" who was innocent of any wrongdoing, even though he was married to the daughter of a senior advisor for to Hamas terrorist group.
- **Momodou Taal – "The Cornell University Student"**
  - Taal was unapologetic in his pro-terrorist views.
  - Taal, a foreign student studying at Cornell University, participated in pro-Hamas protests on campus.
  - He has a pinned post on his X profile that talks about a so-called "Zionist genocide," and also states "Long live the student intifada!"

Other Fake News Narratives Corrected

- **The Biden Administration's inflated deportation numbers**
  - DHS uncovered what should be a massive scandal: the Biden administration was cooking the books on ICE arrest data. They were purposefully misleading the American public by categorizing individuals processed and released into the interior of the United States as ICE arrests.
  - Of course, the media ignored this fact. Instead, they falsely claimed that the Biden administration had carried out more arrests than the Trump administration.
  - Tens of thousands of cases recorded as "arrests" were, in fact, instances where illegal aliens were simply processed and released into American communities.
  - Many of these were violent criminals and gang members.
  - The previous administration counted these as arrests even though no immigration enforcement action was taken.
  - During fiscal year 2024, ICE made 113,431 arrests but the vast majority of those were what we call "pass-through" arrests.
  - They are called pass-through arrests because ICE didn't take enforcement actions against these aliens. They just passed through ICE before they were released in the U.S. interior and told to report to an ICE office.
  - None of the arrests made by ICE since January 20th are pass-through arrests.
  - The difference between recent arrests and those from Biden's last year is that, now we're taking enforcement actions against each and every illegal alien arrested.
- **ICE Boston Militia rumors:**
  - The media eagerly fed and spread a false social media rumor that an ICE agent who conducted arrests of criminal illegal aliens in New England was a "militia leader" from Arizona.
  - The reality? He is a federal law enforcement office who has worked with ICE to help keep New England communities safe for years.
  - This claim was not only false, but also inflammatory and places the safety of federal officers in jeopardy.
  - Our ICE officers are facing 300% increase in assaults while carrying out enforcement operations.
- **Due process and treatment rumors in CECOT:**
  - These aliens HAVE had due process – we have a stringent law enforcement assessment in place that abides by due process under the U.S. Constitution.
  - The reality is that prison isn't supposed to be fun. It's a necessary measure to protect society and punish bad guys. It is not meant to be comfortable.
  - What's more: prison can be avoided by self-deportation. CBP Home makes it simple and easy.
  - If you are a criminal alien and we have to deport you, you could end up in Guantanamo Bay or CECOT. Leave now.
- **DOGE and ICE allegedly collecting sensitive data from the Centers for Medicare and Medicaid Services**
  - The Biden administration flooded the U.S. with tens of millions of illegal immigrants, many of which are exploiting the American taxpayer by illegally getting Medicare and other benefits meant for law-abiding Americans.
  - President Trump consistently promised to protect Medicare for eligible beneficiaries.
  - To keep that promise, DOGE, CMS, and DHS are exploring an initiative to ensure that illegal aliens are not receiving these benefits not meant for them.

  - The media claimed that ICE is working with the Department of Government Efficiency (DOGE) to access sensitive personal information in order to identify illegal aliens. These claims are meant to frighten the American people, when in reality this process is working to keep them and their benefits safe from exploitation by illegal aliens.
- **ICE HSI presence at schools**
  - ICE's Homeland Security Investigations (HSI) works relentlessly to protect Americans, especially children, who are put in danger by illegal alien activity. This includes investigations into potential child sex trafficking.
  - But the media has tried to spin their investigative work into the idea that they are going to elementary schools to arrest children.
  - **HD Cooke Elementary School, Washington D.C.**
    - At the HD Cooke Elementary School in Washington D.C., ICE did not conduct any enforcement action at the school. HSI agents were present at the school unrelated to any kind of enforcement action.
  - **Russel Elementary and Lillian Elementary in Los Angeles:**
    - At two different elementary schools in Los Angeles, California, HSI officers were conducting wellness checks on children who arrived unaccompanied at the border. It had nothing to do with immigration enforcement.
  - DHS is leading efforts to conduct welfare checks on these children to ensure that they are safe and not being exploited, abused, and sex trafficked.
  - Unlike the previous administration, President Trump and Secretary Noem take the responsibility to protect children seriously and will continue to work with federal law enforcement to reunite children with their families.
  - In less than 70 days, Secretary Noem and Secretary Kennedy have already reunited nearly 5,000 unaccompanied children with a relative or safe guardian.
- **Immigrant children detained at Old McDonald Farm in New York**
  - In early April, a raid was carried out on a dairy farm in New York after the execution of a federal criminal warrant for an illegal alien in possession of + distributing child sexual abuse materials.
  - Upon the execution of the search warrant at Old McDonalds Farm in Sackets Harbor, New York, authorities encountered seven additional illegal aliens on the premises, including a mother and her three children. We immediately began conducting an investigation to ensure these children are not being sexually exploited.
  - But rather than address the very real evidence of child sexual abuse, the media chose to focus on the fact that a woman and her three children were taken into custody.
  - DHS takes its responsibility to protect children seriously and our ICE officers are working every day to remove pedophiles from American communities.
- **TDA members being identified via tattoos**
  - Some have claimed that DHS' assessments of TDA and other gang memberships are based solely on the tattoos that certain illegal aliens have.
  - DHS intelligence assessments go well beyond just gang affiliate tattoos and social media.
  - Tren De Aragua is one of the most violent and ruthless terrorist gangs on planet earth. They rape, maim, and murder for sport. President Trump and Secretary Noem will not allow criminal gangs to terrorize American citizens.
  - We are confident in our law enforcement's intelligence, and we aren't going to share intelligence reports and undermine national security every time a gang member denies he is one. That would be insane.

Topics

BORDER SECURITY (/TOPICS/BORDER-SECURITY) HOMELAND SECURITY ENTERPRISE (/TOPICS/HOMELAND-SECURITY-ENTERPRISE)
HUMAN TRAFFICKING (/TOPICS/HUMAN-TRAFFICKING) IMMIGRATION AND CUSTOMS ENFORCEMENT (/TOPICS/IMMIGRATION-AND-CUSTOMS-ENFORCEMENT)

Keywords

BORDER SECURITY (/KEYWORDS/BORDER-SECURITY) BORDER WALL (/KEYWORDS/BORDER-WALL)
CUSTOMS AND BORDER PROTECTION (CBP) (/KEYWORDS/CUSTOMS-AND-BORDER-PROTECTION-CBP)
DEPARTMENT OF GOVERNMENT EFFICIENCY (DOGE) (/KEYWORDS/DEPARTMENT-GOVERNMENT-EFFICIENCY-DOGE)
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HOMELAND SECURITY INVESTIGATIONS (HSI) (/KEYWORDS/HOMELAND-SECURITY-INVESTIGATIONS-HSI)
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Last Updated: 05/27/2025

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