

Emergency Request
Petition

UNITED STATE DISTRICT COURT

OF THE

MIDDLE DISTRICT COURT GEORGIA

COLUMBUS DIVISION

Alpha Bah

A# 

stewart detention center

146 cca rd

Lumpkin Ga 31815

V

kristi Noem Secretary Department of the homeland security

patrick j j.lechlentner ,acting director Us immigration and Customs
Enforcement

warden stewart Detention center

Petition for writ of habeas corpus (28 U.S.C §241)

Introduction

1)Petition Alpha Bah respectfully petition this court for write of habeas corpus pursuant to 28 U.S.C §241, challenging his ongoing detention the government attempt to effectuate his removal or transfer to Uganda pursuant or transfer to Uganda pursuant to the asylum co-operative agreement (ACA) in violation of the immigration and nationality act (in the due process clause of the fifth amendment and convention against torture (C.A.T)

2)petitioner is not seeking mere relocation or survival he is seeking protection ,removal to Uganda when no safety guarantee exist,no meaningful asylum procedure is assure ,and when onward refoulement to Guinea is possible violates both domestic and international law.

ii) JURISDICTION AND VENUE

3) This court has jurisdiction under 28 U.S.C §2241 (c)(b) because

is in federal custody in violation of the constitution laws and treaties of the United States

4)Federal habeas jurisdictions remains available to review legal and constitutional errors in immigration detention and removal proceeding

ins v st cyr ,533 u.s 289,305-08 (2001)

5)venue is proper in the district because petitioner is detained here and his immediate custodian is subject to his court jurisdiction
rumsfad v. padilla ,542 u.s 426 434.33 (2004)

IV PARTIES

6)Petitioner Alpha Bah is an asylum seeker who was resided continuously in the United States since 2003 and is currently detained by U.S Immigration and Customes Enforcement

7)respondent are federal offical responsible for petitioner detention and proposed transfer or removal

IV

Statement Of fact

- 8)Petitioner fled persecution and sought protection in the United States filling a timely form i-589 application for asylum with holding of removal and protection under (CAT)
- 9)DHS moved to pretermite petitioned application soley on the basis of the asylum co operative aggrement with Uganda without presenting individualized evidence the Uganda is safe for petitioner
- 10)The Immigration Judge granted DHS motion without a merit heary and without making any finding that petitioners life or freedon would not be threatened in Uganda
- 11)When directly ask whether petitioner safety in Uganda was guranteed, the immigration Jufge expressly stated that he did not know
- 12)Petitioner does not apeak english has no family,legal counsel or community support Uganda and would be unable to access or meaningfully participate in and purported asylumn proceess there
- 13)Uganda retains discreation to forcibly expel or transfer petitioner to guinea or another country which cannot ensure his safety creating a substantial risk of refoulment

14)petitioner has significant humanitarian ties in the united states including

-Along term girlfriend residing in the U.S with whome is preparing for marriage

-two misscarriage suffered by his partner during thier relationship

-continious residence and community ties in the united states since 2023

V) **Legal Standard**

15) habeas relief is appropriate when immigration detention or removal is base on an erroneous interpretation or application of law or violates constitutional protection *zadvydias v davis* 533 US 628 , 688 (2001)

16)The due process clause applies to all person physically present in the united states regardless of immigration status *zadvydias*,530 us at 693 ,*mathews v dias*,426 US 67 ,77,(1976)

VI Ground for Relief

-Ground 1

violation of in a §208 (a)(2)(a) no lawful "safe third country

17) under 8 USC §1158 (a) an asylum applicant may be removed to a third country if

- The applicant's life and freedom would not be threatened there and
- the applicant would have access to a full and fair asylum procedure

18) The government bears the burden of demonstration that these statutory conditions are met. *Khouzam v. Attorney General*, 549 F.2d 323, 325 (3d Cir. 2008).

19) Here DHS offered no evidence that Uganda is safe for the petitioner, and the immigration judge expressly declined to state that the petitioner would be safe.

20)the absence of safety finding renders the pretermission and continued detention ultra vires and unlawful

GROUND 2

Fifth amendment due process violation

21)due process requires are individuallized evidence based detetermination before depriving person of liberty or exposing them to danger reno v flores 507 us 293 3rd (1993)

22)summary pretermission based solely on the existence of an ACA with out assing langauge barriers personal circumstances or risk of onward removal-violates fundamental fairness

23)Removal to a country where even the immigration judge cannot confirm safety is arbituary and constitutionally infirm

GROUND 3

violation of the convention against toture ans non refoulment obligation

24)CAT prohibits removal where there is a substantial risk of torture including indirect removal through onward transfer
nasrallah v barr 140 s ct 1683,1690 (2020)

25)Uganda ability to expel petitioner to uganda or another unsafe country constitutes constructive refoulement in violation of CAT and implementing regulation

VII

IRREPARABLE HARM

26)Absent judicial intervention ,petitioner faces

- removal to a country where safety is unknown

- risk of onward expulsion to guinea

- permanent separation from his partner and family in the United States

27)such harm is immediate irreparable and cannot be remedied after removal

viii

RELIEF REQUESTED

Wherefore petitioner respectfully request that this court

A) issue a write of habeas corps ordering his release from custody

b)enjoin respondent from transferring petitioner to uganda or any third country

c)declare the pretermission of the petitioners asylum withholding and cat claims unlawful

d)grant any further relief this court deems just and proper

respectfully submitted

Alpha Bah

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Stewart Detention Center

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Lumpkin Ga 31815

Certificate of Service

I am submitting this habeas by regular mail to the court

Alpha Bah

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