UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Omar Deronjic, Petitioner, v. Todd Blanche, Acting Attorney General, Markwayne Mullin, Secretary, U.S. Department of Homeland Security, David Venturella, Acting Director of Immigration and Customs Enforcement, David Easterwood, Acting Director, St. Paul Field Office Immigration and Customs Enforcement, and Eric Tollefson, Sheriff of Kandiyohi County Jail. Respondents.	Case No. 26-cv-03300 **PETITIONER'S REPLY TO RESPONDENTS** Expedited Handling Requested

Reply Argument

1. Petitioner, Mr. Omar Deronjic ("Omar" or "Mr. Deronjic" or "Petitioner"), by and through the undersigned attorney, hereby files this reply to the Respondents' filings in the above-captioned matter on July 29, 2026 and July 30, 2026 (Docs 6, 7, 7-1, and 7-2). It is clear from the aforementioned filings that the Respondents have not met their burden to prove that the Petitioner's deportation is reasonably foreseeable.

2. In his *habeas* petition, the Petitioner raised several factual issues that indicated his deportation is not reasonably foreseeable, even after he has been in Immigration and Enforcement ("ICE") custody for more than six months since his final removal order. The government did not address most of these.

3. The Petition noted that the local ICE ERO office expressed interest in deporting the Respondent back in December of 2025 and attempted to expedite the issuance of his final removal order with the ICE OPLA office at that time. **Petitioner's Habeas Petition ("Habeas Pet.") ¶ 28.** Yet, Omar was not deported in the six months following his January 8, 2026 final removal order for unknown reasons. This fact was not expressly denied by the DHS. Indeed, they agree his final removal order occurred on January 8, 2026 and did not provide a reason for the six-month delay. **See Doc. 7 ¶ 7.**

4. The Petition pointed out that it did not appear that ICE ERO even began working on obtaining a travel document for Omar until approximately May of 2026, one year after he was in ICE custody and five months after his final removal order when he was first informed, he needed to apply for a work authorization document as a prerequisite to obtaining his travel document to Bosnia. **Habeas Pet. ¶ 32.** There is nothing in the government's answer that addresses the reason(s) for this delay.

5. The Petition stated it was unclear what eligibility category of work authorization ICE would be able to obtain for Omar as a person with a final removal order who did not have an Order of Supervision in place. **Habeas Pet. ¶ 43-45.** The government response did not address which category of work authorization Omar was

issued and how this document was obtained although they did say they received an employment authorization document for Respondent on July 14, 2026. **Doc. 7. ¶ 8.**

6. In addition to not directly addressing the Petition's allegations regarding the reasonable foreseeability of Omar's removal, the Responsive declaration from Deportation Officer Sabin is extremely vague, contains probable hearsay, and is uncorroborated.

7. Sabin states in his declaration that: "On July 14, 2026, ICE/ERO received an Employment Authorization Document for Petitioner from U.S. Citizenship and Immigration Services. On the same day, an ICE/ERO officer mailed the request and supporting documentation to the government of Bosnia and Herzegovina for travel documents for Petitioner. **Doc. 7 ¶ 8.**

8. This Declaration did not state which ICE Officer applied for or received the work authorization document for Omar. It did not say which ICE Officer prepared and mailed the request and supporting documents to Bosnia and Herzegovina to request a travel document for Petitioner. Indeed, the Declaration does not even say the required work authorization document was actually mailed to Bosnia and Herzegovina with this request for a travel document. For all Petitioner knows, Bosnia has not been sent the required work authorization document with the request for his travel document at all.

9. Not only is the applicable officer not named in any of these crucial steps, Officer Sabin does not indicate specifically *how* he learned this information. He states only that he has "been tasked with reviewing and responding to a request for records regarding Petitioner Omar Deronjic," and that the declaration is made based on his

"personal and professional knowledge, my review of records and systems maintained by ICE in the regular course of business, and information provided by other agents and officers." **Doc. 7 ¶ 2&3.** He does not state which records he consulted to learn Omar's employment authorization document had been received or that the travel document request had been sent to Bosnia, or, alternatively, which officer he talked to in order to learn this information. It appears the ICE officer in question is not Mr. Sabin himself. As far as Petitioner knows, the status of his travel document application could be based entirely on unsubstantiated hearsay.

10. There is also no attempt by the Government to provide corroborating evidence with their response to verify their claim that his work authorization document has been received or that his travel document request has been sent to Bosnia.

11. The DHS has only attached two exhibits to their Response: The Petitioner's Notice to Appear (Form I-862) and his Record of Deportable/Inadmissible Alien (Form I-213). **Docs. 7-1 § 7-2.** Neither of these documents contain any information about any of the government's efforts to affect Omar's removal as the most recent document is dated May 14, 2025.

12. There are several documents that are notably absent from the DHS Response. First and foremost, there is no copy of the employment authorization document that was allegedly received for Omar on July 14, 2026. There is no copy of the request for a travel document that was allegedly mailed to Bosnia and Herzegovina on July 14, 2026. There is no tracking information for the request for a travel document that was allegedly mailed to Bosnia and Herzegovina on July 14, 2026. There is no verification

that Bosnia and Herzegovina has received the request for the travel document that was allegedly mailed on July 14, 2026.

13. During the pendency of these *habeas* proceedings, even more doubt has been cast on the DHS progress in effecting the Petitioner's removal. On July 22, 2026, seven days after this *habeas* petition was filed, seven days after the Petitioner's work permit was allegedly received, and seven days after his request for a travel document was allegedly mailed to Bosnia, the Petitioner received electronic correspondence ("Kite") from ICE informing him that his BIA appeal was still pending adjudication. As mentioned previously, the Petitioner's BIA appeal has not been pending since January 8, 2026. The Petitioner promptly notified counsel's office of this correspondence on July 22, 2026 and was understandably distressed. **See Exh. 1.**[1]

14. Given the extremely vague nature of the Sabin's responsive declaration which, on its face, could be based on complete hearsay, this contradictory statement by an ICE official raises serious doubts about the foreseeability of Omar's Removal. At best, there has been a serious disconnect in communication regarding Omar's removal within the agency. At worst, the information regarding DHS efforts to affect his removal stated in the declaration might be completely incorrect. The Petitioner isn't in a position to make this determination which is why it is the government's burden to prove the continued lawfulness of his detention six months after his final removal order.

[1] The Respondent did receive a new kite several days later which indicated that the government did receive a work permit and was applying for his travel document.

15. Even interpreting the facts in the uncorroborated DHS Declaration in a manner most favorable to the Respondents and assuming they are all true, there are still a lot of unknowns about the foreseeability of Omar's removal. Assuming Omar's work permit has been obtained and it was sent to Bosnia along with the request for a travel document on July 14, 2026, it is unknown whether a travel document will actually be issued and when it will be issued, if so.

16. The DHS declaration notes that, "Bosnia is issuing travel documents to their citizens with final orders of removal." **Doc. 7 ¶ 9.** However, this is a very broad, perhaps overbroad statement. It is not clear if Bosnia issues travel documents to *all* its citizens or if they issue travel documents to *some* of their citizens. It is also not clear if they issue travel documents to persons similarly situated to Omar, i.e. citizens with prior criminal convictions. Additionally, it is not clear how recently Bosnia has issued traveled documents to its citizens in the responding ICE officer's experience or knowledge. It would make a huge difference in terms of foreseeability of removal if the ICE office had received travel documents for Bosnian citizens in the last month versus if they last received a travel document from Bosnia two years ago. Again, as is the case with the receipt of Omar's work authorization document and the mailing of Omar's request for a travel document, it is unclear what particular source the Officer Sabin is consulting to arrive at the conclusion that Bosnia is issuing travel documents.

17. The DHS declaration does state that, "based on previous requests to the Government of Bosnia and Herzegovina, ICE/ERO anticipates having Petitioner's travel documents by August 7, 2026." **Doc. 7. ¶ 9.** This does demonstrate the ICE

officer believes that Bosnia will issue a travel document within three weeks of ICE/ERO'S application based on his past experience. However, this experience is not anchored to a particular time-frame. He does not say if he is basing this conclusion on applications he filed two years ago or applications he filed one month ago. He also does not reference any particular data set to demonstrate the scope of his knowledge. We do not know if he is basing this assessment on dozens of applications he has filed or two applications he previously filed. There is also no reference to a larger dataset he might have consulted to reach this conclusion. For example, he gives no information about how many approvals his office or the agency as a whole has received from Bosnia in recent history.

18. There is also reason to doubt the timeline in which DHS can affect Omar's removal upon receipt of a travel document by Bosnia and Herzegovina if a travel document is, in fact, issued. The Declaration states: "After ICE/ERO receives travel documents, it typically takes two to three weeks to execute removal." **See Doc 7. ¶ 9.** Again, this statement is overbroad. It does not specify that DHS can typically affect removal of Bosnian citizens within 2-3 weeks. It also does not reference how recently the office or the agency has affected the removal of a Bosnian citizen. As such, the statement is too general to be helpful to an inquiry about how foreseeable Omar's removal is. Officer Sabin does not say he believes he can remove Omar himself within two to three weeks of receiving the travel document. He also does not specify the method ICE will likely to use to deport Omar assuming they do get a travel document, for example, on a chartered flight versus on a commercial aircraft.

19. The two responsive evidentiary documents submitted with Sabin's Declaration, the NTA and record of deportable/admissible alien only corroborate Omar's claims in his habeas petition with regard to his biographical information, procedural posture, and length of detention. Moreover, the Response by counsel for the Respondents concede that Omar himself isn't responsible for their failure to deport him: "Respondent's acknowledge that Omar does not contest his removal." **Doc. 6., Pg. 8.** It is uncontested that Omar has been detained in excess of six months past his final removal order and that he has no travel document to return to Bosnia.

20. It should also be noted that all steps that the DHS allegedly took to affect Omar's removal: aka submitting his application for travel documents to Bosnia only occurred on the same day that the instant *habeas* petition was filed on July 14, 2026. If the government is not held accountable for their completely unexplained delays in deporting the Petitioner, there is absolutely no guarantee they will act in a timely manner to affect his removal moving forward. There is also no concrete showing by the government that Omar can ever be removed to Bosnia as he does not have a travel document.

21. The DHS Response to Petitioner's *habeas* is vague, likely contains hearsay, and lacks evidentiary corroboration. This response does not show that Omar's deportation is reasonably foreseeable and does not provide justification for the continued unlawful detention of Omar Deronjic. He respectfully requests immediate release from ICE custody. His continued detention violates *Zavydas* and 8 U.S.C. §1231.

Respectfully submitted,

/s/Rachel Petersen

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Dated: July 31, 2026