UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

DINU RELU RASCOL,

Petitioner,

v.

KEVIN RAYCRAFT, in his official capacity as Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; MICHAEL L. WHITE, in his official capacity St. Clair County Sheriff;TODD LYONS, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; MARKWAYNE MULLIN, in his official capacity as Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; TODD BLANCHE, in his official capacity as U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Respondents.

Case No. 26-13534

Hon. Stephen J. Murphy, III

EMERGENCY MOTION TO ENFORCE THIRD-COUNTRY PROCEDURAL RIGHTS, FOR IMMEDIATE STAY OF REMOVAL, AND FOR ORDER REQUIRING RWANDA FEAR SCREENING

EMERGENCY MOTION TO ENFORCE THIRD-COUNTRY PROCEDURAL RIGHTS, FOR IMMEDIATE STAY OF REMOVAL, AND FOR ORDER REQUIRING RWANDA FEAR SCREENING

Petitioner Dinu Rascol respectfully moves under 28 U.S.C. § 2241, Federal Rule of Civil Procedure 65, and the Court's authority to preserve its jurisdiction and prevent irreparable injury for an emergency order:

1. Staying Petitioner's removal to Rwanda or any other third country;
2. Enjoining Respondents from removing Petitioner
3. Ordering Respondents to provide effective written notice identifying the intended country of removal and a meaningful opportunity to raise fear-based claims concerning that country;
4. Ordering Respondents to refer Petitioner immediately to an Immigration Judge for a Rwanda-specific procedure concerning persecution under INA § 241(b)(3) and torture under the Convention Against Torture ("CAT");
5. Ordering U.S. Citizenship and Immigration Services ("USCIS") for a Rwanda-specific screening concerning persecution under INA § 241(b)(3) and torture under the Convention Against Torture ("CAT");
6. Ordering that Petitioner receive a meaningful opportunity to consult with counsel, prepare, submit evidence, and participate in the screening;
7. Enjoining removal pending completion of the Immigration Court proceedings, the screening, issuance of a written determination, and completion of any resulting withholding-only, CAT, motion-to-reopen proceedings; appeals, and

8. Ordering Respondents to preserve and produce the Notice of Removal, any notice identifying Rwanda, all records of verbal notice, all referral materials, the USCIS screening record, and any determination concerning Petitioner's fear claim.

This motion is based on the accompanying Memorandum, the Petition for Writ of Habeas Corpus, the declarations and exhibits previously filed or filed concurrently, and the attached September 18, 2026 decision of the United States Court of Appeals for the First Circuit in *D.V.D. v. U.S. Department of Homeland Security*, No. 26-1212.

FACTUAL BASIS

1. On November 6, 2017, an Immigration Judge granted Petitioner withholding of removal under INA § 241(b)(3) based on his fear of persecution on account of his [redacted]. Ex. 1.
2. Petitioner complied with ICE reporting and supervision requirements and never missed an ICE appointment. Exs. 2, 4.
3. ICE arrested Petitioner at his home on September 10, 2026, after an ICE agent called him under the pretext of verifying appointment information. Agents entered and arrested him without a judicial warrant or administrative warrant. Exs. 2, 4.
4. After his arrest, ICE agents verbally indicated that DHS intended to remove him to Rwanda. The indication was not provided through a formal written Notice of Removal identifying Rwanda. An agent or agents "slipped" and disclosed Rwanda during communications with Petitioner. Exs. 2, 3.
5. Petitioner has not received a written notice identifying Rwanda as the intended country of removal. He has not been given a meaningful opportunity or adequate time to

consult counsel, gather evidence, prepare a written fear statement, or present a claim that removal to Rwanda would expose him to persecution, torture, or onward removal.

6. Petitioner affirmatively states that he fears removal to Rwanda and any other African country. He fears persecution and torture in Rwanda and fears onward removal from Rwanda to a country where his life or freedom would be threatened because of his [redacted] Exs. 2, 3, 4.
7. Removal is imminent. Ex. 3.

ARGUMENT

I. The First Circuit's September 18, 2026 decision directly supports emergency relief.

In *D.V.D.*, the First Circuit considered DHS's policy for removing noncitizens with final removal orders to countries not identified in their prior removal proceedings. The Court held that the governing statutory and regulatory framework requires DHS to provide:

1. Effective notice of DHS's intention to remove the person to a specified third country; and
2. A meaningful opportunity to contest removal to that country based on a reasonable fear of persecution or torture. at 3–4, 8–11.

The Court affirmed the judgment insofar as it held that DHS's third-country-removal Guidance was unlawful to the extent it authorized removals without effective notice and a meaningful opportunity to raise fear-based claims. At 42–49, 54.

The Court specifically rejected the argument that DHS may remove a person to a third country after only a truncated procedure. It held that the statutory and regulatory provisions

governing fear-of-persecution claims contain hearing-related requirements and contain **no exception for third-country removals**. (Emphasis added) at 38–43. The Court also held that the FARRA/CAT framework and implementing regulations require effective notice and a meaningful opportunity to present a fear-of-torture claim before removal to a third country. at 44–49.

II. Dinu has received neither effective notice nor a meaningful opportunity to present his Rwanda claims.

Dinu has received only informal verbal indications from ICE agents. He has received no formal written notice identifying Rwanda as the intended country of removal.

The Respondents have not / did not identify:

1. The intended date of removal;
2. The statutory and regulatory basis for removal to Rwanda;
3. The protection claims available to him;
4. The deadline for asserting those claims;
5. The referral to an Immigration Judges;
6. The manner of requesting USCIS review;
7. The evidence he could submit;
8. The consequences of failing to express fear; or
9. The procedure for seeking review of an adverse screening decision.

Nor has Dinu received a meaningful opportunity to prepare and present his claims. He has not had adequate time to consult counsel concerning Rwanda, prepare a declaration directed

specifically to Rwanda, obtain country-condition evidence, investigate onward-removal risks, or prepare for a screening interview.

The First Circuit held that third-country removal cannot lawfully proceed without both effective notice and a meaningful opportunity to raise fear-based claims. At 18–24, 30–32, 38–49.

III. Dinu has affirmatively expressed fear and must be referred to USCIS for a Rwanda-specific screening.

Dinu has stated orally and in a written kite request and expressly and affirmatively states:

> "I am afraid to be removed to Rwanda. I fear persecution and torture in Rwanda, and I fear that Rwanda may send me onward to a country where I would face persecution because [redacted]

The DHS Guidance described in *D.V.D.* provides that when an individual affirmatively states fear of removal to the proposed third country, immigration officers refer the person to USCIS for screening under INA § 241(b)(3) and CAT. The screening addresses whether the person is more likely than not to face persecution on a protected ground or torture in the country of removal. pp. 5–7.

The current congressional summary of the Guidance similarly states that, after an individual affirmatively expresses fear of the intended third country, ICE is to refer the person to USCIS for a protection screening.

Dinu has done what DHS's own procedure requires: he has affirmatively expressed fear of removal to Rwanda. DHS must therefore either:

1. Refer him promptly to an Immigration Judge and to USCIS for the Rwanda-specific court proceeding and a screening; or

DHS should not be permitted to rely on Dinu's failure to use a particular phrase during an unrecorded or informal detention conversation, especially where agents never provided the written notice that would have informed him that an affirmative expression of fear was required.

IV. The screening must be meaningful, not merely nominal.

The requested screening cannot be meaningful unless Dinu receives:

1. Written notice identifying Rwanda as the intended country of removal;
2. Notice of the statutory basis and screening standard;
3. Reasonable access to counsel before and during the interview;
4. A reasonable opportunity to prepare a declaration and evidence;
5. An interpreter if needed;
6. Notice of the consequences of a negative determination;
7. A written determination with reasons;
8. A complete record of the interview;
9. A reasonable opportunity to seek judicial review of a negative determination; and
10. A stay of removal while the screening and any resulting proceedings are pending.
11. A reasonable opportunity to file an appeal of any decision.

The First Circuit expressly rejected the proposition that a right to protection is meaningful if the person is not given prior notice of the intended destination and a meaningful opportunity to contest removal to that destination. 38–40, 44–49.

The Supreme Court's due-process jurisprudence likewise requires notice reasonably calculated to apprise an affected person of the action and an opportunity to present objections. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950); see *A.A.R.P. v. Trump*, 605 U.S. 91, 94–95 (2025), discussed in *D.V.D.*

V. A twenty-four-hour or six-hour procedure cannot cure any present or future violation.

DHS's Guidance, as described in *D.V.D.*, contemplated generally only twenty-four hours after a Notice of Removal and, in exigent circumstances, as little as six hours. The Court held that the Guidance was unlawful because it failed to provide effective notice and a meaningful opportunity to raise fear-based claims. At 35–43.

Dinu has not even received the formal Notice of Removal contemplated by the Guidance. He has received only verbal statements from agents. Thus, the government cannot claim that the Guidance's minimum notice period has begun to run.

Even if DHS now serves a notice, removal cannot lawfully occur before Dinu has a meaningful opportunity to prepare and present his Rwanda claims, and before USCIS conducts the required screening after his affirmative expression of fear.

VI. The Court has authority to enjoin removal in this individual case.

The First Circuit recognized that the limitation in 8 U.S.C. § 1252(f)(1) permits relief concerning the application of the third-country-removal provisions to an individual alien against whom proceedings have been initiated. At 49–54.

Dinu seeks only individual relief directed to the government's application of its third-country-removal procedure to him. He does not ask this Court to issue a nationwide injunction or to invalidate the removal system in the abstract.

Dinu's requested relief is therefore properly tailored:

1. Do not remove Dinu to Rwanda;
2. Provide him written notice;
3. Refer him to USCIS after his affirmative expression of fear;
4. Permit a meaningful opportunity to prepare and present his claim; and
5. Preserve the status quo while the claim is adjudicated.

VII. The requirements of § 1252(g), § 1252(a)(5), § 1252(b)(9), and CAT jurisdictional provisions do not bar this individual procedural challenge.

Dinu does not challenge the validity of the 2017 removal order. He does not ask this Court to review the merits of the Immigration Judge's 2017 decision. He challenges the government's current attempt to remove him to a country not identified in that order without the notice and process required before third-country removal.

The Court held that such a challenge is not barred by § 1252(g) because it challenges the lawfulness of conducting the third-country removal without required notice and an opportunity to present fear-based claims, not the discretionary decision to execute the removal order. At 17–24. The Court further held that § 1252(b)(9) does not bar a challenge concerning procedures that arise after DHS decides to remove a person and chooses a country not identified in the removal order. At 28–32. The Court also distinguished a claim arising under the APA concerning unlawful third-country-removal procedures from a direct CAT merits claim. At 24–28. Dinu's

present motion seeks procedural relief and a stay preventing removal before the required screening; it does not ask this Court to make the ultimate CAT merits determination.

RELIEF REQUESTED

Petitioner requests that the Court immediately:

A. Stay and enjoin Petitioner's removal to Rwanda or any other third country;

B. Order Respondents not to remove Petitioner;

C. Order Respondents to refer Petitioner immediately to an Immigration Judge for a Rwanda-specific procedure concerning persecution, and torture under the Convention Against Torture ("CAT");

C. Order Respondents to provide Petitioner a meaningful opportunity and adequate time to consult counsel, prepare, and present fear-based claims concerning Rwanda;

D. Order Respondents to refer Petitioner immediately to USCIS for a Rwanda-specific screening concerning withholding under INA § 241(b)(3) and protection under CAT;

E. Order Respondents to permit counsel to participate in the USCIS screening,

F. Order Respondents to provide an interpreter if needed;

G. Order Respondents to provide a written, reasoned determination after the screening;

H. Enjoin removal pending completion of the immigration court proceedings, and screening and any resulting withholding-only, CAT, or motion-to-reopen, and appeals proceedings;

I. Order Respondents to preserve and produce all records concerning:

1. The decision to consider Rwanda;

2. The agents' verbal statements concerning Rwanda;

3. Any Notice of Removal;

4. Any diplomatic assurances concerning Rwanda;

5. Any referral to USCIS;

6. The USCIS screening;

7. Any adverse determination; and

8. Any scheduled removal date; and

J. Grant any additional relief the Court deems just and proper.

Dated September 18, 2026

Respectfully submitted,

/s/ Alberto Delgado

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Respondents.

Case No. 26-13534

Hon. Stephen J. Murphy, III

BRIEF IN SUPPORT OF PETITIONER'S SUPPLEMENTAL EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER, SUPPLEMENTAL INJUNCTIVE RELIEF, AND ORDER REQUIRING THIRD-COUNTRY FEAR IMMIGRATION COURT PROCEEDINGS AND USCIS SCREENINGS

BRIEF IN SUPPORT OF PETITIONER'S SUPPLEMENTAL EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER, SUPPLEMENTAL INJUNCTIVE RELIEF, AND ORDER REQUIRING THIRD-COUNTRY FEAR IMMIGRATION COURT PROCEEDINGS AND USCIS SCREENINGS

INTRODUCTION

Petitioner Dinu Rascol submits this supplemental memorandum following the September 18, 2026 published decision of the United States Court of Appeals for the First Circuit in D.V.D. v. U.S. Department of Homeland Security, No. 26-1212 (1st Cir. Sept. 18, 2026). That decision directly addresses the procedure Respondents are denying Dinu: removal to a third country that was neither designated in the removal order nor identified in writing during the underlying removal proceedings, without effective notice and without a meaningful opportunity to raise fear-based claims as to that country.

The Court held that the statutory and regulatory framework governing third-country removals requires DHS to provide effective notice that it intends to remove the person to a specified third country and a meaningful opportunity to contest removal to that country based on fear of persecution or torture. D.V.D., No. 26-1212, slip op. at 3–4, 35–49 (1st Cir. Sept. 18, 2026). The Court held that DHS's third-country-removal Guidance was unlawful insofar as it authorized removals without those requirements. Id. at 42–43, 45–49, 54.

Dinu's facts fall squarely within that holding. He has a final removal order and a 2017 grant of withholding of removal. Rwanda was neither designated in his removal order nor identified in writing during his removal proceedings. DHS has not served him with written notice identifying Rwanda; has not provided him a meaningful opportunity to consult counsel, prepare evidence, and raise a fear-based claim; and has not referred him to USCIS for a Rwanda-specific

fear screening despite his affirmative statement that he fears removal to Rwanda. ECF 1 Exs. 1–5.

The Court should issue immediate supplemental injunctive relief directing no removal to Rwanda or another third country. Respondents must provide effective written notice and a meaningful opportunity for Dinu to assert his fear-based claims in Immigration Court and including referral to USCIS for a Rwanda-specific withholding/CAT screening.

FACTUAL BACKGROUND

On November 6, 2017, an Immigration Judge granted Dinu withholding of removal under INA § 241(b)(3), 8 U.S.C. § 1231(b)(3). ECF 1 Ex. 1. The grant arose from Dinu's fear of persecution based on [redacted]. Dinu complied with ICE supervision after that ruling. He did not miss ICE appointments. ECF 1 Exs. 2, 4.

On September 10, 2026, ICE arrested Dinu at his private residence after an agent telephoned him and represented that officers needed to verify his appointment information. ICE agents entered his home and arrested him without presenting a judicial warrant or an administrative warrant. ECF 1 Exs. 2, 4.

After Dinu was detained, ICE agents verbally stated, or "slipped" and stated, that DHS intended to remove him to Rwanda. ECF Exs. 2, 3. Rwanda was not named in Dinu's removal order, was not identified in writing during the proceedings resulting in the 2017 withholding grant, and was never litigated as a country of removal. ECF 1 Ex. 1.

ICE has not served Dinu with written notice identifying Rwanda as the proposed country of removal. Respondents have not told Dinu or counsel the date of removal, provided a formal Notice of Removal, explained the legal procedure for seeking protection as to Rwanda, or given Dinu an opportunity to collect and present country-condition evidence directed to Rwanda. ECF 1 Exs. 2, 3.

Dinu affirmatively fears removal to Rwanda. He fears persecution and torture in Rwanda and any other African countries, and fears onward removal to a country where he would be persecuted because of [redacted] ECF 1 Exs. 2–4.

Removal is imminent.ECF 1 Ex. 3.

ARGUMENT

I. The Court has jurisdiction over this individual third-country-removal procedure challenge.

This action does not seek review of Dinu's 2017 final removal order or ask this Court to revisit the merits of the withholding grant. It challenges the government's present conduct: its attempt to remove Dinu to a third country not identified in his order or prior proceedings without the required notice and opportunity to present fear-based claims.

The First Circuit held that such a claim is not barred by 8 U.S.C. § 1252(g). A claim challenging DHS's policy or practice of identifying and removing a person to a country not contemplated by the removal order without effective notice and a meaningful opportunity to present fear-based claims does not arise from the decision to execute the removal order within the meaning of § 1252(g). D.V.D., slip op. at 18–24.

The Court reasoned that a removal order includes country designation requirements, and a challenge to removal to a country not contemplated by the order without legally required process challenges DHS's failure to execute the country-designation aspect of the removal order lawfully. Id. at 18–20. The claim therefore is different from a challenge to removability, the validity of a final removal order, or the discretionary decision whether to execute an otherwise lawful order. Id. at 19–24.

The First Circuit also held that the judicial-review channeling provisions of 8 U.S.C. § 1252(a)(5) and § 1252(b)(9) do not foreclose a district-court challenge to third-country-removal procedures. A person cannot realistically present a fear claim concerning a country that was never identified during the removal proceeding, and a challenge to procedures DHS must follow after choosing an unmentioned third country is not a challenge to the removal order, the decision to seek removal, or the process by which removability was determined. D.V.D., slip op. at 28–32.

The same reasoning establishes jurisdiction here under 28 U.S.C. § 2241. Dinu is in physical ICE custody. He challenges the legality of that custody because Respondents are using it to effect an imminent removal that violates statutory, regulatory, and constitutional constraints. See Zadvydas v. Davis, 533 U.S. 678, 687–90 (2001); INS v. St. Cyr, 533 U.S. 289, 305–08 (2001).

II. INA § 241(b)(3) and the governing regulations require effective notice and a meaningful opportunity to present a Rwanda fear-of-persecution claim before third-country removal.

The government's authority to remove Dinu to a third country arises under INA § 241(b), 8 U.S.C. § 1231(b), including its third-country provision, § 1231(b)(2)(E). But Congress made

the authority to remove "subject to" the statutory prohibition against removal to a country in which the person's life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion. 8 U.S.C. § 1231(b)(1)–(3).

Specifically, § 1231(b)(3)(A) states that the Attorney General may not remove a noncitizen "to a country if the Attorney General decides that the alien's life or freedom would be threatened in that country" because of a protected ground. 8 U.S.C. § 1231(b)(3)(A).

The First Circuit just held today held that § 1231(b)(3) and the regulations governing withholding claims require DHS to provide eligible persons with effective notice and a meaningful opportunity to raise fear-of-persecution claims before removal to a third country. D.V.D., slip op. at 35–43.

The Court explained that the statute's protection would be meaningless if DHS could remove someone to a country without notice of the destination and without a meaningful opportunity to contest removal to that country. Id. at 39–40. The Court further concluded that the statutory and regulatory scheme prescribes hearing-related procedures for fear-of-persecution claims without creating an exception for third-country removals. Id. at 42–43.

Dinu has not received effective notice. Statements made informally or accidentally by ICE agents do not satisfy the notice requirement. He has received no formal written notice that Rwanda is the intended destination, no date of removal, no explanation of his right to assert fear-based claims, no procedure for obtaining a protection screening, and no notice of deadlines or available review. Dinu has not received a meaningful opportunity to present his claim. He has not been given adequate time to confer with counsel, prepare a declaration focused on Rwanda, obtain country-condition evidence, investigate conditions in Rwanda, evaluate the risk of onward

removal, or present legal argument. The absence of notice and reasonable time necessarily makes any claimed opportunity illusory.

III. The FARRA/CAT framework independently requires effective notice and a meaningful opportunity to present a Rwanda fear-of-torture claim.

The First Circuit held separately that the FARRA/CAT framework and the regulations governing CAT claims require effective notice and a meaningful opportunity to present a fear-of-torture claim before removal to a third country. D.V.D., slip op. at 44–49.

The Court recognized that the right to avoid removal to a country where a person is likely to be tortured "means little" without prior notice of the intended third-country destination and a meaningful opportunity to assert fear of torture in that location. Id. at 46–47. The First Circuit concluded that the third-country Guidance was unlawful under the APA insofar as it authorizes removals without effective notice and a meaningful opportunity to assert fear-of-torture claims. Id. at 48–49.

Dinu alleges exactly this deprivation. He has expressed fear of Rwanda, and has received neither formal notice nor an opportunity to submit a CAT claim directed to Rwanda.

IV. Dinu's affirmative expression of fear requires immediate Immigration Court revision and USCIS referral for a Rwanda-specific protection screening.

Dinu hereby reaffirms that he fears removal to Rwanda. He fears persecution and torture there and fears onward removal from Rwanda to a country where he would face persecution because of [redacted] ECF 1 Exs. 2–4.

The DHS third-country-removal procedure described in D.V.D. provides that, if an individual affirmatively expresses fear of removal to the intended third country, immigration officers refer that person to USCIS for a screening for eligibility for protection under INA § 241(b)(3) and CAT as to that country. D.V.D., slip op. at 5–7.

The screening described in the Guidance considers whether the person would be more likely than not to suffer persecution on a protected ground or torture in the country of removal. Id. at 6. If USCIS finds the relevant fear standard met, USCIS refers the matter to the Immigration Court, including through a motion to reopen a previous case with a removal order, where appropriate. Id.

Dinu's affirmative fear statement triggers the requested referral. ICE cannot avoid its own referral procedure by failing to provide the formal written notice that would inform Dinu of the destination and the need to articulate fear. Dinu has already stated fear. At minimum, the Court should order a stay pending completion of the process.

The relief requested is not a request that this Court determine the ultimate merits of Dinu's eligibility for withholding or CAT protection as to Rwanda. It asks only that the Court ensure the procedural conditions that must precede a third-country removal: effective notice,

meaningful preparation time, and an opportunity to raise a Rwanda-specific fear claim before the next Immigration Court, USCIS and the BIA to appeal any court decision.

V. The Fifth Amendment independently requires the requested notice and opportunity to be heard.

The Fifth Amendment protects noncitizens from deprivation of liberty without due process of law. In the removal context, due process requires notice reasonably calculated to apprise the affected person of the intended action and a meaningful opportunity to present objections. Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950).

The First Circuit explained that its construction of § 1231(b)(3), FARRA/CAT, and the related regulations rests in part on the constitutional-avoidance principle: a person's statutory protection against removal to a place of persecution or torture cannot be read to permit removal without notice and an opportunity to invoke that protection. D.V.D., slip op. at 35–40, 44–49.

The First Circuit noted that its statutory holding did not cast doubt on the force of the district court's Fifth Amendment analysis. Id. at 45.

Here, DHS has denied Dinu any meaningful process. Arrest without warrant. No notice was served. No procedure was provided. No screening was scheduled. No opportunity to develop evidence has been provided. And removal is imminent. That process is constitutionally inadequate.

VI. The TRO factors overwhelmingly favor immediate individual relief.

A. Likelihood of success

Dinu is likely to succeed. The First Circuit's holding is directly on point: effective notice and a meaningful opportunity to raise fear-of-persecution and fear-of-torture claims must precede a third-country removal. D.V.D., slip op. at 35–49. Dinu has received neither. He has not received a written Notice of Removal identifying Rwanda or a meaningful opportunity to prepare and present claims. He has affirmatively stated fear of removal to Rwanda, which supports immediate referral to USCIS under the procedure DHS itself described in D.V.D. Id. at 5–7.

B. Irreparable harm

The injury from removal before the required process is complete is irreparable. Removal will more probably than not expose Dinu to persecution, torture, and onward removal. It would also eliminate his practical ability to communicate with counsel, gather evidence, access the relevant administrative process, and obtain meaningful judicial relief.

The entire purpose of withholding and CAT protection is to prevent removal to countries where persecution or torture is likely. A removal completed before Dinu is permitted to invoke those protections cannot be fully remedied after the fact.

C. Balance of harms

The balance of harms favors Dinu. The requested order preserves the status quo while Respondents provide the procedures mandated by their governing law. It does not prevent lawful removal after effective notice, a meaningful opportunity to raise claims, and an appropriate protection determination.

By contrast, denying relief could result in the irreversible removal of a detained person with an existing grant of withholding to a third country he was never given an opportunity to contest.

D. Public interest

The public interest favors adherence to the INA, the regulations, CAT nonrefoulement obligations, and constitutional due process. The government has no legitimate interest in effecting a third-country removal through procedures held unlawful by a federal court of appeals.

VII. The requested relief is individual, narrow, and authorized.

Dinu requests only individual relief concerning his own threatened removal. He does not seek a nationwide injunction or class wide relief.

The First Circuit held that 8 U.S.C. § 1252(f)(1) does not prevent appropriate declaratory and APA relief and acknowledged that the statute permits relief concerning the application of the relevant provisions to an individual noncitizen. D.V.D., slip op. at 49–54.

The requested relief is precisely tailored to Dinu:

1. A stay of removal to Rwanda or another third country;
2. Written notice identifying the intended destination and removal procedure;
3. A meaningful opportunity to prepare and submit a Rwanda-based fear claim;
4. An Immigration Court Hearing;
4. Referral to USCIS for a Rwanda specific INA § 241(b)(3)/CAT screening;

5. A written determination and preservation of the record; and

6. No removal until the screening, review, and any resulting withholding-only, CAT, or BIA appeal and reopening procedures are complete.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court grant his Supplemental Emergency Motion and enter the proposed supplemental temporary restraining order.

Dated September 18, 2026

Respectfully submitted,

/s/ Alberto Delgado

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