

Detainees Forced To Sign Forms Waiving Rights, Brief Says

By **Kelly Knaub**

Law360, New York (January 30, 2017, 9:00 PM EST) -- Two brothers from Yemen who were detained after President Donald Trump's executive order Friday temporarily barring people from Yemen and six other predominantly Muslim nations from entering the U.S. say they were illegally forced to sign forms waiving their rights as lawful permanent residents, according to an amended complaint.

Attorneys from the Legal Aid Justice Center and Mayer Brown LLP say in the amended complaint filed in Virginia's Eastern District Monday that Tareq Aqel Mohammed Aziz and Ammar Aqel Muhammad Aziz were told by officials that if they did not sign I-407 forms to abandon their status as lawful permanent residents, they would be sent to Yemen and barred from entering the U.S. for five years.

But their attorneys say the threat was false and that federal officials had no legal right to remove the two men from the U.S.

"We believe the agency unlawfully coerced our clients, two Yemeni brothers, and others into signing administrative forms to waive their immigration rights," Simon Sandoval-Moshenberg, legal director of the Legal Aid Justice Center's Immigrant Advocacy Program and co-counsel to the two men, said in a statement. "Their signatures were not voluntary."

According to the complaint, the two brothers arrived at Washington-Dulles International Airport Saturday morning on the way to live with their father — Aqel Muhammad Aziz, also a named plaintiff — who is a U.S. citizen residing in Flint, Michigan.

The two men were traveling on U.S. immigrant visas and were entitled to lawful permanent resident status in the U.S. but upon arriving, encountered a rude awakening.

Federal officials handcuffed the brothers and took them into custody and informed them that they would be placed into official removal proceedings and barred from entering the U.S. for five years unless they signed the I-407 forms.

But their attorneys say there was no valid, legal basis to remove the two men and that the officials' statements were false. The two men were also denied access to legal counsel, the complaint alleges.

The brothers were put on a plane to Ethiopia, where their flight had originated, and are currently waiting in the Addis Ababa Bole International Airport, where they remain in limbo, hoping to return to the U.S., according to the complaint.

They do not want to return to Yemen, which is in the midst of a civil war, according to their attorneys.

What happened to the two brothers happened to dozens, if not hundreds, of lawful permanent residents and immigrant visa holders throughout the nation on Jan. 27 and Jan. 28, the complaint says.

U.S. District Judge Leonie M. Brinkema issued a temporary restraining order requiring officials at Washington-Dulles International Airport to provide access to legal counsel for lawful permanent residents detained at the airport and to prohibit removing them from the country for seven days.

But the amended complaint filed on behalf of the two green card holders alleges that officials did not comply with the counsel-access provisions of the order, saying, among other things, that officials on Sunday refused to give specialized telephone numbers to arriving lawful permanent residents and instead provided generic info, including numbers to immigration organizations that were unable to provide legal services and were not even open on a Sunday.

“This amended complaint reveals a disturbing pattern of conduct by U.S. officials,” Mayer Brown LLP partner Paul Hughes, who also serves as co-counsel to the two men, said in a statement.

The attorneys for the two men filed an initial complaint on Saturday applying for a writ of habeas corpus to remedy the men’s unlawful detention and for declaratory and injunctive relief.

Just days after Trump issued two other executive orders on immigration, he signed an order Friday suspending the entry of people from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen to the U.S. for 90 days, and barring refugees from war-torn Syria, where 6.5 million people are displaced, according to the U.N. refugee agency.

In addition to the temporary restraining order signed by Judge Brinkema, U.S. District Judge Ann Donnelly in New York granted a stay Saturday evening that prevents the deportation of people with valid visas who may have been sent back under Trump’s order, while other courts across the country issued similar rulings.

A U.S. Department of Justice spokeswoman and a DHS spokeswoman did not respond to a request for comment on Monday. A CBP spokesman said the agency cannot comment on pending litigation.

The Aziz brothers are represented by Simon Y. Sandoval-Moshenberg, Mary Bauer, Rebecca Wolozin and Elaine Poon of the Legal Aid Justice Center and Andrew J. Pincus and Paul W. Hughes of Mayer Brown LLP.

Counsel for the federal government was not immediately available.

The case is Aziz v. Trump, et al., case number 1:17-cv-116, in the U.S. District Court for the Eastern District of Virginia.

--Additional reporting by Allissa Wickham. Editing by Joe Phalon.