

April 22, 2025

VIA ECF

Honorable Patricia Tolliver Giles
United States District Judge
Eastern District of Virginia
401 Courthouse Square
Alexandria, VA 22314

Re: Khan Suri v. Trump, et al., No. 1:25-cv-00480-PTG-WBP

Dear Judge Giles:

Petitioner Dr. Badar Khan Suri writes to notify the Court of a decision relevant to its consideration of the motions pending in this case. In *Öztürk v. Trump*, No. 25-CV-0374-WKS (D. Vt. Apr. 18, 2025) (ECF 104) (attached), Ms. Öztürk, a student at Tufts University, was arrested in Massachusetts by Immigration and Customs Enforcement (“ICE”), swiftly transferred to Vermont and then to an immigration jail in Louisiana, and placed in removal proceedings.¹ Like Dr. Khan Suri, Ms. Öztürk filed a habeas petition claiming that these actions were in retaliation for her protected expression, namely, in Ms. Öztürk’s case, her co-authorship of an op-ed criticizing her university for its response to student demands regarding the genocide in Gaza. *Id.* at 3. Like Dr. Khan Suri, she filed a motion to compel her return to the District of Vermont, and a motion for release on bail pending resolution of her habeas petition.

In its April 18, 2025 order, the District of Vermont issued several rulings that are relevant to this Court’s consideration of the motions pending before it in the instant case. First, the court affirmed that habeas venue was proper in the District of Vermont despite the petitioner’s current detention in Louisiana, and despite the fact that the petition did not name the warden of any immigration detention center as a defendant. Slip. op. 13-29. The court reasoned that there was no warden to be named because the petition was filed while Ms. Öztürk was en route to the St. Albans field office in Vermont, and that the immediate custodian, if not the ICE Field Director for New England, was unknown, including because “the government has provided insufficient facts to determine that she was not Öztürk’s immediate custodian,” *id.* at 24, and because Ms. Ozturk

¹ The Notice to Appear served to Ms. Öztürk by the government cited Section 237(a)(1)(B) of the Immigration and Nationality Act (“INA”), which applies to individuals whose nonimmigrant visas have been revoked, as the basis for her removal. *Id.* at 10. A separate letter addressed to her cited 8 U.S.C. § 1227(a)(4)(C)(i), the same provision that is the basis of Dr. Khan Suri’s charge of removability, as a possible basis for termination of her Student Exchange Visitor Information System (“SEVIS”) designation. *Id.* at 10-11. And a separate memo by a senior bureau official of the Bureau of Consular Affairs referred to her op-ed as a basis for ICE and the Department of Homeland Security’s assessment that Ms. Öztürk “had been involved in associations that ‘may undermine U.S. foreign policy by creating a hostile environment for Jewish students and indicating support for a designated terrorist organization.’” *Id.* at 9-10.

argued and ICE did not dispute that ICE had “intentionally conceal[ed]” Ms. Öztürk’s whereabouts, *id.* at 27-28.

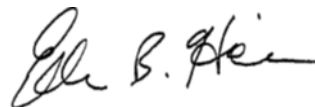
Second, the court also rejected the government’s contention that it lacked jurisdiction over the petition under various statutory provisions of the INA, namely, 8 U.S.C. §§ 1201(i), 1226(e), 1252(g), 1252(a)(5), and 1252(b)(9)—many of which the Respondents have also raised in this case. The court held that those provisions did not bar habeas review of Ms. Öztürk’s detention, that they could not limit the court’s power to review her constitutional claims under the First Amendment and Due Process Clause, and that these claims were independent of a challenge to her removal proceedings. Slip op. at 29-43.

Third, the court ruled that the petitioner had plausibly alleged First Amendment and Due Process violations, and presented evidence supporting her argument, like Dr. Khan Suri’s in this case, that the purpose for her detention was to punish her for her speech regarding Palestine, and to “chill the political speech of others.” *Id.* at 48.

Finally, granting her motion to compel return, the court ordered the petitioner returned to ICE custody within the District of Vermont, reasoning that it “is in the interest of justice because transfer would assist the Court’s exploration of the important constitutional questions,” that transfer would not impact removal proceedings, and her presence in the district and in the courtroom would facilitate the consideration of the bail motion. *Id.* at 66. The court scheduled a bail hearing and a hearing on the merits of her habeas petition in the coming weeks. *Id.* at 73.

Dated: April 22, 2025

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Eden Heilman, hereby certify that on this date, I uploaded a copy of Petitioner's Notice of Supplemental Authority using the CM/ECF system, which will cause notice to be served electronically to all parties.

Date: April 22, 2025

Respectfully submitted,

/s/ Eden B. Heilman

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