District Judge Lauren King
Chief Magistrate Judge Theresa L. Fricke

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDERRAHIM BELQASIM, Petitioner, v. CAMMILLA WAMSLEY[1], *et al.*, Respondents.	Case No. 2:25-cv-01282-LK-TLF FEDERAL RESPONDENTS' RETURN AND MOTION TO DISMISS Noted For Consideration: October 1, 2025

I. INTRODUCTION

Belqasim seeks habeas relief from his mandatory immigration detention. But U.S. Immigration and Customs Enforcement ("ICE") is mandated to detain him for the duration of his removal proceedings pursuant to 8 U.S.C. § 1225(b). It is true that his individual removal proceedings have been delayed due to language barriers. These barriers have required the immigration court to spend a significant amount of time and resources to identify and locate an appropriate interpreter for Belqasim.

[1] Pursuant to Federal Rule of Civil Procedure 25(d), Federal Respondents substitute Cammilla Wamsley for Drew Bostock.

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Due process requires that Belqasim be able to meaningfully participate in his removal proceedings by having the proceedings translated into a language that he can understand. The delays in his removal proceedings have mainly been caused by the immigration courts' obligation to protect Belqasim's due process rights. But he now alleges that the immigration courts' efforts to meet its obligations have violated his due process rights. This Court should reject this paradox.

The immigration court has, after many attempts, identified an interpreter who can communicate with Belqasim. Since that time, Belqasim has either requested or required continuances. His next immigration court appearance is later this month.

Belqasim has not demonstrated that his continued detention without an individualized bond hearing would be unreasonable. As a result, this Court should deny his request for court-ordered bond hearings and dismiss the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 in its entirety.

II. BACKGROUND

A. 8 U.S.C. § 1225(b)

Belqasim is subject to mandatory detention pursuant to 8 U.S.C. § 1225(b). Aliens who are apprehended shortly after illegally crossing the border and who are determined to be inadmissible due to lacking a visa or valid entry documentation, 8 U.S.C. § 1182(a)(7)(A), may be removed pursuant to an expedited removal order unless they express an intention to apply for asylum or a fear of persecution in their home country. 8 U.S.C. § 1225(b)(1)(A)(i), (iii)(II). "The purpose of these provisions is to expedite the removal from the United States of aliens who indisputably have no authorization to be admitted to the United States, while providing an opportunity for such an alien who claims asylum to have the merits of his or her claim promptly assessed by officers with full professional training in adjudicating asylum claims." H.R. Conf. Rep. No. 828, 104th Cong., 2d Sess. 209 (1996).

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Applicants for admission fall into one of two categories. Section 1225(b)(1) covers aliens initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation, and certain other aliens designated by the Attorney General in her discretion. Separately, Section 1225(b)(2) serves as a catchall provision that applies to all applicants for admission not covered by Section 1225(b)(1) (with specific exceptions not relevant here). *See Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

Congress has determined that all aliens subject to Section 1225(b) are subject to mandatory detention. Regardless of whether an alien falls under Section 1225(b)(1) or (b)(2), the sole means of release is "temporary parole from § 1225(b) detention 'for urgent humanitarian reasons or significant public benefit,' § 1182(d)(5)(A)." *Jennings*, 583 U.S. at 283.

B. Petitioner Abderrahim Belqasim

Belqasim is a native and citizen of Morocco who entered the United States without inspection on or about September 15, 2024. Pet., ¶ 14; Andron Decl., ¶ 4; Lambert Decl., Ex. A, I-213. He was processed as an Expedited Removal (Lambert Decl., Ex. B, Notice and Order of Expedited Removal), but he was later issued a Notice to Appear in November 2024, charging him as removable pursuant to 8 U.S.C. §§ 1182(a)(6)(A)(i) & (a)(7)(A)(i)(I). Andron Decl., ¶ 5; Lambert Decl., Ex. C, Notice to Appear; Pet., ¶ 26. ICE transferred Belhaj to the NWIPC in February 2025. Andron Decl., ¶ 7.

Prior to being transferred to Tacoma, Belqasim attended approximately six hearings at the Las Vegas Immigration Court. Carbajal Decl., ¶¶ 4-10. Each of these hearings had to be reset because either an interpreter was not available or Belqasim could not understand the interpreters provided. *Id.*

Once transferred to the NWIPC, the Tacoma Immigration Court has repeatedly sought an available interpreter to communicate with Belqasim. Carbajal Decl., ¶¶ 11-18. He speaks a

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specific dialect of Tachelhit. Pet., ¶ 29. At his scheduled hearings in February and March 2025, no Tachelhit interpreter was available. Carbajal Decl., ¶¶ 11, 14. In April, a Tachelhit interpreter appeared, but Belqasim said he spoke a different dialect of Tachelhit and did not understand the interpreter. *Id.*, ¶ 15. The hearing was reset to locate a certified interpreter in the Tachelhit language with a dialect from the Atlas/Toubkal mountains. *Id.* The Tacoma Immigration Court reset Belqasim's hearings in May to find an appropriate interpreter. *Id.*, ¶¶ 16-17.

On June 2, 2025, a Berber/Tachelhit interpreter appeared at Belqasim's hearing. *Id.*, ¶ 18. The interpreter was able to communicate with him. *Id.* The hearing was reset to allow Belqasim to seek representation. *Id.*

On June 24, 2025, Belqasim requested another continuance for more time to discuss his case with an attorney. Andron Decl., ¶ 9. The Immigration Judge ("IJ") granted his request for a continuance. *Id.*

On July 14, 2025, Belqasim requested another continuance, but the IJ denied the request due to the length of time his case had been pending. *Id.*, ¶ 10. However, the IJ granted Belqasim's request for more time to pay fees required by the One Big Beautiful Bill Act. *Id.*

On August 8, 2025, Belqasim's case was continued again for him to pay the required fee. *Id.*, ¶ 11.

Belqasim is next scheduled to appear at the Tacoma Immigration Court on September 15, 2025, to provide proof of payment of the required fee. *Id.*, ¶ 12.

III. ARGUMENT

A. Belqasim's continued detention without a court-ordered bond hearing is constitutional.

Belqasim has not shown that he is in immigration custody in violation of the Constitution, law, or treaties of the United States. 28 U.S.C. § 2241. ICE lawfully detains him pursuant to 8

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U.S.C. § 1225(b), which mandates detention of arriving aliens seeking admission to the United States. Individuals detained under Section 1225(b), including Belqasim, are not entitled to an individualized bond hearing simply due to the passage of time.

The Supreme Court has considered whether 8 U.S.C. § 1225(b) imposes a time-limit on the length of detention and whether such aliens detained under this statutory authority have a statutory right to a bond hearing. *See Jennings*, 583 U.S. at 297-303. The Court rejected both arguments, holding that Section 1225(b) mandates detention during the pendency of removal proceedings and provides no entitlement to a bond hearing. *See id.*, at 303 ("Nothing in the statutory text imposes any limit on the length of detention."). The Court further clarified that Section 1225(b) detainees may be released only through discretionary parole under 8 U.S.C. § 1182(d)(5). *Id.*, at 300. While *Jennings* forecloses any statutory or categorical constitutional right to a bond hearing under Section 1225(b), it did not reach the issue of whether prolonged detention without such a hearing could, in individual cases, raise a due process concern.

Belqasim's continued detention without a court-ordered bond hearing does not violate his Fifth Amendment due process rights. Courts in this District analyze this issue using a multi-factor test. *See Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1117-118 (W.D. Wash. 2019). In *Banda*, the district court found that the petitioner's 17-month immigration detention pursuant to 8 U.S.C. § 1225(b) had become unreasonable. *Id.*, at 1117-121. To conduct this analysis, the court analyzed six factors: (1) length of detention; (2) how long detention is likely to continue absent judicial intervention; (3) conditions of detention; (4) the nature and extent of any delays in the removal caused by the petitioner; (5) the nature and extent of any delays caused by the government; and (6) the likelihood that the final proceedings will culminate in a final order of removal. *See id.* Analysis of these factors demonstrates that Belqasim's detention, while prolonged, has not become unreasonable.

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The first *Banda* factor looks at the length of the petitioner's immigration detention. Belqasim has been detained since September 2024. Federal Respondents acknowledge that this factor likely favors Belqasim.

The second *Banda* factor assesses the length of future detention. As of June, the Immigration Court has located an interpreter that Belqasim understands. His case has been continued since that time at Belqasim's request or to allow him time to pay a required fee. His next hearing is scheduled for September 15, 2025. While Belqasim asserts that his detention may last a year or longer (Pet., ¶ 47), any assessment of the length of his future detention would be speculative at best because his proceedings are still in the early stages before an IJ. Thus, this factor should be neutral. *Maliwat v. Scott*, No. 2:25-cv-00788-TMC, 2025 WL 2256711, at *5 (W.D. Wash. Aug. 7, 2025) (listing cases) ("Given that [the petitioner's] case is still before the IJ, and no appeal has been filed, the Court declines to speculate as to the likelihood of future detention.").

As for the third *Banda* factor – conditions of detention, Belqasim is detained at the NWIPC. Belqasim asserts that "he has faced bullying and harassment, as well as inadequate medical care." Pet., ¶ 49. But Belqasim provides no specific information concerning the purported bullying or harassment. Dkt. No. 3, ¶ 10. Furthermore, Belqasim's assertions concerning his medical care do not align with the facts of his treatment. For instance, ICE Health Service Corps ("IHSC") reports that Belqasim "successfully communicated his needs and understanding with medical or behavioral staff in English or Arabic" on at least ten occasions. Wang Decl., ¶ 6. IHSC used these languages that Belqasim "demonstrated he could use effectively, with teach-back to confirm understanding" while still offering the use of interpreters. *Id.* Moreover, IHSC has ordered medical treatment according to Belqasim's clinical need. *See id.*, ¶¶ 8-10. Based on the facts presented, this factor should favor Federal Respondents.

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The fourth *Banda* factor assesses delays caused by the petitioner. This factor should be neutral here. As the *Banda* Court noted, "Courts should be sensitive to the possibility that dilatory tactics by the removable alien may serve not only to put off the final day of deportation, but also to compel a determination that the alien must be released because of the length of his incarceration." *Banda*, 385 F. Supp. 3d at 1119. While there is no evidence that Belqasim has intentionally caused any delay, the continuances since June should be attributable to him – not the Government.

The fifth *Banda* factor, delays in the removal proceedings caused by the government, should favor Federal Respondents. There is no dispute that due process requires that aliens must be able to participate meaningfully in their removal proceedings by having them translated into a language that they can understand. *Hartooni v. I.N.S.*, 21 F.3d 336, 339-40 (9th Cir. 1994). The immigration courts have expended significant effort to protect Belqasim's due process rights to meaningfully participate in his proceedings. This is not a case where the petitioners have languished due to the inactivity of the government.

Here, Belqasim has had numerous appearances where interpreters of various languages were provided. This pursuit to find a way to communicate with Belqasim should not be deemed a delay on the government's behalf. There is no doubt that it was difficult for the immigration court to pinpoint Belqasim's best language and dialect. But as of June, the immigration court has been successful in finding an interpreter. Based on the facts of this cases, this factor weighs strongly in favor of Federal Respondents because of the immigration court's significant actions to move Belqasim's removal proceedings forward.

The last *Banda* factor weighs the likelihood that removal proceedings will result in a final order of removal. It is too early to assess this factor. Belqasim asserts that he intends to seek relief

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from removal but has not yet done so or paid the required fee. Thus, this Court should find this factor to be speculative.

In total, Belqasim has not demonstrated that his continued detention without a court-ordered bond hearing violates due process.

B. Even if a writ is issued, this Court should not grant all relief sought in the Petition.

The Petition seeks unwarranted relief even if Belqasim was to prevail. First, this Court should deny his request for release from detention. Pet., ¶ 4. An alien is entitled to release if he can show that his immigration detention is indefinite as defined in *Zadvydas v. Davis*, 533 U.S. 678 (2001). *Hong v. Mayorkas*, No. 2:20-cv-1784, 2021 WL 8016749, at *6 (W.D. Wash. June 8, 2021), *report and recommendation adopted*, 2022 WL 1078627 (W.D. Wash. Apr. 11, 2022). While Belqasim's detention is prolonged, he has not alleged that his detention has become indefinite. Nor has he provided a legal basis for his immediate releases from detention.

Second, Belqasim ask this Court to require consideration of the alternatives to detention at a court-ordered bond hearing. Prayer for Relief, ¶ b. This request is overbroad. An alternative to detention analysis should not be required if the IJ finds Belqasim to be a danger to the community. *See Martinez v. Clark*, 36 F.4th 1219, 1231 (9th Cir. 2022), *cert. granted, judgment vacated*, 144 S. Ct. 1339 (2024) ("Due process does not require immigration courts to consider conditional release when determining whether to continue to detain an alien under § 1226(c) as a danger to the community.").

Third, in the alternative to an IJ presiding over the requested bond hearings, Belqasim suggests as an alternative that this Court hold the bond hearing. Pet., Prayer for Relief, ¶ c. If this Court does find that Belqasim is entitled to a court-ordered bond hearing, the bond hearing should be conducted by an IJ. While this court may have the authority to conduct bond hearings, this Court should decline to do so as "courts in this Circuit have regularly found that the IJ is the proper

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authority to conduct bond hearings and determine a detainee's risk of flight or dangerousness to the community." *Doe v. Becerra*, 697 F. Supp. 3d 937, 948 (N.D. Cal. 2023), *appeal dismissed*, No. 24-332, 2025 WL 252476 (9th Cir. Jan. 15, 2025).

III. CONCLUSION

This Court should find that Belqasim's continued detention without a court-ordered bond hearing does not violate Due Process. Belqasim is lawfully detained pursuant to 8 U.S.C. § 1225(b) and his detention has not become unreasonable. Thus, this Court should deny Belqasim's request for a writ of habeas corpus and dismiss the Petition in its entirety.

DATED this 3rd day of September, 2025.

Respectfully submitted,

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I certify that this memorandum contains 2,405 words, in compliance with the Local Civil Rules.