

**U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS / IMMIGRATION COURT
FALLS CHURCH, VIRGINIA / CITY, STATE**

In the Matter of:)

)

#Your First and LAST NAME#

)

File No: **#Your A Number#**

)

In removal proceedings

)

**EMERGENCY MOTION TO REOPEN BASED ON
CHANGED COUNTRY CONDITIONS**

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS / IMMIGRATION COURT
FALLS CHURCH, VIRGINIA / CITY, STATE**

In the Matter of

)

#Your A Number#

)

)

#Your First and LAST NAME#

)

Respondent.

)

)

)

)

**RESPONDENT'S EMERGENCY MOTION TO REOPEN BASED
ON CHANGED COUNTRY CONDITIONS**

NOW COMES Respondent, #NAME#, hereby moves this Honorable Board/Court to
reopen their prior removal proceedings, based on material changes in country conditions of Iraq.
Pursuant to 8 C.F.R. § 10003.2(c)(3)(ii), this motion is based on changed country conditions that
could not have been discovered or presented at the prior hearing, and thus is not subject to time
limitations of 8 C.F.R. § 1003.2(c)(2). Pursuant to 8 C.F.R. § 1003.23(b)(4)(i), this motion is based
on changed country conditions that could not have been discovered or presented at the prior
hearing, and thus is not subject to time limitations of 8 C.F.R. § 1003.23. Respondent in support
of their motion states the following:

1. Respondent was born in Iraq and identifies as an #PROTECTED CATEGORY#.

2. When Respondent was approximately #age when you entered US# years old, Respondent entered the United States #identify status if any# on or around #date of entry into US#.
3. {If applicable} On or about #DATE# Respondent adjusted his status to that of a Lawful Permanent Resident with a retroactive date of #DATE#.
4. On or about #DATE# Respondent was convicted of #CONVICTION#, in #COUNTY#, Michigan.
5. Respondent's crimes are not particularly serious crimes that would bar relief for asylum or withholding of removal. There are no bars to Convention Against Torture relief.
6. On #DATE#, Respondent was issued their notice to appear and appeared at their removal proceedings on or about #DATE# before the Honorable #JUDGE#. Respondent was ordered removed on or about #DATE#. However, Iraq was not issuing travel documents to Iraqis at the time, and Respondent, through no fault of their own, never departed the United States.
7. {If ICE allowed you to stay on an Order of Supervision and you have complied} ICE permitted Respondent to stay in the United States under an Order of Supervision. Respondent has complied with all relevant conditions stipulated in that Order.
8. {If detained and indicate detention status in the above header} Respondent has been detained without bond in the custody of the Department of Homeland Security ("DHS") since #date of ICE pick up#.
9. The facts and circumstances giving rise to Respondent's claim occurred after their final removal order on #date when removal was ordered#.

10. Conditions in Iraq have changed since Respondent's last merits hearing, giving rise to Respondent's well-founded fear of persecution, torture, murder, or death, if Respondent is returned.

11. Evidence supporting Respondent's motion reveals new circumstances that show Respondent's identity as a #PROTECTED CATEGORY# will put Respondent at risk of persecution and torture.

12. **[INSTRUCTIONS: BELOW HERE ARE UNDERLINED HEADINGS AND PARAGRAPHS RELATED TO EACH PROTECTED CATEGORY. YOU SHOULD DELETE THE HEADINGS AND CATEGORIES THAT DO NOT APPLY TO YOUR PROTECTED CATEGORY. THEN, YOU SHOULD DELETE THE HEADING RELATED TO YOUR CATEGORY. FINALLY, YOU SHOULD DELETE THIS PARAGRAPH**

FOR EXAMPLE, IF YOU ARE A CHRISTIAN, YOU SHOULD DELETE ALL OF THE HEADINGS AND PARAGRAPHS THAT APPLY TO PAST COLLABORATOR WITH THE UNITED STATES MILITARY, WESTERNIZED INDIVIDUALS, LGBTQI INDIVIDUALS, AND SUNNI MUSLIM, THEN YOU SHOULD DELETE THE HEADING THAT READS "SPECIFIC TO CHRISTIANS."]

SPECIFIC TO CHRISTIANS

13. Specifically, the application and evidence in support reveal that the Respondent, as a Christian, is more likely than not to be the target of violence due to their faith.¹ Christians

¹ The New Arab (May 16, 2017). (Stating that Sheikh Alaa al-Moussawi, who is in charge of the Iraqi body which maintains all of the Shia holy sites, including mosques, Huseiniyas and schools, described the Christians as ``infidels and polytheists`` and stressed the need for ``jihad`` against them). Available at <https://www.alaraby.co.uk/english/news/2017/5/16/convert-or-die-says-shia-leader-to-iraqi-christians>; Eliza

in Iraq have been the target of genocide at the hands of the Islamic State, as recognized by the Office of the Secretary of State, the European Parliament, and various other recognized and reputable international governmental and non-governmental organizations.² In 2014, the self-proclaimed Islamic State of Iraq and Syria (ISIS) began a campaign of genocide against Iraq's religious minorities, targeting Chaldean Christians in particular. Although ISIS lost territorial control in 2019, the Iraqi federal government and semi-autonomous Kurdistan Regional Government which took their place have failed to address the genocide's ongoing effects. Instead, the Iraqi federal government (IFG) and the semi-autonomous Kurdistan Regional Government (KRG) have continued to perpetuate policies and laws contributing to the oppression of Christians in Iraq.³ In addition, state-backed armed groups, who have risen in power in recent years, and most notably the Popular Mobilization Forces (PMF), threaten and persecute Christians in Iraq. Christians have reported continuous verbal and physical abuse by the PMF, as well as illegal sale and seizure of land owned by Christians.⁴ The PMF has experienced a dramatic rise in power in the past two years, and is "on its way to becoming Iraq's preeminent political and

Griswold, Is This the End of Christianity in the Middle East?, New York Times Magazine (July 22, 2015), (Stating that when ISIL took Mosul in 2014, the militants painted the Arabic letter "n" on Christian homes, to represent the word "Nasrene," a Christian slur). Available at <http://nyti.ms/1HIuZ9f>; Greg Botelho, Faith Turns Christians into Terrorist Targets, CNN (Apr. 24, 2015, 8:57 PM), (Stating that ISIS offered Christian residents a choice: to convert or pay a jizya tax--if they refused, they would be killed, raped, or enslaved). Available at <http://cnn.it/1GrGdAN>.

² Susan Bishai, *Issue Brief: Religious Freedom Challenges in Iraq 10 Years After ISIS's Genocide*, United States Commission on International Religious Freedom, (September 2024), available at: <https://www.uscirf.gov/sites/default/files/2024-09/2024%20Iraq%20Genocide%20Issue%20Brief.pdf>

³ *Id.*

⁴ U.S. Department of State, Office of International Religious Freedom, *Iraq 2023 International Religious Freedom Report*, available at: <https://www.state.gov/wp-content/uploads/2024/04/547499-IRAQ-2023-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf> (Stating that "Christian, Yezidi, and Sabeen Mandaean store owners, especially those operating with alcohol sales licenses, reported PMF militias blackmailed and attacked them. Christian religious leaders continued to publicly accuse the 30th PMF Brigade of verbal harassment of Christians in Bartella and elsewhere in Hamdaniya District of Ninewa" and reporting allegations that "the 30th and 50th PMF Brigades facilitated land sales with the aim of reducing Christian demographics in the Ninewa Plain and that they had supported Shabaks in seizing at least three Christian properties.")

institutional power.”⁵ As the group’s power rises, Christians in the region are increasingly under threat. The respondent would be a direct target for persecution, torture or death.

14. Respondent is a Chaldean Christian, a marginalized ethnic and religious minority in Iraq.

Over the years, the conditions in Iraq for Chaldean Christians have significantly worsened and become more dangerous. In July of 2023, Iraqi President Abdulatif Jamal Rashid revoked the presidential decree issued in 2013 recognizing Cardinal Louis Raphael Sako as the Patriarch of the Chaldean Catholic Church in Iraq and establishing the patriarch as the sole administrator of the church’s properties and financial affairs.⁶ The revocation effectively stripped Cardinal Sako of his custodianship of Christian property endowments, and is part of a larger attempt by the Babylon Brigade, a unit of the PMF led by Rayan al-Kildani, to seize and gain control over Chaldean Christian properties.⁷ Al-Kildani’s brigade continues to use military force and acts of violence against Christian communities. In March 2023, the 50th Brigade of the PMF and Osama al-Kildani, Rayan’s brother, staged a takeover attempt of Christian communities in Hamdaniya district. In July 2024, Archbishop Benedict Younan Hano of the Syriac Catholic Diocese of Mosul sent a letter to Prime Minister Sudani pleading for the government to intervene against “unruly forces” keeping many displaced Christians from returning to Mosul and the Nineveh Plains. The archbishop cited the recent assault—believed to be by the Babylon Brigade—of a church

⁵ Ranj Alaaldin, *The Popular Mobilization Force is Turning Iraq into an Iranian Client State*, The Brookings Inst. (Feb 2, 2024), <https://www.brookings.edu/articles/the-popular-mobilization-force-is-turning-iraq-into-an-iranian-client-state/>.

⁶ U.S. Department of State, Office of International Religious Freedom, *Iraq 2023 International Religious Freedom Report*, available at: <https://www.state.gov/wp-content/uploads/2024/04/547499-IRAQ-2023-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>

⁷ Susan Bishai, *Issue Brief: Religious Freedom Challenges in Iraq 10 Years After ISIS’s Genocide*, United States Commission on International Religious Freedom, (September 2024), available at: <https://www.uscirf.gov/sites/default/files/2024-09/2024%20Iraq%20Genocide%20Issue%20Brief.pdf>

guard and military officer in the Nineveh governorate.⁸ Social and humanitarian considerations together with accrued equities and the passage of a significant amount of time since this Court ordered the Respondent removed combine to support reopening. Christians in Iraq continue to be victims of discrimination, intolerance, and persecution by way of displacement, violence, and murder.⁹

15. Finally, since Respondent's previous hearing, the media attention pertaining to the detention and removal of Iraqi Christians and the habeas corpus class action lawsuit (*Hamama, et al. v. Adducci*) that was filed on behalf of those detained and slated for removal, has increased exponentially. Augmented international attention to Respondent's particular circumstances, if removed to Iraq, provide additional material evidence demonstrating the likelihood that Respondent will be targeted and face torture upon arrival in Iraq at the hands of the Iraqi government. This material evidence supports the fact that the Respondent is more likely than not to be tortured in Iraq on account of their religion, ethnicity, and membership in a Particular Social Group (PSG) – that of being a Chaldean Christian with ties to the United States and an internationally-published profile due to their status as a protected class member in a U.S. federal court case that is well documented in international media outlets.

SPECIFIC TO PAST COLLABORATORS WITH U.S. MILITARY

16. The assassination of Iranian's Islamic Revolutionary Guard Corps (IRGC) Quds Force commander, Qasem Soleimani, and his ally, Abu Mahdi al-Muhandis, Deputy Chief of the PMF, in January 2020, marked a significant increase in targeting of Iraqis collaborators of

⁸ *Id.*

⁹ *Status of Human Rights in the Republic of Iraq*, European Centre for Law and Justice (ECLJ), (2024), available at: <http://media.aclj.org/pdf/ECLJ-48th-UPR-Iraq-2024.pdf>

the U.S. Coalition and other western forces.¹⁰ Iraqi-operated logistics convoys contracted by the U.S.-led Coalition were attacked with hand-thrown grenades, missiles, gunfire or IEDs by militia groups, with such attacks escalating into 2021. Iraqi contractors with the U.S.-led Coalition were killed in these attacks.¹¹

17. In addition, rising hostilities between the United States and Iraq from 2023 to present, spurred by the conflicts in Gaza, would undoubtedly put a target on the backs of individuals who are perceived to have helped the U.S. military in the past. The conflict in Gaza has ruptured a delicate balance of power between the Iraqi government, U.S. military forces, and armed militia groups in the region. Most notably, the Popular Mobilization Force (PMF)—an Iran-backed umbrella militia group whose goal is to drive the United States out of Iraq—has experienced a dramatic rise in power in the past two years, and is “on its way to becoming Iraq’s preeminent political and institutional power.”¹² In 2016, the Iraqi government designated the PMF as an “independent military formation” within the Iraqi armed forces. In December 2023 provincial elections, the PMF secured 101 out of 285 provincial council seats. Today, experts are calling the PMF “effectively an arm of the Iraqi government.”¹³

¹⁰ (*Perceived*) collaborators of Western armed forces, organisations, or companies, European Union Agency for Asylum (June 2022), available at: <https://euaa.europa.eu/country-guidance-iraq-2022/210-perceived-collaborators-western-armed-forces-organisations-or-companies>

¹¹ *Id.*

¹² Ranj Alaaldin, *The Popular Mobilization Force is Turning Iraq into an Iranian Client State*, The Brookings Inst. (Feb 2, 2024), <https://www.brookings.edu/articles/the-popular-mobilization-force-is-turning-iraq-into-an-iranian-client-state/>.

¹³ Abby Sewell, *A Look at the Iraqi Government’s Relationship with Armed Groups that are Clashing with U.S. Forces*, The Associated Press (Feb 8, 2024), <https://apnews.com/article/iraq-kataib-hezbollah-us-strikes-militias-e2d31a579001f62a12b55b4cbf16ab48>; Ranj Alaaldin, *The Popular Mobilization Force is Turning Iraq into an Iranian Client State*, The Brookings Inst. (Feb 2, 2024), <https://www.brookings.edu/articles/the-popular-mobilization-force-is-turning-iraq-into-an-iranian-client-state/>.

18. Since October 7, 2023, militia groups including the PMF have attacked U.S. forces in Iraq and Syria at least 160 times.¹⁴ On January 28 of 2024, Kataib Hezbollah, a predominant group within the PMF, attacked American forces in Jordan, killing three U.S. service members and injuring over 30 more. In response, the U.S. military conducted a strike in Baghdad, the capital of Iraq, killing a Kataib Hezbollah commander.¹⁵ As the United States began to withdraw its troops from Iraq in late 2024, militias including Kataib Hezbollah and the PMF are now in position to gain much greater control over Iraq.¹⁶
19. The rise of PMF and other anti-U.S. militias in the Iraqi military and government, which will only be exacerbated by the ongoing withdrawal of U.S. troops, places former U.S. military collaborators like the Respondent at great risk of being targeted by these groups. The risk for Iraqis involved with the U.S. military is so high that Congress specifically created a refugee program for U.S.-affiliated Iraqis, passed in 2007, because of the dangers facing Iraqis who have allied themselves with the United States.¹⁷ The breadth of the program's eligibility criteria indicates a crucial point: any Iraqi with ties to the United States, whether it be through family or employment, is at risk of persecution.¹⁸

¹⁴ Abby Sewell, A Look at the Iraqi Government's Relationship with Armed Groups that are Clashing with U.S. Forces, The Associated Press (Feb 8, 2024), <https://apnews.com/article/iraq-kataib-hezbollah-us-strikes-militias-e2d31a579001f62a12b55b4cbf16ab48>.

¹⁵ *Id.*

¹⁶ Qassim Abdul-Zahra & Tara Copp, *Wrapping up Mission, US Troops Will Leave Some Longstanding Bases in Iraq Under New Deal*, The Associated Press (Sept. 27, 2024), <https://apnews.com/article/iraq-us-troops-military-withdrawal-iran-a79aa83dca8f776f87a138bfe5697fa3>; see also Bilal Wahab, *Two Tough Scenarios for U.S.-Iraq Relations*, The Washington Inst. for Near East Pol'y (Feb. 1, 2024) ("These armed groups are now in position to gain full control over Iraq unless the United States holds Baghdad to greater account on containing them and protecting U.S. personnel"), <https://www.washingtoninstitute.org/policy-analysis/two-tough-scenarios-us-iraq-relations>.

¹⁷ Refugee Crisis in Iraq Act of 2007 Jan. 28, 2008, P. L. 110-181, Division A, Title XII, Subtitle C (The Act grants special visas for Iraqi citizens who had incurred great risks to themselves and their families through their service to United States during military operations in Iraq); *Nine Iraqi Allies Under Serious Threat Because of Their Faithful Serv. to the United States v. Kerry*, 168 F. Supp. 3d 268,295 (D.D.C. 2016).

¹⁸ *Fact Sheet: U.S. Refugee Admissions Program (USRAP) Direct Access Program for U.S.-Affiliated Iraqis* Mar. 11, 2016), available at <https://www.state.gov/j/prm/releases/factsheets/2016/254650.htm> ("The following individuals and their derivatives (spouse and unmarried children under age 21), with verifiable proof of U.S.-affiliated

20. The return of former U.S. military collaborators would create heightened suspicion towards these groups, which would likely include notions that the United States is either sending its most dangerous Iraqi criminals and terrorists to Iraq, or that there are US intelligence agents among them. Further, the clan-based tribal nature of Iraqi society, civil registries, and the rapid dissemination of information between tribes make it very difficult to conceal ties to family members who previously worked with, for, or cooperated with the U.S. military or the U.S. government in Iraq.¹⁹
21. A Due to their U.S. ties, the Respondent is at high risk of being targeted, detained, mistreated by the Iraqi government and militia groups like the PMF, both of which regularly engage in arbitrary arrest and detention and torture and other cruel, inhuman, or degrading treatment and punishment towards detainees.²⁰

SPECIFIC TO WESTERNIZED INDIVIDUALS:

22. Government-backed Militias, ISIS, and other extremist groups are known to target individuals who have lived in Western countries, those who are known to have relatives in the west, or are thought to support non-Muslim governments.²¹ Especially those which have been deported from the United States, are treated as apostates and are especially at risk for torture and extrajudicial punishment.²² Citizens in Iraq believe that deportees have

employment, may seek access through this program: 1. Iraqis who work/worked on a full-time basis as interpreters/translators for the U.S. Government (USG) or Multi-National Forces (MNF-I) in Iraq; 2. Iraqis who are/were employed by the USG in Iraq[.]). Program applicants need not be current employees of the United States or a United States-affiliated entity.)

¹⁹ See Expert Declaration of Dr. Ramadan at para. 89, 102.

²⁰ 2023 Country Reports on Human Rights Practices: Iraq, U.S. Dep't. of State, available at <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/iraq/>

²¹ *Iraq - Targeting of Individuals Country of Origin Information Report*, European Union Agency for Asylum, (January 2022), https://coi.euaa.europa.eu/administration/easo/PLib/2022_01_EUAA_COI_Report_Iraq_Targeting_of_individuals.pdf

²² *Id.*

committed heinous crimes, such as rape, or that they are spies for the United States. These individuals have been the victims of kidnapping, and ransom schemes, extreme violence, and murder.²³

23. Westernization is an umbrella term for groups that can be perceived as transgressing moral codes due, for example, to their behaviour, appearance, occupation and expressed opinions that contravene the local culture. Persons who are seen as not conforming with the local social and cultural norms by displaying ‘westernised’ behaviour have been subjected to threats and attacks by individuals in society, as well as by militia groups.²⁴ In particular, the Popular Mobilization Force (PMF) are targeting people that show signs of deviating morality according to their interpretation of Shia norms, sometimes with the support of the Shia community. Individuals perceived as “Westernized” have been targeted for failing to conform to “conservative” standards for personal appearances, their presence on social media, showing one’s sexuality, being unmarried and flirting, or engaging in sexual acts before marriage.²⁵ In January 2023, an online platform was launched by the Iraqi government for monitoring and reporting ‘indecent content’ on social media and some individuals were charged and even sentenced to prison for publishing such content. In April 2024, a social media influencer was assassinated by unknown assailants in Baghdad.²⁶ Due to residing in the United States for an extended period of time, the Respondent is likely to be viewed as “Westernized” and face persecution if they are deported to Iraq.

²³ See Expert Declaration of Dr. Ramadan at paras. 102-117.

²⁴ Country Guidance Iraq 2022, *Individuals Perceived to Transgress Moral Codes*, European Union Agency for Asylum (June 2022), available at: <https://euaa.europa.eu/country-guidance-iraq-2022/213-individuals-perceived-transgress-moral-codes>

²⁵ *Id.*

²⁶ Country Guidance Iraq 2024, *Individuals Perceived to Transgress Moral Codes*, European Union Agency for Asylum (Nov. 2024), available at: <https://euaa.europa.eu/country-guidance-iraq-2024/38-individuals-perceived-transgress-moral-codes>.

SPECIFIC TO LGBTQI INDIVIDUALS

24. Human rights violations against LGBTQI individuals in Iraq are well-documented and include arbitrary detainment, threats, violence, and even killings of LGBTQI individuals due to their sexuality and identity.²⁷ Human rights groups have documented abductions, rape, torture, and killings of LGBTQI people with impunity by armed groups with backing from the Iraqi government.²⁸
25. In April of 2024, there was a rise in anti-LGBTQI campaigns across Iraq, including the passage of a heavily punitive anti-LGBTQI law by the Iraqi parliament. Prior to the passage of the law, consensual same-sex conduct was not explicitly criminalized. The new law punishes same-sex relations with a penalty of between 10 and 15 years in prison as well as allowing for a prison term between 1 and 3 years for people who undergo or perform gender-affirming medical interventions and for “imitating women.” It also bans any organization that promotes “sexual deviancy,” imposing a sentence of at least seven years and a fine of no less than 10 million dinars (about \$7,600).²⁹
26. Since 2022, there has also been a rise in the use of online platforms such as social media and same-sex dating applications to identify LGBTQI individuals and target such individuals both online and offline.³⁰ The State Department writes: “targeted LGBTQI+ individuals lived in constant fear of harassment or being killed by armed groups and

²⁷ 2023 Country Reports on Human Rights Practices: Iraq, U.S. Dep’t. of State, available at <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/iraq/>

²⁸ Iraq: Impunity for Violence Against LGBT People, Human Rights Watch (Mar. 23, 2022), available at <https://www.hrw.org/news/2022/03/23/iraq-impunity-violence-against-lgbt-people#:~:text=Iraqi%20authorities%20should%20investigate%20all,expressly%20condemn%20all%20such%20violence%2C>

²⁹ Iraq: Repeal Anti-LGBT Law, Human Rights Watch (May 20, 2024), available at <https://www.hrw.org/news/2024/05/20/iraq-repeal-anti-lgbt-law>

³⁰ “All This Terror Because of a Photo” Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa, Human Rights Watch (Feb. 21, 2023), available at <https://www.hrw.org/report/2023/02/21/all-terror-because-photo/digital-targeting-and-its-offline-consequences-lgbt>

reported being forced to change their residence, delete social media accounts, and change their telephone numbers. . . Once detained, individuals were often tortured and subject to other mistreatment, including sexual harassment.”³¹

27. The backdrop of persecution, discrimination, torture, imprisonment, and violence towards LBGTQ+ individuals has been exacerbated by the official criminalization of same-sex and gender-affirming surgery in 2024, as well as the recent trend of targeting and detecting such individuals online. Based on these reports, the Respondent can demonstrate that it is more likely than not they will be persecuted or tortured in Iraq if they are deported.

SPECIFIC TO SUNNI INDIVIDUALS

28. Sunni Muslims, the minority Muslim group in Iraq, have been increasingly targeted by the government and government-backed militias, most notably the Popular Mobilization Forces (PMF), whose power has skyrocketed in the past few years.³² It is also vastly recorded that in parts of the country where they form the minority, Sunnis continue to face verbal harassment and restrictions from authorities.³³ As a Sunni Muslim, the Respondent can demonstrate that it is more likely than not that they will be targeted and persecuted if they are deported.

29. There were credible reports in 2023 that government forces, including the Federal Police, the National Security Service (NSS), and the PMF, abused and tortured Sunni Arabs during

³¹ 2023 Country Reports on Human Rights Practices: Iraq, U.S. Dep’t. of State, available at <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/iraq/>

³² Ranj Alaaldin, *The Popular Mobilization Force is Turning Iraq into an Iranian Client State*, The Brookings Inst. (Feb 2, 2024), <https://www.brookings.edu/articles/the-popular-mobilization-force-is-turning-iraq-into-an-iranian-client-state/>.

³³ *Iraq - Targeting of Individuals Country of Origin Information Report*, European Union Agency for Asylum, (January 2022), https://coi.euaa.europa.eu/administration/easo/PLib/2022_01_EUAA_COI_Report_Iraq_Targeting_of_individuals.pdf

arrest, pretrial detention, and after conviction.³⁴ In particular, the State Department Report on Religious Freedom for finds that in 2023, the PMF – a state-sponsored armed group comprised of over 50 Shia militias – have attacked Sunni civilians, threatening Sunnis with terrorism charges to silence their dissent, operated secret detention facilities in which they held Sunni individuals on false accusations of ISIS affiliation, and blocked the return of displaced Sunni populations.³⁵ The PMF targets the Sunni minority due to their status as alleged apostates and purported connections to ISIS to “avenge ISIS crimes against Shias.”³⁶ As of 2023, Sunnis represent approximately 90 percent of all prisoners in detention, including 9,000 who received death sentences.³⁷ International and local nongovernmental organizations said the government continued to use the antiterrorism law as a pretext for detaining individuals without due process, most of whom were Sunni Arabs, including those suspected of having links to ISIS.³⁸

30. Since Respondent’s last hearing, the PMF – one of the primary instigators of violence and arrest towards Sunni Arabs – has experienced a dramatic rise in power. The violence towards Sunni Arabs, as well as the risk of arbitrary arrest and detention is likely to escalate in the upcoming year as the PMF gains political power. According to experts, the PMF has rapidly risen in power over the past two years, and is “on its way to becoming Iraq’s

³⁴ 2023 Report on International Religious Freedom: Iraq, U.S. Dep’t of State, available at <https://www.state.gov/reports/2023-report-on-international-religious-freedom/iraq/>

³⁵ *Id.*

³⁶ *Id.*; U.S. Department of State, Office of International Religious Freedom, Iraq 2023 International Religious Freedom Report, available at: <https://www.state.gov/wp-content/uploads/2024/04/547499-IRAQ-2023-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>

³⁷ 2023 Report on International Religious Freedom: Iraq, U.S. Dep’t of State, available at <https://www.state.gov/reports/2023-report-on-international-religious-freedom/iraq/>

³⁸ *Id.*

preeminent political and institutional power.”³⁹ In December 2023 provincial elections, the PMF secured 101 out of 285 provincial council seats. Today, experts are calling the PMF “effectively an arm of the Iraqi government.”⁴⁰ Thus, the PMF is likely to continue to terrorize the Sunni Muslims, like the Respondent, with impunity. If anything, the targeting of Sunni Arabs is likely to be exacerbated. Due to their Sunni identity, the Respondent is at high risk of being targeted, detained, mistreated by the Iraqi government and militia groups like the PMF.

31. [DELETE THIS PARAGRAPH BUT DO NOT DELETE THE PARAGRAPHS BELOW IT]

32. This motion is neither time nor number barred, nor does it require a filing fee, as it is based on changed country conditions. 8 C.F.R. § 1003.2(c)(3)(ii); 8 C.F.R. § 1003.23(b)(4)(i).

See also Mendoza v. Lynch, 646 F. App’x 458 (6th Cir. 2016); *Bi Feng Liu v. Holder*, 560 F.3d 485 (6th Cir. 2009). *Yuan Qing Yu v. Holder*, 423 F. App’x 413, 414 (5th Cir. 2011); *Zhang v. Holder*, 481 F. App’x 950 (5th Cir. 2012), available at <https://www.ca5.uscourts.gov/opinions/unpub/10/10-60434.0.wpd.pdf>.

33. Respondent is also not currently subject to any criminal proceedings. 8 C.F.R. § 1003.2(e).

34. Motions to reconsider and reopen are an “important safeguard to ensure a proper and lawful disposition.” *Kucana*, 558 U.S. at 242 (internal citations and quotations omitted); *Cuenca*

³⁹ Ranj Alaaldin, *The Popular Mobilization Force is Turning Iraq into an Iranian Client State*, The Brookings Inst. (Feb 2, 2024), <https://www.brookings.edu/articles/the-popular-mobilization-force-is-turning-iraq-into-an-iranian-client-state/>.

⁴⁰ Abby Sewell, *A Look at the Iraqi Government’s Relationship with Armed Groups that are Clashing with U.S. Forces*, The Associated Press (Feb 8, 2024), <https://apnews.com/article/iraq-kataib-hezbollah-us-strikes-militias-e2d31a579001f62a12b55b4cbf16ab48>; Ranj Alaaldin, *The Popular Mobilization Force is Turning Iraq into an Iranian Client State*, The Brookings Inst. (Feb 2, 2024), <https://www.brookings.edu/articles/the-popular-mobilization-force-is-turning-iraq-into-an-iranian-client-state/>.

v. Barr, 956 F.3d 1079, 1082 (9th Cir. 2020). Where country conditions change after an individual has been ordered removed, the immigration statute specifically allows motions to reopen a removal order to renew claims for protection in light of new facts. See 8 U.S.C. § 1229a(c)(7)(C)(ii); 8 C.F.R. § 1003.2(c)(3)(ii); 8 C.F.R. § 1003.23(b)(1)(iv) (exempting from the deadlines and limitations on motions to reopen, those motions that are based on fear-based claims resulting from changed country conditions). There is no time limit on the filing of a motion to reopen if the basis of the motion is to apply for relief under sections 208 or 241(b)(3) of this title and is based on changed country conditions arising in the country of nationality or the country to which removal has been ordered, if such evidence is material and was not available and would not have been discovered or presented at the previous proceeding. INA § 241(c)(7)(C)(ii). Additionally, “[a]ccording to 8 C.F.R. §1003.24(b)(2)(i), no filing fee is required for a motion to reopen that is based exclusively on an application for relief that does not require a fee. There is no filing fee requirement for applications for asylum, withholding of removal, and protection under the Convention Against Torture. See 8 C.F.R. §§ 103.7, 1003.24(a).” *Matter of G-M-V-M-*, AXXX-XXX-957, (unpublished, BIA September 28, 2017).⁴¹ As in that case, “the underlying application for relief in this matter requires no filing fee,” and the Immigration Court ha[s] jurisdiction to consider the motion to reopen without payment of a filing fee. *Id.*

35. The Board/Court may grant a motion to reopen a previously denied application for asylum pursuant to INA §240(c)(7)(C)(ii), when the motion is based on changed country

⁴¹ *Matter of G-M-V-M-*, Axxx-xxx-957, (unpublished, BIA September 28, 2017), available at <https://www.scribd.com/document/362583429/G-M-V-M-AXXX-XXX-957-BIA-Sept-28-2017>

conditions arising in the country of nationality or the country to which removal has been ordered, if such evidence is material and was not available and “could not have been discovered or presented at the former hearing.” 8 CFR §1003.2(c)(1); 8 C.F.R. § 1003.23(b)(3). The Sixth Circuit “define[s] ‘at the former hearing’ as at the time of the merits hearing, as opposed to evidence submitted on appeal or with a motion to reopen, because this court and “the [Board] normally do[] not accept and consider new evidence on appeal,” *Hernandez-Perez v. Whitaker*, 911 F.3d 305, 317 (6th Cir. 2018) (internal citations omitted); *see also Abdulahad v. Garland*, 99 F.4th 275 (6th Cir. 2024).

36. The regulations, 8 C.F.R. § 1003.2(c)(3)(ii) (echoing the statute for motions to reopen to the Board) and 8 C.F.R. § 1003.23(b)(4)(i) (same for motions to reopen in the Immigration Court, and expressly covering CAT relief), apply this statutory provision to claims for withholding of removal under the INA and the CAT. *See, e.g., Agonafer*, 859 F.3d at 1203-04. In short, the INA, having granted individuals with final orders of removal a mandatory right to relief from torture, also grants them the right to seek that relief at the meaningful time, by filing a motion to reopen when they are faced with a removal that changed country conditions would render unlawful. If the Board reopens the proceedings, the outcome is likely to be different on remand. There is a “reasonable likelihood” that Respondent will be able to prove that he will be tortured by or with the acquiescence of Iraqi government officials. *Abdulahad*, 99 F.4th at 294-981. Absent the presence of “special, adverse considerations,” the “reasonable likelihood” standard applies to motions to reopen. *Matter of L-O-G-*, 21 I&N Dec. 413 (BIA 1996); *see also Mouns v. Garland*, 113 F.4th 399, 412 (4th Cir. 2024).

37. In light of the foregoing, Respondent respectfully requests that this Board/Court reopen the removal proceeding to allow Respondent to pursue their application for asylum, Humanitarian Asylum, Withholding of Removal, and relief under the Convention Against Torture and presents the following evidence to assist in considering the positive discretionary factors favoring the reopening of this case:

- The Declaration of Dr. Tareq Ramadan.
- Articles and evidence of country conditions supporting Respondent's claim.

CONCLUSION

WHEREFORE, Respondent respectfully requests that this Honorable Board/Court reopen their removal proceedings, for the reasons stated herein. Respondent further requests that this Board/Court grant oral arguments for the motion to reopen, should this Board/Court deem said arguments necessary and helpful for the Board/Court.

Respectfully submitted,

#First name and last Name#

#Your A-number#

#Your Address#

#Your Phone Number#

#Your Email#

Date: #date when you signed this#

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS / IMMIGRATION COURT
FALLS CHURCH, VIRGINIA / CITY, STATE**

In the Matter of #Your First and
LAST NAME#

#Your A Number#

ORDER OF THE BOARD OF IMMIGRATION APPEALS or IMMIGRATION COURT

Upon Consideration of Respondent's MOTION TO REOPEN , it is HEREBY ORDERED
that the motion be ☐ GRANTED ☐ DENIED because:

- ☐ DHS does not oppose the motion.
- ☐ The respondent does not oppose the motion.
- ☐ A response to the motion has not been filed with the court.
- ☐ Good cause has been established for the motion.
- ☐ The court agrees with the reasons stated in the opposition to the motion.
- ☐ The motion is untimely per _____.
- ☐ Other:

Deadlines:

- ☐ The application(s) for relief must be filed by _____.
- ☐ The respondent must comply with DHS biometrics instructions by _____.

Date

Immigration Judge

Certificate of Service

This document was served by: ☐ Mail ☐ Personal Service
To: ☐ Alien ☐ Alien c/o Custodial Officer ☐ Alien's Atty/Rep ☐
DHS

Date: _____

By: Court Staff _____

CERTIFICATE OF SERVICE

On : #date when you signed this# I, #NAME# certify that I mailed a copy of Respondent's Motion by first class certified mail through the U.S. Postal Service to opposing counsel at the following address:

Department of Homeland Security

#CITY, STATE#

[Address of Chief Counsel where you were originally ordered removed]