

# The government's extradition case failed. Now ICE is trying to deport him.

By [Abigail Hauslohner](#)

July 30, 2021 at 5:49 p.m. EDT



The Trump administration called him a terrorist and held him up as an example of how dangerous people were using the refugee resettlement program to infiltrate the United States.

But when the government attempted to extradite Omar Abdulsattar Ameen to Iraq to face murder charges, a federal judge determined the allegations against him were “simply not plausible.”

Now Ameen’s status in the United States is in jeopardy once more, with the Biden administration attempting to deport him — a move that allies say would almost certainly lead to his death.

The case, which has drawn an outcry from civil liberties groups, was the subject of a hearing at a southern California immigration court this week, with Ameen beamed in via teleconference from an upstate detention facility. The proceedings, which are expected to continue next month, featured lengthy disputes over the admissibility and credibility of government evidence.

Ameen has been through this before.

The 47-year-old Iraqi father of four drew headlines following his arrest by the FBI in 2018, with Trump administration officials highlighting his case to prove the vetting process was insufficient and that the U.S. needed to dramatically limit admissions.

The refugee vetting process “allowed a foreign national to slip through who was later discovered to be a member of

high-ranking leader in the extremist group who had led a hit squad to kill an Iraqi policeman, among other acts. The administration wanted Ameen, whose case was chronicled in [The New Yorker](#) last year, extradited to face trial in Iraq.

But then the government's case collapsed.

Magistrate Judge Edmund F. Brennan ruled in April this year that the case laid out by the Justice Department was “dubious”; its witnesses were “unreliable”; and the entire narrative presented “makes little sense.”

Brennan agreed in his decision with Ameen's defense lawyers, who argued that he and his family fled Iraq in 2012 and on the date of the murder were 600 miles away, in Mersin, Turkey. They had just been told of their imminent resettlement in the United States.

The judge called that “obliterative alibi evidence” and blocked Ameen's extradition, ordering that Ameen be “immediately released from custody.”

Instead, U.S. Immigration and Customs Enforcement agents picked him up and restarted deportation proceedings.

As justification, ICE has charged — in a filing made the day of the 2018 arrest and revived this spring — that Ameen lied or misled officials during the refugee application process because he did not acknowledge his or his relatives' alleged involvement in terrorism.

“We concluded that . . . Omar Ameen personally engaged in numerous acts of terrorism in and around the Rawah area, starting from 2009 up until the latest potentially in 2014,” former FBI special agent William Denton said from the immigration court witness stand Wednesday. “Mr. Ameen knew and had associations with a terrorist organization that he did not disclose.”

## 'Instead they have doubled down'

The introduction of Denton — a man who identified himself as Ameen's FBI interrogator, and whose identity defense attorneys said they did not know before Wednesday — was a surprise. But the intelligence he offered was not; Ameen's attorneys said it was largely recycled from the extradition trial.

The key difference, Ameen's attorneys say, is that he has now been exonerated by Brennan's decision.

Siobhan Waldron, one of Ameen's immigration attorneys, said that when Ameen was picked up by ICE, she thought the government had simply made a mistake. Perhaps they just hadn't had time to “read the extradition decision and realize, ‘Hey, whoops all of our intelligence was wrong. We're going to drop it,’ ” she said she thought.

Now she thinks she was naive to give them “the benefit of the doubt.”

“The Trump administration clearly had an agenda to discredit the refugee process. So it was clear why [the case] was happening before. And then under a new administration, there was a clear out,” she said. “There was a clear way to fix their prior errors. But instead, they have doubled down.”

The White House this week declined to comment. A spokesman for ICE, the division of the Department of Homeland Security that handles deportation proceedings and is prosecuting the case, said in an emailed statement: “Omar Abdulsattar Ameen's pending immigration proceedings are unrelated to the extradition request.”

In immigration court, ICE attorney Sean A. Koster said that the federal ruling against Ameen's extradition was “not

defense attorney present and is the subject of intense debate. Ameen's attorneys, who want to see the interview excluded from evidence, have said that any so-called admissions made during the interview were made under duress and after Denton suggested repeatedly that Ameen's family was in danger without his cooperation.

The defense attorneys are also battling ICE over the extent to which they will be able to cross-examine the government's witnesses.

Kersten said Wednesday that FBI agent witnesses called during Ameen's immigration hearing would decline to answer questions outside of the narrative contained within a government summary of its intelligence against Ameen. Ameen's attorneys say that is a violation of due process.

"They have a carefully constructed narrative, in which they've included many layers of hearsay, all carefully massaged or edited and pruned, and then presented to the judge," said Rachele Barbour, who helped to represent Ameen during the extradition case.

After the first two days of what Ameen's attorneys say is likely to be a lengthy immigration court case, the hearing adjourned until Aug. 25.

## 'Tenuous' claims

The evidence of Ameen's alleged terrorism, as laid out in government filings and statements, appears to derive largely from intelligence provided by the Iraqi government.

But Brennan found the government's claims to be "tenuous." For example, the sole purported eyewitness to the policeman's murder was a teenager who made a series of evolving "allegations against Ameen that are absurd on their face," Brennan wrote.

Ameen and his family fled Iraq for Turkey in 2012. Part of Iraq's Sunni minority, they came from a village in Anbar province, a region that had served as an epicenter for the Sunni insurgency against the U.S. occupation, the rise of al-Qaeda and ISIS, as well as the sectarian discrimination exhibited by the Shiite-dominated government in Baghdad.

Ameen and his family arrived in the United States in 2014 after a rigorous vetting process; according to a [fact sheet](#) published by the Obama administration in 2015, all refugees are subjected to background checks by the National Counterterrorism Center, the Department of Homeland Security, the FBI and the State Department, among other agencies.

Ameen's attorneys, who, during his extradition trial, presented evidence that the Iraqi allegations against him were motivated by familial animosity, as well as money, say that if he is sent back to Iraq, he will almost certainly be tortured and executed.

A 2018 U.N. report found the Iraqi justice system to be infused by sectarianism, corruption and brutality, with prosecutions of suspected terrorists often rooted in personal, familial or tribal grievances.

The Sacramento mayor and city council, the Council on American-Islamic Relations (CAIR) and the American Civil Liberties Union of Northern California have all called for Ameen's release from ICE detention.

Ameen was "wrongly scapegoated by the Trump administration in an attempt to destroy the U.S. Refugee Resettlement

The letter contends that Ameen's life is on the line, a point his attorneys say is all too true.

“If we just gave up today and just said, ‘Do what you’re going to do,’ they would be sending Omar back to Iraq where he’s going to get tortured and murdered,” Barbour said. “And the U.S. government doesn’t care. And I don’t understand that.”

---

---