

## Exhibit D

U.S. Department of Homeland Security  
500 12<sup>th</sup> Street, SW  
Mailstop 5900  
Washington, DC 20536



**U.S. Immigration  
and Customs  
Enforcement**

Hassoun, Adham  
c/o U.S. Immigration and Customs Enforcement  
Buffalo Field Office

A074 079 096

Nicole Hallet, Esq.  
University at Buffalo School of Law, Community Justice Clinic  
507 O'Brian Hall  
Buffalo, NY 14260

### **Notice of Intent and Factual Basis to Continue Detention**

Pursuant to the provisions of 8 C.F.R. § 241.14(d), U.S. Immigration and Customs Enforcement (ICE), an agency within the U.S. Department of Homeland Security, is initiating procedures to determine whether you will be subject to continued detention as an alien whose release presents a significant threat to the national security or a significant risk of terrorism. This notice advises you of the factual basis underlying ICE's evaluation of your detention under 8 C.F.R. § 241.14(d).

You were administratively arrested by the former Immigration and Naturalization Service on June 13, 2002. On June 27, 2003 you were issued a final order of removal to Lebanon after all immigration relief and protection, including your application for deferral of removal to Lebanon under the regulations implementing U.S. obligations under Article 3 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, was denied. On January 22, 2008, you were convicted in the Southern District of Florida of Conspiracy to Murder, Kidnap & Maim Persons in a Foreign Country, in violation of 18 U.S.C. § 956(a)(1), Conspiracy to Provide Material Support for Terrorism, in violation of 18 U.S.C. § 371, and Material Support to Terrorists, in violation of 18 U.S.C. § 2339A(a), and were sentenced to an 188-month term of incarceration followed by 20 years of supervised release. The charges against you stemmed from your role in a conspiracy recruiting fighters and providing material support to terrorist groups overseas engaging in "jihad" in Chechnya, Bosnia, Kosovo, Algeria, Afghanistan, Pakistan, Somalia, Eritrea and Libya. Upon completion of your sentence on October 10, 2017, you entered ICE custody.

Your case has been reviewed pursuant to *Zadvydas v. Davis*, 533 U.S. 678 (2001), and ICE has initiated proceedings to determine whether your detention should be continued pursuant to 8 C.F.R. § 241.14(d). ICE may continue to detain an alien if removal is not significantly likely in the reasonably foreseeable future and whose release would pose a special danger to the public, if: (i) the alien is a person described in section 212(a)(3)(A) or (B) or section 237(a)(4)(A) or (B) of the Immigration and Nationality Act or the alien has engaged or will likely engage in any other activity that endangers the national security; (ii) the alien's release presents a significant threat to

the national security or a significant risk of terrorism; and (iii) no conditions of release can reasonably be expected to avoid the threat to the national security or the risk of terrorism.

Your case appears to meet these three criteria because you assumed a leadership role in a criminal conspiracy to recruit fighters and provide material support to terrorist groups, and because you remain a continuing threat of recruiting, planning, and providing material support for terrorist activity. You will be provided with a reasonable opportunity to review any evidence against you. You have the opportunity to submit a statement and any additional information to ICE for consideration before ICE submits a formal recommendation to the Secretary of the Department Homeland Security to certify your continued detention. Please submit any statement or additional information within 30 days of this notice.

If the Secretary determines that you should remain detained under 8 C.F.R. § 241.14(d), your custody status will be reviewed every six months and further certifications may be made by the Secretary or Deputy Secretary. Detention decisions under paragraph (d) are not subject to further administrative review. 8 C.F.R. § 241.14(d)(7).



---

Matthew T. Albence  
Executive Associate Director and Senior Official Performing  
the Duties of Deputy Director,  
U.S. Immigration and Customs Enforcement

2/22/19  
Date

U.S. Department of Homeland Security  
500 12<sup>th</sup> Street, SW  
Mailstop 5900  
Washington, DC 20536



U.S. Immigration  
and Customs  
Enforcement

### **Notice of Procedures under 8 C.F.R. § 241.14(d)**

Pursuant to the provisions of 8 C.F.R. § 241.14(d), U.S. Immigration and Customs Enforcement (ICE), an agency within the U.S. Department of Homeland Security (DHS), is initiating procedures to determine whether you will be subject to continued detention as an alien whose release presents a significant threat to the national security or a significant risk of terrorism. This notice advises you of the procedures for deciding whether you will be subject to continued detention.

The “Notice of Intent and Factual Basis to Continue Detention” provides you with a description of the factual basis for your continued detention. You will have an opportunity to examine the evidence against you, with the exception of any classified material, and present information on your own behalf. 8 C.F.R. § 241.14(d)(2). You will be interviewed by an immigration officer who will take your sworn statement. During the interview, you may be represented by counsel or other representative, at no expense to the government, and ICE will provide a language interpreter if such assistance is determined to be appropriate. 8 C.F.R. § 241.14(d)(3).

ICE will create a written record of proceedings, and the ICE Director will make a written recommendation to the Secretary for certification, if appropriate. The ICE Director is required to consider all relevant information, including, but not limited to: (i) the recommendation of appropriate ICE enforcement officials and of the Federal Bureau of Investigation (FBI) or other federal law enforcement or national security agencies; (ii) any statements and information you submit; (iii) the extent to which your previous conduct poses a danger to the national security and any prior convictions indicating a likelihood that release would present a significant threat to the national security or a significant risk of terrorism; and (iv) other special circumstances of the case. 8 C.F.R. § 241.14(d)(4), (5).

After notification that ICE intends to recommend that the Secretary of Homeland Security (Secretary) continue detention under 8 C.F.R. § 241.14(d), you may submit a written statement and additional information for consideration. Please submit any written statement or additional information within 30 days of receipt of the Notice of Intent and Factual Basis to Continue Detention.

The Secretary’s certification is based on the record developed by ICE and the recommendations of the ICE and FBI Directors. Before making a certification for continued detention, the Secretary may order further procedures or review to ensure a complete record, consistent with the obligations to protect national security and classified information and to comply with the requirements of due process. 8 C.F.R. § 241.14(d)(6). The detention decision is subject to semi-annual review. Although the initial certification must be made by the Secretary, the Deputy Secretary may make re-certifications. 8 C.F.R. § 241.14(d)(7).

U.S. Department of Homeland Security  
500 12<sup>th</sup> Street, SW  
Mailstop 5900  
Washington, DC 20536



**U.S. Immigration  
and Customs  
Enforcement**

### **Notice of Rights under 8 C.F.R. § 241.14(d)**

You have the following rights prior to U.S. Immigration and Customs Enforcement (ICE) making a final recommendation to the Secretary of Homeland Security to continue your detention under 8 C.F.R. § 241.14(d):

- (1) You will be provided with written notice of ICE's intention to continue detention under 8 C.F.R. § 241.14(d) and a description of the factual basis for your continued detention.
- (2) You will have a reasonable opportunity to examine evidence against you and to present information, including a written statement, on your own behalf. ICE requests that any information or statement be submitted for the ICE Director's consideration within 30 days of receipt of the Notice of Intent and Factual Basis to Continue Detention. ICE will consider written requests for an extension of the response period.
- (3) You will be interviewed by an immigration officer, and a sworn question-and-answer statement will be taken. During your interview with an immigration officer, ICE will provide an interpreter, if necessary. You also have the right to be accompanied by counsel or another representative on your behalf in accordance with 8 C.F.R. part 292, at no expense to the government.