

U.S. judge rules Rumeysa Ozturk must be transferred from Louisiana to Vermont



People gather in Somerville, Massachusetts, on March 26th to demand the release of Rumeysa Ozturk, a Turkish student at Tufts University [Michael Casey/AP Photo]

Court says detained pro-Palestine student has shown 'significant evidence' violations to her

constitutional rights.

Washington, April 20 (RHC)-- federal judge in the United States has ordered the government to transfer a pro-Palestine Turkish student, Rumeysa Ozturk, to Vermont for the court to assess legal challenges to her detention.

In a ruling over the weekend, District Court Judge William S Sessions found that Ozturk – who is currently held in Louisiana – has presented “significant evidence” to back the allegations that her detention violated her free speech and due process rights.

Ozturk was arrested and had her visa revoked in March. Supporters say she was targeted over an op-ed she co-authored last year, criticising Tufts University for dismissing a student government resolution that called on the school to divest from Israeli companies.

For these claims to be assessed, Sessions wrote, Ozturk’s case needs to be heard in court. “The Court concludes that this case will continue in this Court with Ms Ozturk physically present for the remainder of the proceedings,” he wrote.

The judge gave the government until May 1st to transfer Ozturk and set a bond hearing on May 9th for her to argue for a temporary release.

Ozturk was sent to a detention facility in Louisiana, in what critics say is part of a government effort to keep detainees away from their supporters and lawyers – and place them in conservative-leaning legal districts.

The Tufts University student was arrested near her home in Massachusetts on March 30th. Surveillance footage of the incident shows masked immigration officers, who did not identify themselves as law enforcement, approaching her on the street and grabbing her hands. Critics have described the incident as an abduction.

Her student visa has been revoked as part of a massive crackdown by President Donald Trump’s administration on foreign students who have protested or criticised Israel’s war on Gaza.

Sessions confirmed that the only identifiable evidence that the US government is using to detain and deport Ozturk is the op-ed.

“Her evidence supports her argument that the government’s motivation or purpose for her detention is to punish her for co-authoring an op-ed in a campus newspaper which criticized the Tufts University administration, and to chill the political speech of others,” Sessions said.

“The government has so far offered no evidence to support an alternative, lawful motivation or purpose for Ms Ozturk’s detention.” He also stressed that the First Amendment, which protects free speech, “has long extended” to non-citizens living in the United States.

The case Sessions is overseeing is known as a habeas corpus petition. It challenges Ozturk’s detention, not the broader push to deport her.

Deportation matters are reviewed through a separate system, where non-citizens bring their cases in front of an immigration judge who works within the executive branch. It is not a separate part of the government, as the independent judiciary is.

Advocates say immigration judges often “rubber-stamp” the decisions of the executive branch under which they work. An immigration judge in Louisiana denied Ozturk’s release on bail earlier this week.

Immigration cases can be appealed to a board of immigration appeals, an administrative body. As a last resort, immigrants can petition to bring their case in front of a court of appeals that is part of the regular judicial system.

The Trump administration has been stressing that the law gives it leeway over immigration issues – and that, in turn, offers the presidency broad powers that supersede concerns about free speech and due process.

To authorise the deportations, Secretary of State Marco Rubio has invoked a rarely used provision of the Immigration and Nationality Act that grants him the authority to remove non-citizens whom he deems to “have serious adverse foreign policy consequences” for the United States.

But part of Friday’s ruling could have sweeping implications for Ozturk and other students facing deportation. Sessions dismissed the notion that detained immigrants can have their constitutional rights ignored because of an administrative process.

The judge said the government is arguing that an immigration law “grants practically limitless, unreviewable power to detain individuals for weeks or months, even if the detention is patently unconstitutional.”

[SOURCE: AL JAZEERA and REUTERS]

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