

CAIR-NY, New Haven Legal Assistance Immigrant Rights Clinic, Pollock Cohen LLP Announce Settlement of Lawsuit for Muslim Uzbek Assaulted by ICE Agents

NEW YORK – December 20, 2021 – The New York chapter of the Council on American-Islamic Relations (CAIR-NY), the New Haven Legal Assistance Immigrant Rights Clinic, and Pollock Cohen LLP today announced the settlement of a lawsuit filed against the United States and three Immigration and Customs Enforcement (ICE) agents for assaulting the plaintiff (Bakhodir Madjitov, a native of Uzbekistan) and violating his constitutional rights during an unlawful attempt to deport him in June 2019.

In a statement, Plaintiff Bakhodir Madjitov stated:

“It is hard for me to find the words to express the fear I felt on June 10, 2019, when the ICE agents tried to force me onto the plane to Uzbekistan, and the pain and humiliation I felt when they beat me and tased me simply because I told them the truth: that I had a stay of removal and they had no right to deport me. But they deported me a few days after I filed the case based on that assault, and since then, the harm has been even worse. I worry about my family all the time. I pray that God will keep them well until I can be with them again. I will never have a moment of peace as long as I am kept apart from them.”

In a statement, CAIR-NY Legal Director Ahmed Mohamed said:

“CAIR-NY is proud to represent Bakhodir in his fight toward justice. The violence and harm inflicted on Bakhodir and his family are the intended consequences of our cruel and inhumane immigration system. This settlement does not resolve the harms inflicted by ICE, but I hope it will aid Bakhodir as he continues his fight to be with his family.

“Bakhodir’s detention and deportation were shameful and unjust. Bakhodir has been separated from his family for far too long. He has yet to hold his youngest child in his arms. The President promised to undo Trump’s cruel deportations and reunite families. We are waiting for the President to keep his promise. While this lawsuit is over, CAIR-NY will continue to support and advocate for Bakhodir’s return.”

In a statement, Diana Blank, Supervising Attorney of the New Haven Legal Assistance Immigrant Rights Clinic said:

“This settlement represents an important step toward justice for the violence inflicted on Bakhodir Madjitov on the night of June 10, 2019, when ICE agents assaulted Bakhodir for resolutely refusing to board the plane to Uzbekistan they were trying to force him onto, in violation of the stay of removal prohibiting them from putting him on that plane. But the gratuitous violence inflicted on Bakhodir and his family has resonated well beyond that one shameful night.

“The violence was first unleashed in the early-morning hours of December 22, 2017, when ICE agents tore Bakhodir from his family, and it grew more virulent when ICE locked him up in the infamous Etowah County Detention Center, almost 1,000 miles away from his home in Connecticut. The violence became cataclysmic when ICE removed Bakhodir to Uzbekistan, just days after he filed this lawsuit, despite the fact that he was diligently pursuing the immigration relief for which he is eligible. And the violence continues to be visited upon Bakhodir and his family every day they are kept apart. Our clinic will continue to advocate tirelessly to bring Bakhodir back to the United States to reassemble the life that has been shattered by ICE’s ruthless campaign of violence.”

In a statement, Nika Zarazvand, Lead Organizer of the Coalition to Free Bakhodir said:

“The United States government continues to separate countless Muslim, Black, and other immigrant families even as the COVID-19 pandemic surges. ICE’s inhumane practice of deporting vulnerable people—sometimes to their deaths—must be put to an end. Families like Bakhodir Madjitov’s have been devastated by ICE’s inhumanity. The United States owes these families better. Financial compensation can help people begin to heal, but it cannot bring people home. The fight for immigrant justice will continue until citizenship is no longer a legal justification for systemic cruelty.”

Pollock Cohen is representing Madjitov pro bono in the matter.

Background on Case

Madjitov is a native of Uzbekistan and lawfully entered the United States in 2006. He is a Muslim, a husband to a U.S. citizen spouse, and a father to three native-born U.S. citizen sons. During his time in the United States, Madjitov was a respected member of his community who worked hard as a home health aide to care for his elderly and ailing patients, and he had been diligently pursuing the legalization of immigration status for which he is eligible.

Madjitov was arrested by ICE in 2017, one week before the birth of his third child—whom he has never held in his arms. In June 2019, ICE attempted to deport Madjitov despite a court-issued stay of removal, which prohibited ICE from deporting him at that time. During that attempted forcible removal, ICE officials took Madjitov to JFK Airport and tried to force him onto a plane bound for Uzbekistan. When Madjitov refused to

board, explaining to the ICE agents that he had a stay of removal, the agents responded by beating and tasing him. The physical assault resulted in Madjitov's requiring medical attention in the emergency room of a nearby hospital.

As an ICE detainee, Madjitov was subjected to solitary confinement, manual labor, retaliation, and threats, and contracted COVID-19. On September 17, 2020, Madjitov was moved to an ICE processing center, in an initial step to remove Madjitov to Uzbekistan. On September 18, 2020, he was moved to an ICE staging facility—a final step before removal.

On September 18, 2020, Madjitov's lawsuit was filed along with a request for a temporary restraining order (TRO) to stay Madjitov's removal until his lawsuit to vindicate his civil rights and hold ICE accountable was adjudicated. Madjitov's TRO motion was denied on September 21, 2020. An emergency appeal to the Second Circuit was also denied on the same day. Madjitov was transported to the airport for removal just before midnight on September 21, 2020, and was removed on an ICE charter flight just after midnight on September 22, 2020.

Madjitov is committed to reuniting with his family, and his immigration team at the New Haven Legal Assistance Immigrant Rights Clinic continues to represent him in his efforts to return to the United States.

To read the relevant statements and memorandum, click on the links to the right.