

Russian detainees in WA face no man's land. Will Trump help or hurt?

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Aleksei Ishimov, a Russian asylum-seeker, talks in the kitchen of his Kent home after being released from the Northwest ICE Processing Center in Tacoma. He spent eight months in... (Ellen M. Banner / The Seattle Times)



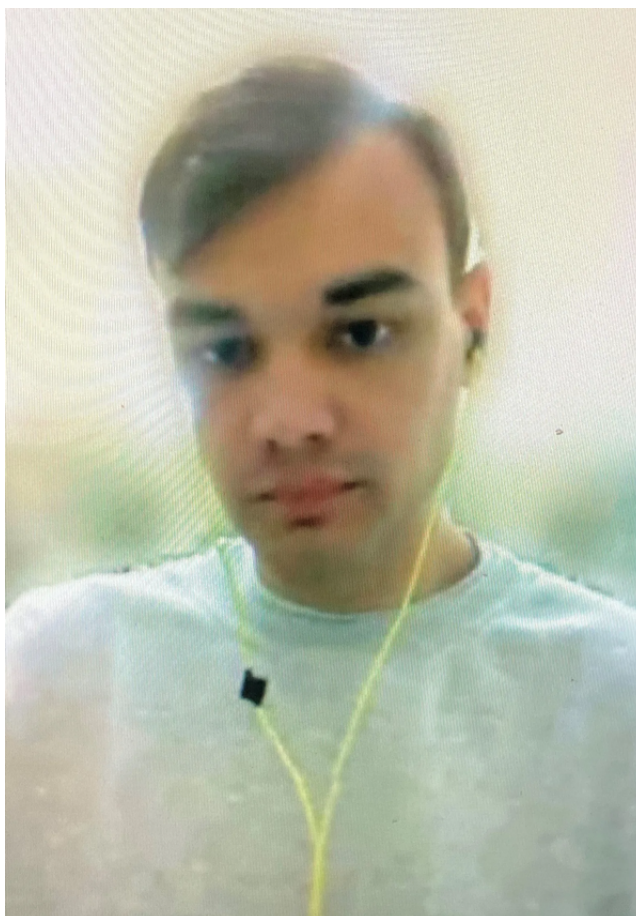
By **Nina Shapiro**

Seattle Times staff reporter

Fleeing Vladimir Putin's Russia, Albert Khamitov made an appointment to come to the U.S.

A gay man, the former insurance executive sought asylum last May from a country that effectively **made it a crime** to publicly express his identity, and where he said he suffered an antigay attack that broke his ribs. The American government at that time allowed asylum-seekers to book appointments at legal southern entry ports through the app CBP One.

While many using the app were allowed into American society pending the outcomes of their asylum cases, Khamitov was immediately placed in a jail-like detention facility. After four months, Khamitov thought he finally won release when an immigration judge granted him asylum, noting "clear evidence of state sponsored persecution" of LGBTQ+ people in Russia.



Albert Khamitov talks during a video call... (Screen capture from video by Nina Shapiro) **More** ✓

The government, however, appealed the decision and has kept him in detention for 10 months, most recently at the Northwest ICE Processing Center in Tacoma. His lawyer, Anastasiya Sack, said until last year, she had never seen the government appeal immigration court wins by asylum-seekers.

Now, the Florida lawyer sees it all the time — but only with Russians. That doesn't surprise New York immigration lawyer Abadir Barre, who is representing 276 plaintiffs from the former Soviet Union in a lawsuit against the federal government over detention.

“Things that have happened to the Russians, I’ve never seen happen before,” he said.

The complex immigration system does not always make clear why someone is being held. Security concerns are a factor.

Another possible, and more nebulous, factor is the geopolitical landscape. Thousands of Russians were detained for months during the Biden administration, which viewed their homeland with deep suspicion and fervently opposed the Putin regime's invasion of Ukraine.

President Donald Trump, increasingly friendly to Putin and hostile to Ukrainian leader Volodymyr Zelenskyy, upended diplomatic relations in the region. It's unclear whether that will help or hurt Russian asylum-seekers.

They occupy a kind of no man's land. Of note: Many of the Russians who have sought asylum in the U.S. oppose the Putin regime and its invasion of Ukraine.

Their uncertain fate offers a window into government policies that have wide implications as Trump attempts to carry out plans for mass detention and deportation.

Court case challenges ICE detention

The 276 former Soviet plaintiffs, in their lawsuit filed last year in a California federal court, allege the federal government is violating its own policies by categorically and capriciously detaining asylum-seekers from their countries.

Khamitov is not among the plaintiffs, but his story mirrors many of theirs. Most followed "proper procedures for entering the U.S." by using CBP One, the lawsuit says.

The first Trump administration set up the app largely to streamline border cargo inspections. Biden [expanded its use to migrants](#) to cut down on illegal border crossings and create a more orderly process for claiming asylum. This week, Trump relaunched the app, now known as CBP Home, as a way to [report](#)

“self-deportation.”

Many plaintiffs have been separated from spouses and some from children as young as 1, who have been placed in government-funded shelters, according to the court document and interviews with lawyers and several Russians held at the Tacoma detention center.

Dmitry Grigorenko, of Russian Seattle for Freedom, which has been trying to help locally detained Russians, said the nonprofit has been in contact with about a dozen. A detainee released early this year guesses close to 30 Russians were there when he was.

Nationwide, [U.S. Immigration and Customs statistics](#) show more than 6,600 people detained during a 12-month period ending last September are from former Soviet countries including Russia, Kyrgyzstan, Tajikistan, Georgia and Uzbekistan.

Sack, Khamitov’s lawyer, has been struck by the disparate treatment of spouses with different nationalities. One Russian woman she represents was detained while her Cameroonian husband was released. With another couple, the Mexican wife was released while the Russian husband was detained.

“If a Russian is released, it’s a miracle,” she said.

The government lawyer in the California case, Brandon Zeller, has in legal papers and a February hearing denied the existence of a blanket policy for people from former Soviet countries. He said most plaintiffs were considered individually for release without specifying why the vast majority have continued to be held. He also stressed U.S. Immigration and Customs Enforcement has broad discretion over who to detain.

ICE declined to comment for this story.

Russians who have been detained express a bitter irony: They came to the U.S.

to avoid prison only to be imprisoned here.

“I did everything as prescribed, and then I was detained,” said Khamitov, interviewed with an interpreter by phone from the Tacoma detention center. “They don’t believe me, even after the case I won.”

A New York nonprofit called Immigration Equality wrote to ICE asking for Khamitov’s release on the basis of his health. He has HIV.

Khamitov said he did not receive medication for a period of about a month, first at a detention center in Nevada and then at the Tacoma facility, where he has been held since early February. He received medication for a time while detained but blood tests indicated it was not working. He eventually received new medication, with uncertain results by early March.

An ICE official’s reply to Immigration Equality’s letter denied the request for release with scant explanation. “ICE, like any other law enforcement agency, has prosecutorial discretion and may exercise it in the ordinary course of enforcement,” the official wrote.

If Khamitov had crossed the border illegally, the question of detention would not entirely fall to ICE. He would have been allowed to request bond before an immigration judge, provided the law did not require mandatory detention, as in the case of migrants with certain criminal convictions.

But by a quirk of immigration law, most migrants who arrive at legal crossing points are ineligible for judicial bond hearings. An ICE officer determines whether to detain or release them into the country through a process known as “parole,” and, if the latter, whether to implement conditions like an ankle bracelet.

The California lawsuit argues a 2009 ICE directive sets guidelines for that discretion which the agency is ignoring with asylum-seekers from the former

Soviet Union. The directive calls for individual reviews and written decisions. It also states asylum-seekers should generally be released if they are found during initial interviews to have a credible fear of persecution and are not deemed a security or flight risk.

The directive, however, also allows for “additional factors,” including “serious adverse foreign policy consequences,” that may influence detention decisions.

“Parole remains an inherently discretionary decision,” the directive states. On that basis, U.S. District Judge Andrew Schopler dismissed the case for lack of jurisdiction at the February court hearing. The plaintiffs are appealing.

The case could affect migrants of every nationality by rendering judgment on the directive’s meaning and the breadth of ICE’s discretion. Of course, the Trump administration could issue a new directive mandating more detention and giving ICE even more latitude.

Barre said he doubts that will happen soon. A settlement in [another case](#), filed during the first Trump administration on behalf of detained asylum-seekers in Louisiana and Alabama, ties the government to the directive for the time being, he believes.

Even so, Barre and local lawyers say there’s been a precipitous drop in parole since Trump started his second term.

“ICE is basically holding onto everybody,” said Matt Adams, legal director of the Northwest Immigrant Rights Project.

Concerns about spies and extremism

Jason Blazakis, director of a Middlebury College center focused on terrorism and extremism, said there are valid reasons why the federal government might have particular security concerns about migrants from the former Soviet Union.

Extremist groups like ISIS and those affiliated with Chechen rebels have been operating throughout the region. He noted an ISIS-K terrorist [attack on a Moscow concert hall](#) last year.

Another concern might be that Russian spies are attempting to infiltrate the U.S. through the asylum system, Blazakis said.

Russians who have been detained dismiss this theory as far-fetched.

Khamitov, who waited seven months in Mexico for an appointment through the overwhelmed CBP One system, said it was strange to imagine a spy might go through that ordeal and then spend months in detention. “There must be some other ways those people would get into the country,” he said.

But posing as a dissident would offer especially good cover, countered Blazakis, who previously worked in intelligence and security for the federal government. If there’s one thing he learned from that work, he said, it’s that the Russian intelligence apparatus is “very creative, savvy and quite good at playing the long game.”

That said, Blazakis continued, he had no doubt the vast majority of Russian asylum-seekers are legitimate. That could make their future during the Trump administration all the more uncertain.

They could benefit from Trump’s shifting allegiances as he [blames Ukraine](#) for the war started by Russia’s invasion. Or, they could fall under even more disfavor because they’re seen as Putin’s enemies.

“My heart goes out to them,” Blazakis said. “There is that chance they could be sent back. And that really worries me a lot.”

Pained by family separation

Aleksei Ishimov, who spent eight months in detention, roughly half of it in

Tacoma, said Russian police were closing in on him and his wife before they left the country.

His wife, Nadezhda Ishimova, was especially vulnerable. She was a volunteer for the Anti-Corruption Foundation, according to Ishimov and a letter he provided from a foundation official. Alexei Navalny, the crusading Putin critic who died last year in a Russian prison, founded the organization. A Moscow court [banned it as “extremist.”](#)

Ishimov, a 30-year-old who ran a construction equipment rental business in Russia, said he and his 28-year-old wife were arrested and briefly detained during an antigovernment protest in 2021. Later that year, she received a menacing email linked to the hacking of a pro-Navalny database that had her name.

The couple decided to leave Russia the following year, initially for a neighboring country. Ishimov returned to Russia for medical treatment after some time. A police officer called, asked about his wife and ordered him to report to a police station.

“I was really scared,” Ishimov said. He left Russia the next day. He and his wife decided to go to what he called “the safest place in the world:” the United States.

The couple flew to Mexico, which routinely grants travel authorizations to Russians, and entered the U.S. via CBP One last May. ICE sent Ishimov to a California detention center and then Tacoma’s. Ishimova went to one in Louisiana, where she remains. The separation pains him.

“We are family,” Ishimov said. If they have to be in detention, he added, at least hold them in the same facility.

The couple became plaintiffs in the California suit. Ishimov said he thought it might lead to their release and was in fact let go in late January, with an ankle bracelet requirement.

His wife, however, remains detained at the South Louisiana ICE Processing Center. Out of 800 detainees there, 550 were from the former Soviet Union as of late last year, according to the lawsuit.

The GEO Group, under contract with ICE, runs that facility as well as the Northwest ICE Processing Center. But Ishimova faced far worse conditions than her husband, as she described it in long letters to him. She wrote of cold temperatures, inadequate drinking water and sparse supplies of toilet paper — also detailed by a group of detainees there in legal papers. GEO did not respond to a request for comment.

Because they are in different jurisdictions, they also have separate asylum cases. Conceivably, one spouse could be deported to Russia while the other is allowed to stay.

Ishimova had a court hearing this month and the judge's decision is pending. Talking shortly before in the Kent apartment where he now lives, Ishimov said he knew his wife might win and still lose.

The government could appeal and keep her detained.

Nina Shapiro: [206-464-3303](tel:206-464-3303) or nshapiro@seattletimes.com.

