

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

D.A., T.L., I.O., D.S., and K.S.;

*Plaintiffs,*

v.

KRISTI NOEM, Secretary of Homeland Security, in her official capacity; TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement, in his official capacity; PAMELA BONDI, Attorney General, in her official capacity; and MARCO RUBIO, Secretary of State, in his official capacity

*Defendants.*

Civil Action No. 1:25-cv-03135

**MOTION FOR PROVISION OF MEMORANDUM OF UNDERSTANDING  
BETWEEN UNITED STATES OF AMERICA AND GHANA**

At the September 12, 2025 hearing concerning Plaintiffs’ motion for temporary restraining order, this Court ordered that if the agreement between the United States of America and Ghana relating to the deportation of individuals from the United States to Ghana “has been reduced to writing . . . [the] government is ordered to turn it over to the plaintiffs.” Tr. 28:1-6, ECF No. 32-3. As of the time of filing, the Government has yet to provide either that agreement or evidence that such an agreement does not exist.

Indeed, mounting evidence suggests that an agreement does exist and that it has been reduced to writing; production to Plaintiffs should therefore be compelled immediately. Official Ghanaian statements have referred to the existence of an “agreement.” Richard Aniagyei, *Ghana Accepts First Batch of US Deportees Under New Agreement*, Information Services Department -

Ghana (Sept. 15, 2025).<sup>1</sup> And public statements by the Ghanaian Foreign Minister, Samuel Okudzeto Ablakwa, made today, September 15, 2025, referred to a “memorandum of understanding” between the United States and Ghana concerning the deportations to Ghana. *See, e.g., Maxwell Agbagba, Cabinet approves U.S. deportees MoU, it’s not a full agreement - Ablakwa clarifies*, Joy Online (September 15, 2025) (“Speaking at the Government Accountability Series on Monday, September 15, Mr. Ablakwa explained that the current arrangement is only a Memorandum of Understanding (MoU) and not a binding treaty. ‘Let me emphasize that under *this understanding with the United States*, Ghana must first vet the background of those the U.S. intends to deport[.]’”) (emphasis added);<sup>2</sup> *see also Decision to take deportees not an endorsement of Trump’s policy, Ghana says*, Reuters (Sept. 15, 2025) (“Opposition lawmakers in Ghana last week called for the agreement with the U.S. to be suspended and said it should have been approved by parliament. Ablakwa said on Monday it was a memorandum of understanding that did not require lawmakers’ approval[.]”).<sup>3</sup>

The Court should order its production immediately in light of Defendants’ failure to provide the agreement to date pursuant to the Court’s oral order of September 12 (Tr. 28:1-6: “[I]f there’s a written agreement, plaintiffs are allowed to—or government is ordered to turn it over to the plaintiffs.”) and the risk of further unnecessary delay as in the case of the Pratt Declaration,

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<sup>1</sup> Richard Aniagyei, *Ghana Accepts First Batch of US Deportees Under New Agreement*, Information Services Department - Ghana (Sept. 15, 2025), <http://isd.gov.gh/ghana-accepts-first-batch-of-us-deportees-under-new-agreement/>

<sup>2</sup> Maxwell Agbagba, *Cabinet approves U.S. deportees MoU, it’s not a full agreement – Ablakwa clarifies*, MyJoyOnline (Sept. 15, 2025, 1:02 P.M. (GMT)), <https://www.myjoyonline.com/cabinet-approves-u-s-deportees-mou-its-not-a-full-agreement-ablakwa-clarifies/>.

<sup>3</sup> *Decision to take deportees not an endorsement of Trump’s policy, Ghana says*, Reuters (Sept. 15, 2025, 8:52 A.M.) <https://www.reuters.com/sustainability/society-equity/decision-take-deportees-not-an-endorsement-trumps-policy-ghana-says-2025-09-15/>.

caused by Defendants' submission of that declaration *in camera* and *ex parte* without notification to Plaintiffs. As the Court has recognized, the agreement is important to this matter.

Dated: September 15, 2025

Respectfully submitted,

/s/ Noah Baron.

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