

## ***Trinh v. Homan***

### **Community Advisory**

#### What is this case about?

This class action lawsuit (*Trinh*) was filed in February 2018 to challenge the immigration detention of Vietnamese immigrants who were ordered removed but cannot be sent back to Vietnam. The United States and Vietnam have an agreement about who can be sent back to Vietnam. Under the agreement, Vietnamese immigrants who came to the United States before July 12, 1995 cannot be deported to Vietnam.

Around March 2017, Immigration and Customs Enforcement (ICE) suddenly began detaining pre-1995 Vietnamese immigrants with removal orders for long periods of time. ICE also began re-arresting people who were released years ago because Vietnam refused to take them back. The lawsuit demands that ICE: (1) immediately release all pre-1995 Vietnamese immigrants; and (2) give people an opportunity to be released on bond.

#### Who is included in this class action lawsuit?

The federal judge reviewing this case has not yet approved the lawsuit to be a class action. We have asked the federal judge to allow us to represent all pre-1995 Vietnamese immigrants who have been in ICE custody for more than 90 days after they were ordered removed. You do not have to “opt-in” or take any steps to be a class member. Class members will benefit from any positive outcome of this case.

#### When can I expect a decision in this class action lawsuit?

We are asking the judge to make decisions on some demands in the next few months. Specifically, in April, we asked the judge to permit us to represent all pre-1995 Vietnamese immigrants who have been detained for more than 180 days after their removal orders and to release these individuals from ICE custody. However, this lawsuit may take years to completely resolve.

#### Will this class action lawsuit stop my deportation?

No. This lawsuit does not reverse your removal order. Nor does it delay your potential deportation to Vietnam. This lawsuit only challenges ICE’s unlawful

practice of detaining pre-1995 Vietnamese immigrants who are unlikely to be deported to Vietnam.

The United States is pressuring Vietnam to take back pre-1995 Vietnamese immigrants, even though that is not allowed under the agreement between the two countries. Please consult with an immigration lawyer on whether you have any way to challenge your removal order.

### Can I file my own habeas corpus petition?

Yes. This lawsuit does not prevent you from filing your own habeas corpus petition in federal court.

### Can I request a bond hearing?

Yes. Immigrants detained in California, Arizona, Washington, Alaska, Hawaii, Idaho, Montana, Nevada, and Oregon should be given a bond hearing after they have been detained for 180 days, but they must request the hearing. The request should be filed with the immigration court closest to the detention facility. More information about how to request this bond hearing (called a “*Diouf* bond hearing”) can be found in this [ACLU guide](#). Immigrants detained in other states can request a bond hearing but may not receive one.

### How can I get in touch with the attorneys who filed this class action lawsuit?

You can call Asian Americans Advancing Justice – Los Angeles at any of the following toll-free numbers:

- Vietnamese / Cần sự giúp đỡ: 800.267.7395
- Chinese / 需要協助嗎: 800.520.2356
- English / Other Languages: 888.349.9695

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