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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BOA NHAT DOAN THAI,

PETITIONER,

v.

U.S. Dept. of Homeland Security, KRISTI
NOEM, in her capacity as Secretary of
Department of Homeland Security; TODD
LYONS in his capacity as the Acting
Director of ICE; JOSH JOHNSON in his
capacity as U.S. Immigration and Customs
Enforcement, Dallas Field Office Director;
THOMAS BERGAMI, in his capacity as
Warden of the Prairieland Detention Center,

RESPONDENTS.

Civil Case No.

3:25CV2221-X

PETITION FOR A WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C. § 2241,
BY A PERSON SUBJECT TO INDEFINITE
IMMIGRATION DETENTION

APPENDIX—EXHIBITS IN SUPPORT OF HABEAS PETITION

Ex. #	Description
1	2008 Agreement Between the United States of America and Vietnam: Repatriation (Signed at Hanoi January 22, 2008)
2	Asian Americans Advancing Justice Advisory for Advocates: Memorandum of Understanding Regarding Deportation of Pre-1995 Vietnamese (July 2021) ¹
3	H.R. 8922 – To halt removal of certain nationals of Vietnam, Cambodia, and Laos, and for other purposes, (Sept. 20, 2022) ²

¹ This Exhibit includes the redacted version of the 2020 MOU provided by the government in response to a FOIA lawsuit seeking the agreement.

² This Bill never became a law.

Ex. #	Description
4	Asian Law Caucus: Resources on Deportation of Vietnamese Immigrants Who Entered the U.S. Before 1995, Guides & Reports (June 12, 2025) https://www.asianlawcaucus.org/news-resources/guides-reports/trinh-reports
5	<u>Reports on Recent Deaths in ICE Custody:</u> • "Investigation underway after Vietnamese national in ICE custody died in the hospital" Laura Stickler and Patrick Smith, NBC News https://www.nbcnews.com/news/us-news/investigation-underway-vietnamese-national-ice-custody-died-hospital-rcna220180 (July 22, 2025) • ICE Newsroom, Miami, FL, Detainee Death Notifications, Canadian national in ICE custody passes away, https://www.ice.gov/news/releases/canadian-national-ice-custody-passes-away (June 25, 2025)
6	<u>Reports on ICE Detaining Noncitizens at Field Offices which are NOT Overnight Detention Facilities & Dire Conditions of Increasingly Overcrowded ICE Detention:</u> • "Inside the Burlington office ICE has used to detain immigrants," Miriam Wasser, New Hampshire Public Radio, https://www.nhpr.org/2025-07-21/inside-the-burlington-office-ice-has-used-to-detain-immigrants (July 21, 2025) • <i>Concerns Grow Over Dire Conditions in Immigrant Detention</i>, N.Y. Times, Miriam Jordan and Jazmine Ulloa, (June 28, 2025) https://www.nytimes.com/2025/06/28/us/immigrant-detention-conditions.html
7	ICE Detainee Locator System – Showing in ICE Custody at the Prairieland Detention Center
8	Printout from DOJ EOIR Automated Case Information System Showing Final Order of Removal Issued on May 20, 2003.

Respectfully submitted,
/s/ Dan Gividen
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Ex. 1

TREATIES AND OTHER INTERNATIONAL ACTS SERIES 08-322

REPATRIATION

Agreement Between
the UNITED STATES OF AMERICA
and VIETNAM

Signed at Hanoi January 22, 2008

with

Annexes



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“...the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

VIETNAM

Repatriation

*Agreement signed at Hanoi January 22, 2008;
Entered into force March 22, 2008.
With annexes.*

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM
ON
THE ACCEPTANCE OF THE RETURN OF VIETNAMESE CITIZENS

The Government of the United States of America (hereinafter called "the U.S. Government") and the Government of the Socialist Republic of Vietnam (hereinafter called "the Vietnamese Government"),

With a wish of developing friendly relations between the two countries, and to establish procedures for competent authorities of both countries on the prompt and orderly acceptance of Vietnamese citizens who have been ordered removed by the U.S. Government,

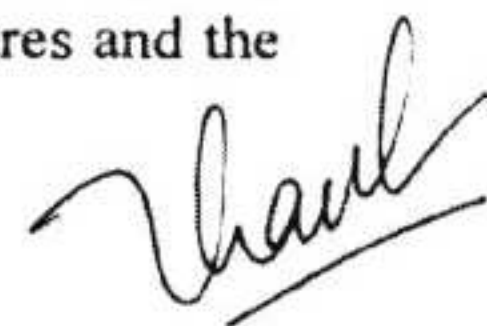
In order to establish common procedures for the relevant authorities based on the legal principles of each country and the international responsibility to accept the return of repatriated citizens; and to follow recognized principles of international law, to allow for a case-by-case determination of repatriation, and to recognize the right of the receiving country to determine nationality,

Have agreed to the following:

Article I
General Provisions

1. The U.S. Government will carry out the repatriation of Vietnamese citizens who violated U.S. law in accordance with U.S. and international law and the provisions of this Agreement. The repatriation should take into account the humanitarian aspect, family unity and circumstances of each person in each individual case.

2. The Vietnamese Government may consider the return of its citizens who violated U.S. law based on the consideration of legal procedures and the



status and circumstances of each individual case. The subject individuals and the acceptance procedure will be based on the terms of this Agreement.

3. Repatriation will be carried out in an orderly and safe way, and with respect for the individual human dignity of the person repatriated. The U.S. Government will allow Vietnamese citizens who have been ordered removed a reasonable time to arrange their personal affairs before returning them to Vietnam.

4. Persons repatriated under this Agreement have the right to transfer their legal money and personal property to Vietnam.

5. The U.S. Government will pay for the cost of returning to Vietnam persons repatriated under this Agreement, as provided in Article 5 and Annex 1. The U.S. Government will also pay for the cost of returning to the United States any person who was mistakenly repatriated, in accordance with Article 3 of this Agreement.

Article 2

Removable Persons and Conditions of Acceptance

1. The Vietnamese Government will accept the return of Vietnamese citizens in accordance with Article 1 and item 2 of Article 2 of this Agreement, if upon investigation the individual meets the following requirements:

(a) The individual is a citizen of Vietnam and is not a citizen of the United States or of any other country;

(b) The individual previously resided in Vietnam and has no current residence in a third country;

(c) The individual has violated U.S. laws and has been ordered by competent authority removed from the United States; and

(d) If the individual has been convicted of a criminal offense (including immigration violation), the person will have completed any imprisonment before removal, and any reduction in sentence will have been ordered by competent authority.

2. Vietnamese citizens are not subject to return to Vietnam under this Agreement if they arrived in the United States before July 12, 1995, the date on which diplomatic relations were re-established between the U.S.

Government and the Vietnamese Government. The U.S. Government and the Vietnamese Government maintain their respective legal positions relative to Vietnamese citizens who departed Vietnam for the United States prior to that date.

3. In the case of a citizen of Vietnam who immigrated to the United States from a third country where that person had a permanent residence and who has been ordered removed from the United States, the U.S. Government will seek to return that person to the third country or consider allowing that person to stay in the United States, before requesting removal to Vietnam.

4. In any case where the Vietnamese Government obtains information relevant to the repatriation of an individual that was not previously considered by the U.S. Government, the Vietnamese Government may request a humanitarian reconsideration based on the specific circumstances of the repatriated person in accordance with United States law.

Article 3

Return of Persons Repatriated in Error

Upon notice by the Vietnamese Government that a person returned to Vietnam by the U.S. Government does not meet all criteria mentioned in Article 2 of this Agreement, the U.S. Government should promptly receive the return of that person to the United States without any special procedure.

Article 4

Acceptance Procedures

1. When the U.S. Government believes that a removable person is a citizen of Vietnam and meets all criteria within Article 2 of this Agreement, the U.S. Department of Homeland Security, on behalf of the U.S. Government, will request appropriate travel documents from the Vietnamese Government and will forward the appropriate files to that Government. Such files will include three sets of documents, the original and two copies. The original and one copy shall be forwarded to the Vietnamese Ministry of Public Security (Immigration Department) by the U.S. Embassy in Vietnam, and the other copy will be sent to the Vietnamese Ministry of Foreign Affairs (Consular Department).

Each file will contain a diplomatic note which requests that the Vietnamese Government accept the returnee, the name of the person the U.S. Government believes should be repatriated to Vietnam, the appropriate forms completed by such person (an example of which is provided in Annex 2 of

this Agreement), a copy of the order of removal, and other documents regarding the person's biography, citizenship, criminal history, sentence imposed, and decision of amnesty or reduction of criminal sentence. The order of removal will be translated into Vietnamese on the standard form, and the criminal history will include a National Crime Information Center (NCIC) record in English accompanied by a code key translated into Vietnamese. All documents and translations will be certified by the competent U.S. authorities.

2. Upon request by the Vietnamese Government, the U.S. Government will arrange and facilitate the interview of persons who fall within Article 2(1) of this Agreement by Vietnamese immigration officials to determine information regarding the Vietnamese citizenship, biographical data, and last place of residence of such persons. The U.S. Department of Homeland Security will arrange a venue for those interviews. The U.S. Government also will facilitate interviews by U.S.-based consular officers of the Vietnamese Government of deportable persons whom the U.S. believes to be Vietnamese citizens.

3. The Vietnamese Government will provide a prompt response to the U.S. Government on cases referred under this Article after the Vietnamese verification is made. If it is determined that a person whose name and file has been provided to the Vietnamese Government in accordance with this Article meets the requirements of Article 2, the Ministry of Public Security of the Vietnamese Government will issue a travel document authorizing that person's return to Vietnam, and will provide written notification to the U.S. Embassy in Vietnam.

4. When the Vietnamese Government has issued a travel document under this Agreement, the U.S. Government will provide at least fifteen (15) days notice of the flight and travel arrangements by which the person will be returned to Vietnam. The U.S. Embassy in Vietnam will inform the Ministry of Public Security (Immigration Department) and the Ministry of Foreign Affairs (Consular Department) of the date and number of the flight, the time of arrival, the port of entry (Noi Bai Airport in Hanoi or Tan Son Nhat Airport in Ho Chi Minh City), and the details regarding any U.S. officers escorting the person to be returned (such as names, dates of birth, passport numbers, estimated times of stay in Vietnam, etc), and allow the Vietnamese side to confirm receipt of the returnees.

When a person under medical treatment is returned to Vietnam under this Agreement, the escorting U.S. officers will provide a copy of the person's health record to the receiving Vietnamese officials at the port of entry. The

escorting and receiving officers will sign a joint report verifying the person's repatriation.

Article 5 Expenses

1. The U.S. Government will pay for the cost of transporting Vietnamese citizens to Vietnam under this Agreement.

2. The U.S. Government will pay for the costs of receiving repatriated persons including: verifying fee, the receipt at the airport and transportation of the persons from airport to the place of residences in accordance with the enclosed Annex 1.

3. The U.S. Government will pay for the cost of arranging interviews by relevant Vietnamese officials of persons whom the U.S. Government believes to be Vietnamese citizens and subject to repatriation under this Agreement.

4. The U.S. Government will pay for the cost of returning to the United States persons who were repatriated in error, as provided in Article 3 of this Agreement.

Article 6 Entry into Force and Duration

1. This Agreement will enter into force sixty (60) days from the date of signature by both Governments.

2. Upon entry into force, this Agreement will be valid for five years. The Agreement will be extended automatically for terms of three years thereafter unless written notice not to extend is given by one Government to the other at least six months prior to the expiration date of the Agreement.

Article 7 Amendment and Supplementation

This Agreement may be amended or supplemented by written agreement of the Vietnamese Government and the U.S. Government through appropriate diplomatic channels.

**Article 8
Resolution of Disputes**

Any disputes regarding the interpretation and implementation of this Agreement will be resolved through appropriate diplomatic channels.

**Article 9
Suspension or Termination**

This Agreement may be suspended or terminated by either Government. Such suspension or termination of this Agreement will come into effect after thirty days (30) from the date one Government receives the written notification from the other Government of its intention to suspend or terminate.

Done at Hanoi, on 22 January 2008 in duplicate in the English and Vietnamese languages, both texts being equally authentic.

**FOR THE GOVERNMENT OF
THE UNITED STATES OF
AMERICA**

Julie Myer

**FOR THE GOVERNMENT OF
THE SOCIALIST REPUBLIC OF
VIETNAM**

[Signature]

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Annex 1

EXPENSES FOR REPATRIATION

Content	Expenses for Repatriation
1/ Expenses for verification (including verification through the Vietnamese Embassy in the U.S.) and receipt at airports in Vietnam	\$140/person
2/ Transportation fee for the repatriated person from airport to the place of residence	\$10/person
Total:	\$150/person

FILE

Chaul

HIỆP ĐỊNH
GIỮA
CHÍNH PHỦ HỢP CHUNG QUỐC HOA KỲ
VÀ
CHÍNH PHỦ NƯỚC CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
VỀ
NHẬN TRỞ LẠI CÔNG DÂN VIỆT NAM

Chính phủ Hợp chủng quốc Hoa Kỳ (sau đây gọi tắt là “Chính phủ Hoa Kỳ”) và Chính phủ nước Cộng hòa xã hội chủ nghĩa Việt Nam (sau đây gọi tắt là “Chính phủ Việt Nam”),

Với lòng mong muốn phát triển quan hệ hữu nghị giữa hai nước, quy định những thủ tục cho các cơ quan có thẩm quyền của hai nước về việc nhận trở lại nhanh chóng và có trật tự những công dân Việt Nam được Chính phủ Hoa Kỳ ra lệnh trục xuất khỏi Hoa Kỳ,

Nhằm mục đích quy định những thủ tục chung cho các cơ quan có thẩm quyền dựa trên những nguyên tắc pháp lý của mỗi nước và trách nhiệm quốc tế về việc nhận trở lại công dân hồi hương và thể theo những nguyên tắc chung đã được công nhận của luật pháp quốc tế, cho phép việc hồi hương được xác định trên cơ sở từng trường hợp cụ thể và công nhận quyền của nước nhận trong việc xác định quốc tịch,

Đã thỏa thuận như sau:

Điều 1
Những quy định chung

1. Chính phủ Hoa Kỳ thực hiện việc hồi hương công dân Việt Nam vi phạm pháp luật Hoa Kỳ trên cơ sở phù hợp với pháp luật Hoa Kỳ, luật pháp quốc tế và các điều khoản của Hiệp định này. Việc hồi hương cần tính đến khía cạnh nhân đạo, tính thống nhất gia đình và hoàn cảnh của từng người trong từng trường hợp cụ thể.

2. Chính phủ Việt Nam có thể xem xét nhận trở lại những công dân Việt Nam vi phạm pháp luật Hoa Kỳ, trên cơ sở xem xét các thủ tục pháp lý, quy

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chế và hoàn cảnh của từng trường hợp cụ thể. Đối tượng và thủ tục nhận trở lại được xác định theo những quy định của Hiệp định này.

3. Việc hồi hương được thực hiện trong trật tự, an toàn và tôn trọng nhân phẩm của người hồi hương. Chính phủ Hoa Kỳ cho phép công dân Việt Nam bị trục xuất thu xếp các công việc cá nhân của họ ở Hoa Kỳ trước khi đưa họ trở về Việt Nam trong một khoảng thời gian hợp lý.

4. Người hồi hương theo Hiệp định này có quyền chuyển về Việt Nam tiền và tài sản cá nhân hợp pháp của mình.

5. Chính phủ Hoa Kỳ chịu các chi phí liên quan đến việc đưa trở về Việt Nam những người hồi hương phù hợp với quy định tại Điều 5 và Phụ lục 1 của Hiệp định này. Chính phủ Hoa Kỳ cũng chịu mọi chi phí cho việc nhận trở lại Hoa Kỳ bất cứ người nào bị hồi hương do nhầm lẫn phù hợp với quy định tại Điều 3 của Hiệp định này.

Điều 2

Những người có thể bị trục xuất và các điều kiện nhận trở lại

1. Chính phủ Việt Nam nhận trở lại những công dân Việt Nam phù hợp với Điều 1 và khoản 2 Điều 2 Hiệp định này, nếu sau khi điều tra những người này đáp ứng những điều kiện sau:

(a) Là công dân Việt Nam và đồng thời không phải là công dân Hoa Kỳ hoặc công dân của bất kỳ nước nào khác;

(b) Trước đây đã cư trú tại Việt Nam và hiện không có nơi cư trú ở nước thứ ba;

(c) Đã vi phạm pháp luật Hoa Kỳ và bị cơ quan có thẩm quyền ra lệnh trục xuất; và

(d) Nếu người này đã bị kết án do phạm tội hình sự (kể cả các vi phạm pháp luật nhập cư) thì trước khi bị trục xuất người này phải thi hành xong án phạt tù hoặc được giảm án phạt tù theo quyết định của cơ quan có thẩm quyền.

2. Những công dân Việt Nam đã đến Hoa Kỳ trước ngày 12/7/1995, ngày mà hai nước thiết lập quan hệ ngoại giao, không thuộc đối tượng nhận trở lại về Việt Nam theo Hiệp định này. Chính phủ Hoa Kỳ và Chính phủ Việt Nam vẫn giữ lập trường pháp lý của mình liên quan đến những công dân Việt Nam rời Việt Nam đến Hoa Kỳ trước thời điểm nói trên.



3. Trong trường hợp công dân Việt Nam di cư sang Hoa Kỳ từ một nước thứ ba là nơi người này đã thường trú và nếu người này được lệnh trục xuất khỏi Hoa Kỳ thì Chính phủ Hoa Kỳ sẽ tìm cách đưa người này quay lại nước thứ ba đó hoặc xem xét cho người này ở lại Hoa Kỳ, trước khi yêu cầu đưa người này về Việt Nam.

4. Trong bất kỳ trường hợp nào nếu Chính phủ Việt Nam có được những thông tin liên quan đến việc hồi hương của một người mà trước đây thông tin này chưa được Chính phủ Hoa Kỳ xem xét, thì Chính phủ Việt Nam có thể yêu cầu xem xét lại mặt nhân đạo dựa trên những hoàn cảnh cụ thể của người bị hồi hương phù hợp với pháp luật Hoa Kỳ.

Điều 3

Nhận trở lại trong trường hợp hồi hương nhằm lẫn

Khi nhận được thông báo của Chính phủ Việt Nam là một người đã bị Chính phủ Hoa Kỳ trao trả về Việt Nam nhưng không đáp ứng tất cả các điều kiện quy định tại Điều 2 Hiệp định này, Chính phủ Hoa Kỳ nhanh chóng nhận lại người đó trở lại Hoa Kỳ mà không cần qua bất kỳ thủ tục đặc biệt nào.

Điều 4

Thủ tục nhận trở lại

1. Khi Chính phủ Hoa Kỳ cho rằng một người có thể được lệnh trục xuất khỏi Hoa Kỳ là công dân Việt Nam và đáp ứng tất cả các điều kiện quy định tại Điều 2 Hiệp định này, Bộ An ninh nội địa Hoa Kỳ, thay mặt Chính phủ Hoa Kỳ, yêu cầu Chính phủ Việt Nam cấp giấy tờ đi lại phù hợp và sẽ chuyển các hồ sơ cần thiết của người đó cho Chính phủ Việt Nam. Các hồ sơ này bao gồm ba bộ, một bản gốc và hai bản sao. Bản gốc và một bản sao sẽ được Đại sứ quán Hoa Kỳ tại Việt Nam gửi cho Bộ Công an Việt Nam (Cục Quản lý xuất nhập cảnh), bản sao còn lại được gửi cho Bộ Ngoại giao Việt Nam (Cục Lãnh sự).

Mỗi bộ hồ sơ bao gồm công hàm ngoại giao đề nghị Chính phủ Việt Nam tiếp nhận người hồi hương, họ tên của người mà Chính phủ Hoa Kỳ dự định hồi hương về Việt Nam, các tờ khai thích hợp do đương sự điền đầy đủ (mẫu trong Phụ lục 2 kèm theo Hiệp định này), bản sao lệnh trục xuất và các tài liệu khác liên quan đến lý lịch, quốc tịch, quá trình phạm tội, hình phạt đã áp dụng, quyết định ân xá hoặc giảm hình phạt tù. Lệnh trục xuất sẽ được dịch ra tiếng Việt theo mẫu quy định, và giấy tờ liên quan đến quá trình phạm tội, bao gồm cả hồ sơ tiếng Anh của Trung tâm Quốc gia về Thông tin hình sự, kèm theo mã đọc phải được dịch ra tiếng Việt. Tất cả các giấy tờ, tài liệu và bản dịch phải được cơ quan có thẩm quyền của Hoa Kỳ chứng thực.

2. Theo yêu cầu của Chính phủ Việt Nam, Chính phủ Hoa Kỳ thu xếp và tạo điều kiện để viên chức xuất nhập cảnh của Việt Nam phỏng vấn những người thuộc diện quy định tại Điều 2(1) của Hiệp định này để xác minh các thông tin liên quan đến quốc tịch Việt Nam, dữ liệu nhân thân và nơi cư trú cuối cùng của người đó. Bộ An ninh nội địa Hoa Kỳ sắp xếp địa điểm thực hiện các cuộc phỏng vấn đó. Chính phủ Hoa Kỳ cũng sẽ tạo điều kiện để các viên chức lãnh sự của Việt Nam đang công tác nhiệm kỳ tại Hoa Kỳ phỏng vấn những người có thể bị trục xuất mà Hoa Kỳ tin rằng người đó là công dân Việt Nam.

3. Chính phủ Việt Nam sẽ nhanh chóng trả lời cho Chính phủ Hoa Kỳ về các trường hợp nói đến tại Điều này sau khi đã hoàn tất việc xác minh về phía Việt Nam. Nếu khẳng định đương sự, mà tên và hồ sơ của người này đã được chuyển giao cho Chính phủ Việt Nam theo đúng những quy định tại Điều này, đáp ứng các điều kiện quy định tại Điều 2, Bộ Công an Việt Nam cấp giấy thông hành cho phép người đó trở về Việt Nam, đồng thời thông báo bằng văn bản cho Đại sứ quán Hoa Kỳ tại Việt Nam biết.

4. Sau khi Chính phủ Việt Nam đã cấp giấy thông hành theo Hiệp định này, Chính phủ Hoa Kỳ thông báo trước ít nhất mười lăm (15) ngày về chuyến bay và việc chuẩn bị hồi hương người được nhận trở lại Việt Nam. Đại sứ quán Hoa Kỳ tại Việt Nam thông báo cho Bộ Công an (Cục Quản lý xuất nhập cảnh) và Bộ Ngoại giao (Cục Lãnh sự) về ngày tháng và số hiệu chuyến bay, thời gian hạ cánh, cửa khẩu (sân bay Nội Bài ở Hà Nội hay sân bay Tân Sơn Nhất ở Thành phố Hồ Chí Minh), các chi tiết liên quan đến viên chức Hoa Kỳ áp giải người hồi hương (như họ tên, ngày sinh, số hộ chiếu, thời gian dự kiến lưu lại Việt Nam...) để phía Việt Nam khẳng định lại việc tiếp nhận người hồi hương.

Khi một người đang được điều trị y tế được trao trả về Việt Nam theo Hiệp định này, các viên chức áp giải Hoa Kỳ sẽ chuyển cho các viên chức tiếp nhận của Việt Nam bản sao hồ sơ y tế của người hồi hương tại sân bay. Viên chức áp giải và tiếp nhận của hai bên sẽ ký biên bản xác nhận việc bàn giao người hồi hương.

Điều 5 Chi phí

1. Chính phủ Hoa Kỳ chịu chi phí vận chuyển những công dân Việt Nam hồi hương về Việt Nam theo Hiệp định này.

2. Chính phủ Hoa Kỳ chịu chi phí cho việc tiếp nhận người hồi hương bao gồm: chi phí cho việc xác minh, việc tiếp nhận họ tại sân bay và chuyên chở những người này từ sân bay về nơi cư trú phù hợp với Phụ lục 1 kèm theo.

3. Chính phủ Hoa Kỳ chịu chi phí thu xếp các cuộc phỏng vấn do các viên chức Việt Nam có thẩm quyền thực hiện đối với những người mà Chính phủ Hoa Kỳ cho rằng họ là công dân Việt Nam và thuộc đối tượng hồi hương theo Hiệp định này.

4. Chính phủ Hoa Kỳ chịu chi phí đưa trở về Hoa Kỳ những người hồi hương do nhầm lẫn quy định tại Điều 3 Hiệp định này.

Điều 6 **Hiệu lực và thời hạn**

1. Hiệp định này bắt đầu có hiệu lực sau sáu mươi (60) ngày kể từ ngày được hai Chính phủ ký.

2. Sau khi có hiệu lực, Hiệp định này có giá trị trong thời hạn năm (5) năm. Sau đó, Hiệp định sẽ được tự động gia hạn thêm từng ba (3) năm một trừ khi Chính phủ này thông báo bằng văn bản cho Chính phủ kia về việc không gia hạn Hiệp định này ít nhất sáu (6) tháng trước ngày Hiệp định hết hạn.

Điều 7 **Sửa đổi và bổ sung**

Hiệp định này có thể được sửa đổi hoặc bổ sung theo thỏa thuận bằng văn bản giữa Chính phủ Việt Nam và Chính phủ Hoa Kỳ qua kênh ngoại giao thích hợp.

Điều 8 **Giải quyết tranh chấp**

Mọi tranh chấp phát sinh liên quan đến việc giải thích và thực hiện Hiệp định này được giải quyết qua kênh ngoại giao thích hợp.

Điều 9 **Đình chỉ và chấm dứt hiệu lực**

Hiệp định này có thể được một trong hai Chính phủ đình chỉ hoặc chấm dứt hiệu lực. Việc đình chỉ hoặc chấm dứt hiệu lực Hiệp định này có hiệu lực sau ba mươi (30) ngày kể từ ngày Chính phủ này nhận được văn bản thông

báo của Chính phủ kia về ý định đình chỉ hoặc chấm dứt hiệu lực Hiệp định này.

Làm tại Hà Nội, ngày 22 tháng 01 năm 2008 thành hai bản chính, mỗi bản bằng tiếng Anh và tiếng Việt; cả hai văn bản có giá trị như nhau.

**THAY MẶT CHÍNH PHỦ
HỢP CHỨNG QUỐC HOA KỲ**

Julie Nguyen

**THAY MẶT CHÍNH PHỦ NƯỚC
CỘNG HÒA XÃ HỘI CHỦ NGHĨA
VIỆT NAM**

V. J. M.

RE

Chau

Phu lục 1

CHI PHÍ CHO VIỆC NHẬN TRỞ LẠI

Nội dung	Chi phí cho việc nhận trở lại
1/ Chi phí cho việc xác minh (kể cả việc xác minh qua Đại sứ quán Việt Nam tại Hoa Kỳ ...) và tiếp nhận ở sân bay ở Việt Nam.	140 USD/ người
2/ Chi phí chuyên chở người hồi hương từ sân bay về nơi cư trú	10 USD/người
Tổng cộng	150 USD/người



Phụ lục 2
Annex 2

BẢN TỰ KHAI
SELF-DECLARATION FORM

(Dùng cho công dân Việt Nam được lệnh trục xuất khỏi Hoa Kỳ)
(For Vietnamese citizens who have been ordered removed from the United States)

1. Họ tên khai sinh (viết chữ in hoa):

Full name (In capital letter)

- Các tên khác (nếu có)

Other name (If any)

- Giới tính: Nam, nữ

Sex Male, female

- Ngày sinh:

Date of birth

- Nơi sinh:

Place of birth

- Quốc tịch gốc:

Nationality at birth

- Quốc tịch hiện nay:

Nationality at present

Ảnh

(Cỡ 4cm x 6cm
mặt nhìn thẳng,
đầu để trần)
Photograph with
size 4cm x 6 cm
without hat

2. Địa chỉ thường trú trước khi rời Việt Nam (ghi rõ thôn, xã, huyện, tỉnh, hoặc số nhà, đường phố, phường, quận, thành phố):

Previous permanent address before leaving Vietnam (state specifically the village, commune, district, province or house number, street, precinct, district, city)

3. Rời Việt Nam ngày tháng năm

Date leaving Vietnam:

- Bằng hình thức:

Mode of departure

- Mang hộ chiếu hoặc giấy thông hành số: cấp ngày tháng năm

Cơ quan cấp:

Holding passport or laissez-passer number:

Issued on:

By:

4. Trước khi đến Hoa Kỳ đã ở những nước nào, làm gì (ghi rõ từng thời gian):

Before arriving in the United States, in which countries have you lived, what did you do there (state the time)

5. Đến Hoa Kỳ ngày tháng năm

Date arriving in the United States:

- Bằng hình thức:

Mode of entry

- Mang hộ chiếu hoặc giấy thông hành số: cấp ngày tháng năm

212

Handwritten signature

Cơ quan cấp:

Holding passport or laissez-passer number:

Issued on:

By:

6. Thân nhân ruột thịt ở Việt Nam (cha, mẹ, vợ, chồng, con):*Relatives in Vietnam (parents, spouses, offspring)*

Số TT No.	Họ và tên Full name	Ngày sinh DOB	Quốc tịch Nationality	Quan hệ Relationship	Địa chỉ thường trú ở Việt Nam Permanent address in Vietnam

7. Thân nhân ruột thịt ở nước ngoài (cha, mẹ, vợ, chồng, con):*Relatives abroad (parents, spouses, offspring)*

Số TT No.	Họ và tên Full name	Ngày sinh DOB	Quốc tịch Nationality	Quan hệ Relationship	Địa chỉ thường trú ở nước ngoài Permanent address abroad

8. Khi về Việt Nam cư trú với ai (họ tên, quan hệ với bản thân) tại địa chỉ nào (thôn, xã, huyện, tỉnh, hoặc số nhà, đường phố, phường, quận, thành phố):

On returning to Vietnam, whom you will live with (give full name, relationship) and proposed address (village, commune, district, province or house number, street, precinct, district, city).

Tôi cam đoan những điều khai trên là đúng sự thật và xin chịu trách nhiệm trước pháp luật của Nhà nước Việt Nam.

I swear that the above statements are true and for which I am fully responsible to the Vietnamese laws.

Khai tại
Done at

ngày tháng năm
On

Người khai
(ký và ghi rõ họ tên)
(signature and full name)

DT

[Signature]

Ex. 2



**Advisory for Advocates:
Memorandum of Understanding Regarding Deportation of Pre-1995 Vietnamese
July 2021**

On November 21, 2020, the United States and Vietnam signed a Memorandum of Understanding (MOU), creating a process for deporting people who came to the United States from Vietnam before July 12, 1995 (pre-1995 Vietnamese). Advancing Justice - Asian Law Caucus requested a copy of the MOU through the Freedom of Information Act (FOIA) and later sued the government to obtain a copy, with representation by pro bono counsel Nossaman LLP.

In response to the litigation, the government provided a redacted copy of the MOU. We will continue to work to obtain information regarding the portions of the MOU that have been redacted but wanted to inform advocates of what we do know about the agreement and how it may impact pre-1995 Vietnamese immigrants facing deportation.

Advocates and attorneys are the target audience for this advisory. The information in this advisory is based on the redacted MOU, ICE's statements in a separate lawsuit filed by Advancing Justice - Atlanta and Advancing Justice - Asian Law Caucus (*Trinh v. Homan*, in the Central District of California), and patterns we have seen as legal service providers. We will be working on a separate advisory for impacted community members.

Background

In 2008, the United States and Vietnam entered into an agreement that created a process to deport people to Vietnam who came after July 12, 1995 - the date the United States and Vietnam re-established diplomatic relations. The agreement did not create a process to deport Vietnamese citizens who came before that date. For nearly a decade, both the United States and Vietnam followed the agreement, making deportations of pre-1995 Vietnamese community members very rare. Up to 10,000 pre-1995 people have been released from detention after Vietnam failed to issue travel documents, and have been able to return to their families and communities.

Under the Trump Administration, the United States placed renewed pressure on Vietnam to accept pre-1995 Vietnamese refugees for deportation. ICE also carried out mass raids on the Vietnamese community in 2017. However, while ICE deported a small number of pre-1995 Vietnamese community members in early 2018, it was still unable to deport the vast majority of

pre-1995 Vietnamese people with removal orders. The United States continued putting pressure on Vietnam. In late 2019, Vietnam started issuing travel documents for pre-1995 Vietnamese people more regularly, but still in small numbers.

The pressure from the United States eventually led to the signing of the 2020 MOU that created a process to deport pre-1995 individuals. Like the 2008 MOU covering the deportation of post-1995 individuals, the 2020 MOU allows for "consideration of humanitarian and family unity aspects of repatriation." The 2020 MOU allows Vietnam to interview a pre-1995 individual before issuing a travel document if necessary but does not require interviews.

What is happening now?

We have not seen drastic changes in deportation patterns since the agreement was signed. In March 2021, lawyers for ICE in *Trinh v. Homan* confirmed that Vietnam had not issued travel documents for pre-1995 individuals at a higher rate since the 2020 MOU was signed and that ICE did not plan to re-detain pre-1995 Vietnamese individuals in mass raids based on the 2020 MOU.

In March 2021, ICE sent a deportation flight to Vietnam which included around eight pre-1995 individuals. To our knowledge, there has not been a deportation flight since. We have not seen mass raids of people with removal orders like the one that took place in 2017 or that other communities have seen. In the past month, ICE has continued to be unable to deport some pre-1995 individuals and has released them from custody.

Frequently Asked Questions

Which pre-1995 Vietnamese immigrants face the highest risk of receiving travel documents and being deported?

ICE appears to now be regularly applying for travel documents for pre-1995 Vietnamese immigrants **as they are ordered removed**. ICE also sometimes seeks a travel document when a pre-1995 Vietnamese immigrant **with an old removal order is arrested on new criminal charges and transferred to ICE custody again**.

We have **not** seen any widespread efforts by ICE to target pre-1995 Vietnamese immigrants with old removal orders who have not reentered ICE custody recently. In general, the Vietnamese government approves some but not nearly all travel document requests that are made for pre-1995 Vietnamese immigrants.

Who is ICE targeting for deportation?

On February 18, 2021, ICE issued a memo outlining temporary priorities for immigration enforcement including who to place in removal proceedings, detain, and remove. Additional

guidance is expected in the near future. Most relevant to pre-1995 Vietnamese immigrants, the memo instructs ICE to focus enforcement efforts on individuals who have an aggravated felony conviction and pose a current danger to the community. The memo outlines a number of factors to be considered when determining whether someone poses a danger.

While ICE does appear to have, for the most part, focused enforcement on individuals with aggravated felony convictions, it has found the vast majority of people with convictions to pose a danger despite evidence to the contrary. Individuals can submit evidence of rehabilitation, family ties, and other factors outlined in the memo to request prosecutorial discretion.

As explained above, as to pre-1995 Vietnamese immigrants, ICE has primarily targeted those who were recently ordered removed based on criminal convictions or who have old removal orders but recently reentered ICE custody from criminal custody.

How should I advise my pre-1995 Vietnamese client with a pending criminal case regarding the likelihood of deportation?

Pre-1995 Vietnamese immigrants are not safe from deportation. The same considerations in play for other noncitizen defendants--e.g., avoiding a deportable conviction, avoiding an aggravated felony conviction, avoiding transfer to ICE custody, etc.--are relevant for pre-1995 Vietnamese immigrants. These considerations must be weighed against the client's other priorities.

How should I advise my pre-1995 Vietnamese client in removal proceedings regarding the likelihood of deportation?

As pre-1995 Vietnamese immigrants are not safe from deportation, there is value in pursuing any immigration relief that may be available. Whether a client should endure a lengthy period of detention to pursue relief likely depends on several factors, including the strength of their claims, their risk tolerance for deportation, and their family's needs.

Is ICE re-detaining pre-1995 Vietnamese immigrants with final orders of removal?

Generally speaking, no. We have seen re-detentions in two scenarios. First, when a pre-1995 Vietnamese immigrant on an order of supervision is arrested on new criminal charges, ICE may re-detain them when they leave criminal custody. Second, when a travel document is issued for a pre-1995 Vietnamese immigrant on an order of supervision, ICE will re-detain them to carry out the deportation. As mentioned above, most of the travel documents appear to be for pre-1995 Vietnamese immigrants who were recently ordered removed and/or were recently in ICE custody.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF HOMELAND SECURITY OF THE UNITED STATES OF AMERICA
AND
THE MINISTRY OF PUBLIC SECURITY OF THE SOCIALIST REPUBLIC OF VIET NAM
ON
THE ACCEPTANCE OF THE RETURN OF VIETNAMESE CITIZENS WHO ARRIVED
IN THE UNITED STATES BEFORE JULY 12, 1995 AND WHO HAVE BEEN ORDERED
REMOVED FROM THE UNITED STATES**

The Department of Homeland Security of the United States of America (DHS), and the Ministry of Public Security of the Socialist Republic of Viet Nam (MPS), hereinafter collectively referred to as the "Participants",

DESIRING to continue friendly relations between the two countries, and to establish procedures on the prompt and orderly acceptance of Vietnamese citizens who have been ordered removed by U.S. competent authority and who arrived in the United States before July 12, 1995, the date on which diplomatic relations were established between the United States and Viet Nam;

ACKNOWLEDGING that U.S. law establishes processes for aliens to administratively and judicially challenge their removal from the United States, and where appropriate, obtain relief from the order of removal; and

SEEKING to establish common procedures based on the international responsibility of countries to accept the return of their citizens; and, for countries seeking the removal of aliens, to follow recognized principles of international law, to allow for a case-by-case determination of removal, and to recognize the right of the receiving country to determine citizenship and the relevant conditions and factors.

HAVE reached the following understandings:

**Section 1
Purpose and Scope**

The purpose of this Memorandum of Understanding (MOU) is to establish a process of review and issuance of travel documents for Vietnamese citizens ordered removed from the United States and to facilitate the acceptance of all such Vietnamese citizens, consistent with the terms of this MOU.

The scope of this MOU is intended to apply to individuals who arrived in the United States before July 12, 1995. Individuals who arrived on or after that date are covered by the Agreement between the Government of the United States of America and the Government of the Socialist Republic of Viet Nam on the Acceptance of the Return of Vietnamese Citizens, signed at Hanoi on January 22, 2008 (the "Agreement").

**Section 2
Designated Entities and Points of Contact**

1. The Participants have identified the designated entities of each Participant to implement the provisions of this MOU (hereinafter referred to as "designated entities") as follows:

2

- Designated Entity:
 - o MPS: Immigration Department, Ministry of Public Security of Viet Nam
 - o DHS: Immigration and Customs Enforcement (ICE), U.S. Department of Homeland Security
- Points of Contact:
 - o MPS: Chief of Division of Immigration Management of Vietnamese Citizens Immigration Department, Ministry of Public Security of Viet Nam
Address: 44-46 Tran Phu, Ba Dinh, Hanoi, Viet Nam
Tel: +84.24. (b)(7)(E)
Email: (b)(7)(E)
Fax: +84.24. (b)(7)(E)
 - o DHS: Assistant Attaché for Removals, U.S. Embassy Hanoi
Address: 7 Lang Ha, Ba Dinh, Hanoi
Tel: +84.24. (b)(7)(E)
Email: (b)(7)(E)

2. The Participants intend to inform one another of any changes to the designated entities and points of contact in writing in a timely manner.

Section 3 General Provisions

1. The Participants intend to implement this MOU in accordance with their respective domestic laws, regulations, and international obligations.
2. This MOU constitutes an understanding only between the Participants and does not give rise to any rights or obligations under domestic or international law.
3. This MOU does not create or confer any rights, privileges, or benefits on any individual.
4. The Participants intend to carry out the removal and acceptance of return of individuals in an orderly and safe manner, and with full respect for the human dignity of the individuals repatriated, and with consideration of humanitarian and family unity aspects of repatriation.

Section 4 Eligibility for Acceptance of Return

Pursuant to the provisions of this MOU, MPS intends to issue travel documents where needed, and otherwise to accept the removal of an individual subject to a final order of removal from the United States who meets all the following conditions:

1. Has Vietnamese citizenship and does not have citizenship of any other country at the same time;
2. Has violated U.S. law and has been ordered removed by a U.S. competent authority (and, if sentenced to a prison term, the individual must have completed any term of imprisonment before removal or a U.S. competent authority must have ordered a

3

reduction in the sentence or the individual's release from prison):

3. Resided in Viet Nam prior to arriving to the United States and currently has no right to reside in any other country or territory.
4. (b)(7)(E)

[Redacted]

Section 5

(b)(7)(E)

[Redacted]

1. To the extent consistent with U.S. law, DHS intends to provide Vietnamese citizens ordered removed reasonable time, as determined by DHS's designated entity, to arrange their personal affairs prior to removal to Viet Nam.

(b)(7)(E)

[Redacted]

Section 6

(b)(7)(E)

[Redacted]

(b)(7)(E)

[Redacted]

Section 7

Return of Individual Removed in Error

Upon notice from MPS's designated entity that an individual returned to Viet Nam by the United States was removed in error, the United States intends to receive the return of that individual to the United States within ten (10) calendar days without any special procedure.

AA

[Signature]

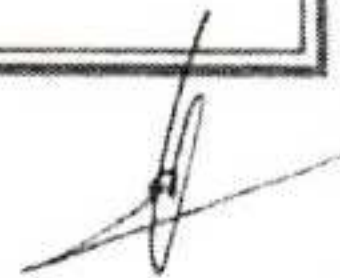
Section 8
Procedures for Verification and Issuance of Travel Documents

1. When U.S. Government believes that a removable person is a citizen of Viet Nam and meets all the criteria within Section 4 of this MOU, DHS intends to request appropriate travel documents from MPS and to forward the appropriate files to MPS.
2. The Participants expect the documentation package to include: a cover letter that requests MPS to accept the return of one of its citizens, a self-declaration form of the individual to be removed (the form provided in the annex to the MOU); a copy of the final order of removal, sentence imposed, copies or summary of criminal judgment and conviction documents if the crimes were the basis for removal, decision of discharge from prison or reduction of sentence, (documents in English are expected be translated into Vietnamese and certified by a competent authority); and copies of other identity or citizenship documents as appropriate and available, including:
 - Expired Passports
 - National Identity Cards
 - Citizenship Certificates
 - Birth Certificates
 - Expired Emergency Travel Documents
 - Identity Verification Form
 - A set of fingerprints and photograph(s)

On a case-by-case basis, MPS's designated entity may request additional information derived from official records to confirm an individual's identity and citizenship. DHS's designated entity intends to coordinate and provide a response on such requests, consistent with U.S. law, regulation, and policy.

3. Within thirty (30) calendar days from the receiving date of a request for a travel document from DHS, MPS intends to issue the travel document when the individual meets the eligibility criteria listed in Section 4 of this MOU. When the individual for whom the travel document has been requested does not meet these eligibility criteria, MPS intends to notify DHS of the eligibility criteria that have not been met, and/or if any additional information is needed to determine eligibility.
4. Once a request for travel document has been received, assessed, and deemed insufficient, MPS intends to notify DHS of its assessment as soon as possible, and expects to do so no later than thirty (30) calendar days of receiving the request.
5. On a regular basis, a working group consisting of representatives from the Participants' designated entities is expected to meet to discuss and resolve cases for which MPS has not issued a travel document within thirty (30) calendar days from the receiving date of a request. MPS intends to issue a travel document immediately upon resolution of such cases.
6. In the context of this working group, the Participants may provide information and documentation previously unavailable to each other regarding the humanitarian and family unity factors of the individual ordered removed identified in Section 5 and Section 6. No one factor or combination of factors included in this MOU is expected to be dispositive of the individual's removal and acceptance to Viet Nam. However, if after reviewing this new

AM



5

information, the Participants have still not reached resolution, then both Participants intend to continue finding additional information, documents and discuss a way to resolve the case.

7. MPS's designated entity may conduct an interview of the individual subject to a final order of removal if necessary. DHS's designated entity is expected to facilitate such interviews in the United States, as appropriate. MPS commits to issuing travel documents no later than thirty (30) days following the interview for cases that meet the eligibility criteria described in Section 4 of this MOU and the Participants have considered the factors listed in Section 5 and Section 6 of this MOU.
8. MPS intends to issue travel documents with a six-month period of validity for the individual ordered removed. If a travel document expires prior to an individual's removal, MPS's designated entity, upon receiving a written request from DHS's designated entity containing an explanation for the reason that the individual was not removed within the validity period of the travel document, intends to reissue the travel document or authorize a Vietnamese diplomatic representative in the United States to reissue the travel document for an additional six-month period at no additional cost.
9. Each Participant's designated entity is expected to transmit requests for travel documents and supporting documentation to the other Participant's designated entity through the points of contact, or through another entity as necessary.

Section 9

Return Procedures after Issuance of Travel Documents

1. Once furnished with a valid travel document, DHS's designated entity intends to remove Vietnamese citizens under final orders of removal from the United States to Viet Nam. DHS's designated entity intends to use commercial or chartered flights.
2. DHS's designated entity intends to provide at least ten (10) calendar days' notice (for commercial flights) or fifteen (15) calendar days' notice (for chartered flights) the information of the removed individual and any DHS escorting officials, removal manner, flight number, arrival schedule and airport.

Section 10

Costs Expected to be Born by the United States

1. DHS intends to pay for the same expenses for repatriation and in the same amounts stipulated in Section 5 of the Agreement. DHS intends to use best efforts to explore other funding mechanisms outside of this MOU to assist in the reintegration of repatriated Vietnamese citizens.
2. DHS intends to provide Vietnamese citizens subject to final orders of removals information regarding their potential eligibility for Social Security benefits from the United States.

Section 11

Confidentiality

1. The Participants intend to respect and protect the privacy of any individual who may be impacted by the activities under this MOU, pursuant to their domestic laws and international obligations.

6

2. To the extent allowed by applicable domestic law and regulations, the Participants intend to keep the contents of this MOU non-public and intend to continue to keep its contents non-public after participation under this MOU has ceased, consistent with Section 13 of this MOU.

Section 12
Modification of the MOU and Resolution of Misunderstandings

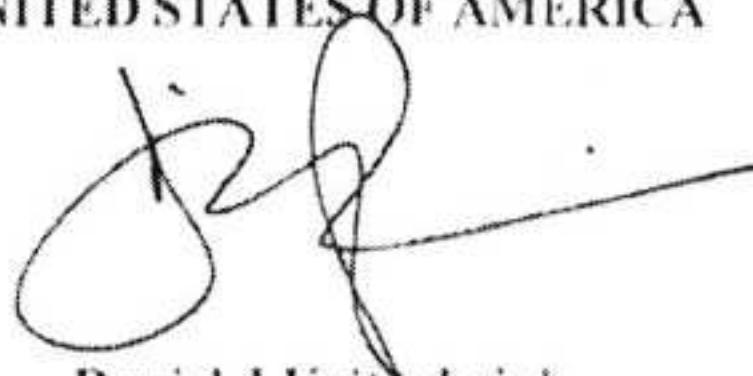
1. When an issue arises, the Participants may jointly decide to modify this MOU in writing.
2. Any misunderstanding that may arise concerning this MOU is expected to be resolved through consultations between the Participants. The Participants may continue to communicate and cooperate in any manner that has been previously arranged between the Participants in order to discuss and resolve any misunderstanding.

Section 13
Validity and Discontinuation

1. Cooperation under this MOU is expected to commence on the date of signature.
2. Either Participant may suspend or discontinue cooperation under this MOU at any time, but is expected to endeavor to provide the other Participant written notice at least sixty (60) calendar days prior to suspending or discontinuing such cooperation.

Signed at Hanoi, on this 21st day of November 2020, in duplicate, in the English and Vietnamese languages, both texts being equally valid.

FOR THE DEPARTMENT OF
HOMELAND SECURITY OF THE
UNITED STATES OF AMERICA



Daniel J. Kritenbrink
U.S. Ambassador Extraordinary and Plenipotentiary
to the Socialist Republic of Viet Nam

FOR THE MINISTRY OF PUBLIC SECURITY
OF THE SOCIALIST REPUBLIC
OF VIET NAM



Sr. Lt. Gen. Bùi Văn Nam
Deputy Minister

Phu lục
Annex

BẢN TỰ KHAI
SELF-DECLARATION FORM

(Dùng cho công dân Việt Nam bị trục xuất khỏi Hoa Kỳ)
(For Vietnamese citizens who have been ordered removed from the United States)

Ảnh
(Cỡ 4cm x 6cm
mặt nhìn thẳng,
đầu để trần)
Photograph
with size 4cm x
6 cm without
hats

1. Họ tên khai sinh (viết chữ in hoa):

Full name (In capital letter)

- Các tên khác (nếu có)

Other name (If any)

- Giới tính: Nam, nữ

Sex Male, Female

- Ngày sinh:

Date of birth

- Nơi sinh:

Place of birth

- Quốc tịch gốc:

Nationality at birth

- Quốc tịch hiện nay:

Nationality at present

2. Địa chỉ thường trú trước khi rời Việt Nam (ghi rõ thôn, xã, huyện, tỉnh, hoặc số nhà, đường phố, phường, quận, thành phố):

Previous permanent address before leaving Vietnam (state specifically the village, commune, district, province or house number, street, precinct, district, city)

3. Rời Việt Nam ngày tháng năm

Date leaving Vietnam

- Bằng hình thức:

Mode of departure

- Mang hộ chiếu hoặc giấy thông hành số: cấp ngày tháng

năm

Cơ quan cấp:

Holding passport or laissez-passer number:

Issued on:

By:

4. Trước khi đến Hoa Kỳ đã ở những nước nào, làm gì (ghi rõ từng thời gian):

Before arriving in the United States, which countries have you lived, what did you do there (state specified time)

5. Đến Hoa Kỳ ngày tháng năm

Date arriving in the United States:

- Bằng hình thức:

Mode of entry

- Mang hộ chiếu hoặc giấy thông hành số: cấp ngày tháng

năm

Cơ quan cấp:

Holding passport or laissez-passer number:
By:

Issued on:

6. Thân nhân ruột thịt ở Việt Nam (cha, mẹ, vợ, chồng, con):

Relatives in Vietnam (parents, spouses, offspring)

Số TT No.	Họ và tên Full name	Ngày tháng năm sinh DOB	Quốc tịch Nationality	Quan hệ Relationship	Địa chỉ thường trú ở Việt Nam Permanent address in Vietnam

7. Thân nhân ruột thịt ở nước ngoài (cha, mẹ, vợ, chồng, con):

Relatives abroad (parents, spouses, offspring)

Số TT No.	Họ và tên Full name	Ngày tháng năm sinh DOB	Quốc tịch Nationality	Quan hệ Relationship	Địa chỉ thường trú ở nước ngoài Permanent address abroad

8. Khi về Việt Nam cư trú với ai (họ tên, quan hệ với bản thân) tại địa chỉ nào (thôn, xã, huyện, tỉnh, hoặc số nhà, đường phố, phường, quận, thành phố):

On returning to Vietnam, whom you will live with (give full name, relationship) and proposed address (village, commune, district, province or house number, street, precinct, district, city).

Tôi cam đoan những điều khai trên là đúng sự thật và xin chịu trách nhiệm trước pháp luật của Nhà nước Việt Nam.

I hereby certify that the information provided above is true and correct in all details. I am fully liable for the authenticity of the above-mentioned information according to laws and regulations of Viet Nam.

Khai tại ngày tháng năm

Done at On

Người khai

(ký và ghi rõ họ tên)
(signature and full name)

Ex. 3

[Congressional Bills 117th Congress]
[From the U.S. Government Publishing Office]
[H.R. 8922 Introduced in House (IH)]

<DOC>

117th CONGRESS
2d Session

H. R. 8922

To halt removal of certain nationals of Vietnam, Cambodia, and Laos,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

September 20, 2022

Mr. Lowenthal (for himself, Ms. Lofgren, Ms. Jayapal, Ms. Chu, Ms. Pressley, Mr. Evans, Ms. McCollum, Ms. Norton, Mr. McGovern, Ms. Tlaib, Ms. Meng, Mr. Torres of New York, Ms. Schakowsky, Ms. Ocasio-Cortez, Mr. Smith of Washington, Mrs. Napolitano, Ms. Omar, Mr. Vargas, and Ms. Lee of California) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To halt removal of certain nationals of Vietnam, Cambodia, and Laos,
and for other purposes.

Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southeast Asian Deportation Relief
Act of 2022".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Millions of Southeast Asian Americans live in the United States, including 2,182,735 Vietnamese Americans, 338,637 Cambodian Americans, 254,304 Laotian Americans, and 326,843 Hmong Americans, according to the 2019 American Community Survey. Many of these communities arrived as refugees beginning over 40 years ago from Vietnam, Cambodia, and Laos, in the aftermath of the wars in Southeast Asia (more commonly known as the "Vietnam War").

(2) The United States intervened in Cambodia, Laos, and Vietnam between 1954 and 1975, to prevent the spread of communism in Southeast Asia through direct military

interventions and covert and clandestine operations.

(3) South Vietnam allied with the United States in opposition to the expansion of North Vietnam until the Fall of Saigon on April 30, 1975. As a result of this service, many Vietnamese Americans to this day still suffer lasting trauma from the war, including post-traumatic stress disorder and exposure to Agent Orange. The Central Intelligence Agency (CIA) and various agencies enlisted over 30,000 soldiers from Hmong, Lao, and Laotian ethnic groups in Laos as allies to aid United States forces in Southeast Asia, waging a 13-year covert operation called the "Secret War" against the Pathet Lao, Viet Cong, and Northern Vietnamese Army.

(4) The United States heavily bombed Laos, making it the most heavily bombed country in the world, with over 580,000 bombing missions between 1964 and 1973. Today, an estimated 80,000,000 bombs remain unexploded, with 20,000 people who have been injured or killed since the bombings stopped.

(5) Between 1969 to 1973, the United States dropped 540,000 tons of bombs into Cambodia against Viet Cong forces, destabilizing the country's already fragile government. This mass bombing of Cambodia's countryside helping to fuel the rise of the Khmer Rouge, which subsequently carried out the destruction of Cambodian society and the genocide of an estimated 2,000,000 Cambodians.

(6) Over 3,000,000 individuals were displaced by war, conflict, and genocide from Vietnam, Cambodia, and Laos. Between 1975 to 2008, the United States Government resettled over 1,200,000 Southeast Asian refugees in this country, as part of the largest refugee resettlement effort in the history of the United States. Southeast Asian refugees included survivors of the war in Vietnam and Laos, the genocide in Cambodia, Hmong soldiers and their families who received refugee status in exchange for their service in the Secret War, and other ethnic minority groups persecuted in the aftermath of the war.

(7) Many Southeast Asian refugees face significant physical and mental health issues, such as post-traumatic stress disorder and depression, stemming from their experiences escaping war, genocide, torture, and mass starvation. Additionally, many Southeast Asian refugees were resettled in communities that were heavily disinvested and lacked long-term resettlement support, causing many Southeast Asians also suffer from systemic poverty, discrimination, and linguistic barriers.

(8) Immigrant communities face significant challenges assimilating as a result of the trauma of war. A 2018 study published by Rashmi Gangamma and Daran Shipman in the Journal of Marital and Family Therapy noted that "the traumatic nature of (immigrant's) forced displacement flight, and resettlement can increase vulnerability to mental distress". First generation immigrants are especially vulnerable to gang violence within communities in which their parents cannot guide them with cultural or political familiarity.

(9) Key policies during the 1990s including the period's "War on Drugs", passage of the Violent Crime Control and Law Enforcement Act, expansion of the carceral system, and over-policing of low-income communities of color entangled a significant number of Southeast Asian Americans, especially Southeast Asian youth, within the criminal justice system. During this period, Southeast Asian youth were incarcerated at twice the rate of White youth for similar offenses.

(10) Additional immigration policies during the 1990s reinforced this emerging prison to deportation pipeline. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Antiterrorism and Effective Death Penalty Act (AEDPA) expanded the category of crimes that could lead to

deportation and limited due process protections for noncitizens. IIRIRA also applied these changes retroactively without proper consideration of an individual's lived circumstances.

(11) Approximately 15,000 long-term residents of Southeast Asian descent, many of whom initially arrived as child refugees, live in the United States with a final order of removal. These individuals often do not speak the native language of that country, lack familial connections there, and are at risk of being targeted for human rights abuses as a result of historic support for United States anti-communist policies.

(12) The United States accepted thousands of Vietnamese refugees through the Orderly Departure Program, Humanitarian Resettlement program, and McCain Amendment through 2009, including survivors of re-education centers, former employees of the United States Government and United States companies or organizations, and immediate family members.

(13) In 2002, the United States and Cambodia signed a bilateral repatriation agreement, hereafter known as the 2002 U.S.-Cambodia Repatriation Agreement. Deportations of Cambodian Americans to Cambodia increased by 366 percent the following year. Over 1,000 Cambodian Americans have been deported to Cambodia since then.

(14) In 2008, the United States and Vietnam signed a bilateral repatriation agreement, hereafter known as the 2008 U.S.-Vietnam Memorandum of Understanding (MOU). According to section 2, article 2 of the 2008 Vietnam-U.S. MOU, "Vietnamese citizens are not subject to return to Vietnam under this Agreement if they arrived in the United States before July 12, 1995, the date on which diplomatic relations were re-established between the U.S. Government and the Vietnamese Government". President George W. Bush and President Barack Obama both recognized the 2008 United States-Vietnam MOU's removal protections for pre-1995 refugees.

(15) In 2020, President Trump's administration entered into a new memorandum of understanding with Vietnam, expanding the categories of immigrants it could deport to include pre-95 Vietnamese refugees who were previously protected from removal by the 2008 MOU.

SEC. 3. LIMITATION ON THE DETENTION AND REMOVAL OF NATIONALS OF VIETNAM, CAMBODIA, AND LAOS.

(a) Limitation on Detention and Removal.--An alien who is subject to a final order or removal may not be detained or removed from the United States on or after the date of enactment of this Act if the alien--

- (1) is a national of Vietnam, Cambodia, or Laos;
- (2) entered the United States on or before January 1, 2008, and has continuously resided in the United States since such entry; and
- (3) is subject to a final order of removal.

(b) Employment Authorization.--The Secretary of Homeland Security shall authorize an alien described in subsection (a) to permanently engage in employment in the United States and provide such alien with an "employment authorized" endorsement or other appropriate work permit, which shall be valid for a period of 5 years, and may be renewed any number of times.

(c) Limitation on Periodic Identification.--Upon application to the Secretary of Homeland Security, an alien described in subsection (a) who is subject to an order of supervision under section 241(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(3)) shall not be required to appear in-person before an immigration officer for periodic identification pursuant to such order of supervision. The Secretary

shall, in lieu of such periodic identification, require such an alien to appear virtually before an immigration officer not more frequently than once every 5 years.

SEC. 4. NOTICE FOR CERTAIN NATIONALS OF VIETNAM, CAMBODIA, AND LAOS
WITH REMOVAL ORDERS.

(a) In General.--Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide notice of the provisions of this Act to each alien described in section 3(a).

(b) Contents of Notice.--The notice described in subsection (a) shall include information explaining the requirements and instructions for filing a motion to reopen removal proceedings under section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(7)).

SEC. 5. JUDICIAL REVIEW.

(a) Review.--Notwithstanding any other provision of law, an individual or entity who has been harmed by a violation of this Act may file an action in an appropriate district court of the United States to seek declaratory or injunctive relief.

(b) Rule of Construction.--Nothing in this Act may be construed to preclude an action filed pursuant to subsection (a) from proceeding as a class action (as such term is defined in section 1711 of title 28, United States Code).

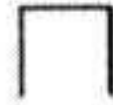
<all>

Ex. 4

Read our **[2025 guide for immigrant communities](#)** and stay informed on your rights.



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Resources on Deportation of Vietnamese Immigrants Who Entered the U.S. Before 1995

June 12, 2025 Guides & Reports

Background

Vietnamese immigrants who entered the United States before 1995—overwhelmingly refugees who fled violence and persecution after the end of the Vietnam War—have

historically not been subject to deportation. The United States and Vietnam signed an agreement in 2008 to not deport these immigrants. But in 2017, under the Trump administration, Immigration and Customs Enforcement (ICE) began detaining them for long periods of time and pressuring Vietnam to issue travel documents for their deportation. In November 2020, the United States and Vietnam signed a Memorandum of Understanding (MOU) that created a process for deporting immigrants who entered the U.S. before 1995, often called "pre-1995 immigrants."

Community members fought to hold the U.S. government accountable and stop ICE from tearing families apart. Vietnamese immigrants in detention who came to the U.S. before 1995, represented by Asian Americans Advancing Justice affiliates and the law firm Reed Smith LLP, filed a lawsuit against ICE, *Trinh v. Homan*. As a result of the lawsuit, for a period ICE was detaining pre-1995 immigrants for shorter periods of time and providing information to the plaintiffs and the public about ICE's detention and deportation practices.

- Under the 2020 MOU, ICE now has a process to request that Vietnam issue travel documents for pre-1995 immigrants to be deported.
- Vietnam does not always issue a travel document when ICE requests one.
- Before 2025, ICE's policy was that pre-1995 immigrants were generally unlikely to be deported and should be released within 90 days of receiving a deportation order.
- During the first months of Trump's second presidency in 2025, ICE began to redetain and deport pre-1995 immigrants at significantly higher numbers than it had previously.
- In June 2025, ICE stated that it has "rescinded its policy of generally finding that pre-1995 Vietnamese immigrants are not likely to be removed in the reasonably foreseeable future and of generally releasing them within 90 days of the entry of their final orders of removal."
- If you are a pre-1995 immigrant with a deportation order who has been released from ICE detention, you should seek individualized legal advice.

Quarterly reports

As part of the resolution of the *Trinh* lawsuit, ICE agreed to provide quarterly reports regarding detention and deportation of pre-1995 immigrants for a two-year period, from late 2021 to late 2023. First, each report takes a "snapshot" of ICE detention on

a particular day in the quarter, and lists all of the pre-1995 immigrants who had been in detention for more than 90 days on that particular day. Second, each report lists all of the pre-1995 immigrants for whom Vietnam issued travel documents during the quarter.

The quarterly reports show that from September 2021 to September 2023, four immigrants who came to the U.S. before 1995 were given travel documents and deported.

We hope these reports provide useful information and help advocates and community members hold the government accountable.

- [Trinh Report, December 2021](#)
- [Trinh Report, March 2022](#)
- [Trinh Report, June 2022](#)
- [Trinh Report, September 2022](#)
- [Trinh Report, December 2022](#)
- [Trinh Report, March 2023](#)
- [Trinh Report, June 2023](#)
- [Trinh Report, September 2023](#)

Timeline

2008: United States and Vietnam sign an [agreement](#), creating a process for deportation to Vietnam but protects pre-1995 immigrants from deportation. The agreement states: "Vietnamese citizens are not subject to return to Vietnam under this Agreement if they arrived in the United States before July 12, 1995." Vietnam consistently refuses to issue travel documents for pre-1995 immigrants to be deported.

2017: Under the Trump administration, the United States begins pressuring Vietnam to accept pre-1995 immigrants. ICE begins detaining pre-1995 immigrants with deportation orders for months and sometimes over a year.

February 2018: Asian Americans Advancing Justice affiliates and Reed Smith LLP file [Trinh v. Homan](#), a class action lawsuit against ICE seeking release from detention or bond hearings for pre-1995 immigrants with deportation orders.

September 2018: The District Court rejects ICE's motion to dismiss the Trinh lawsuit. ICE then admits that it is generally unable to deport pre-1995 immigrants and agrees to release pre-1995 immigrants within 90 days of their deportation orders.

2020: Vietnam begins issuing a small number of travel documents for pre-1995 immigrants.

June 2020: The District Court denies the Trinh plaintiffs' request to grant relief to all pre-1995 immigrants with deportation orders, citing evidence that Vietnam is issuing travel documents for a small percentage of pre-1995 immigrants. The District Court rules that pre-1995 immigrants must seek release from detention by filing individual lawsuits.

November 2020: The United States and Vietnam sign a Memorandum of Understanding that creates a process for deporting pre-1995 immigrants. Asian Americans Advancing Justice - Asian Law Caucus later obtains a copy of the MOU through a lawsuit under the Freedom of Information Act. [Read our advisory on the MOU and its impact on pre-1995 immigrants.](#)

October 2021: ICE agrees to resolve the remainder of the Trinh lawsuit by:

- Providing bond hearings after 180 days of detention for pre-1995 immigrants detained in the Ninth Circuit (western U.S. including California, Washington, Arizona) and Third Circuit (Pennsylvania, New Jersey, Delaware).
- Providing quarterly reports for two years regarding pre-1995 Vietnamese immigrants who have been detained for more than 90 days or who have been issued travel documents.
- Providing notice promptly if, in the next five years, ICE changes its position that pre-1995 immigrants are generally unlikely to be deported and generally should be released within 90 days of their deportation orders.

January 2025: ICE begins to detain and deport pre-1995 immigrants at higher numbers that it has in the past.

June 2025: ICE rescinds its policy of generally finding that pre-1995 Vietnamese immigrants are not likely to be removed in the reasonably foreseeable future and of generally releasing them within 90 days of the entry of their final orders of removal.

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Ex. 5

Investigation underway after Vietnamese national in ICE custody died in the hospital

Tien Xuan Pham, 55, had been in custody at the ICP Processing Center in Karnes County, Texas, for seven weeks.



— Otto Kaiser Memorial Hospital, south of Karnes City, Texas. Google Maps

July 22, 2025, 6:36 AM CDT

By Laura Strickler and Patrick Smith

An investigation is underway after a Vietnamese national died in the hospital Saturday in Immigration and Customs Enforcement custody, according to an email seen by NBC News.

Tien Xuan Phan, 55, had been in custody at the ICE Processing Center in Karnes County, Texas, for seven weeks. A representative for the family did not respond to a request for comment.

According to the ICE email, Phan was taken to the local hospital, Otto Kaiser Memorial Hospital, on Friday for "evaluation due to seizures, vomiting, and unresponsiveness and was later airlifted to the Methodist Hospital Northeast for further evaluation."

The cause of death was not stated, and it is now the subject of the investigation. ICE routinely investigates any detainee deaths and publishes the results online after 90 days.

An immigration judge ordered that Phan be removed from the country on April 2, 2012, but an ICE official said Phan "failed to leave the U.S. as ordered." Phan was arrested in early June this year.

The Karnes facility in Texas has, at times, exceeded its contractual capacity of 928, and it once held 1,311 detainees this fiscal year, according to data obtained by immigration researchers at Syracuse University.

NBC News contacted ICE and the Department of Homeland Security for further comment on whether Phan had a criminal record.

So far this year, eight detainees have died in ICE custody, according to the agency's figures, including one other from Vietnam. The rest were from Mexico, Haiti, Colombia, Ukraine, Ethiopia, Honduras and Guyana.

In total, 12 detainees died in ICE custody last year, the figures show.

The American Civil Liberties Union and other human rights groups said in a report last year that most of the deaths of people in ICE custody from 2017 to 2021 could have been prevented had the agency provided proper medical care.

President Donald Trump's administration has made arresting and deporting suspected illegal aliens a central policy of this term, with ICE officials told to make thousands of arrests every day.

Laura Strickler

Laura Strickler is the senior investigative producer on the national security team where she produces television stories and writes for NBCNews.com.



Patrick Smith

Patrick Smith is a London-based editor and reporter for NBC News Digital.

 An official website of the United States government



Official websites use .gov

A **.gov** website belongs to an official government organization in the United States.



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ICE NEWSROOM

JUNE 25, 2025 • MIAMI, FL • DETAINEE DEATH NOTIFICATIONS

Canadian national in ICE custody passes away

MIAMI — Johnny Noviello, a 49-year-old citizen of Canada in the custody of U.S. Immigration and Customs Enforcement, was pronounced deceased by the Miami Fire Rescue Department June 23 at 1:36 p.m. The cause of death is still under investigation.

Noviello was being detained at the Bureau of Prisons Federal Detention Center pending removal proceedings when he was found unresponsive June 23, at 12:54 p.m. Medical staff responded immediately and began administering cardiopulmonary resuscitation, automated external defibrillator shock and called 911.

Noviello entered the United States Jan. 2, 1988, in a legal visa status. He became a lawful permanent resident Oct. 24, 1991. On Oct. 12, 2023, he was convicted in Volusia County for racketeering, trafficking in Oxycodone 7-14 Grams, trafficking in illegal drugs 4 to 14 Grams, trafficking in Hydrocodone, and unlawful use two-way communication device facilitate commission of crime and sentenced to 12 months in prison. On May 15, 2025, he was arrested by ICE at the Florida Department of Corrections Probation office, issued a notice to appear and charged with removability, having been convicted of a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country, relating to a controlled substance (as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802), other than a single offense involving possession for one's own use of 30 grams or less of marijuana, as a non-immigrant overstay.

Consistent with ICE policy, ERO notified the U.S. Department of Homeland Security, the Office of Inspector General, and the ICE Office of Professional Responsibility via the Integrity Coordination Center. ERO provided telephone notification of the death to the Consulate of Canada.

ICE makes official notifications to Congress, nongovernmental organization stakeholders, and the media upon an official report of a detained illegal alien's death and posts a news release with relevant details on the ICE public website within two business days per agency policy. This information may be accessed in the ICE.gov [Newsroom](#). Additionally, congressional requirements described in the DHS Appropriations Bill of 2018 require ICE to make public all reports regarding an in-custody death within 90 days.

These reports may be accessed on the [Detainee Death Reporting](#) page.

ICE remains committed to ensuring that all those in its custody reside in safe, secure, and humane environments. Comprehensive medical care is provided from the moment individuals arrive and throughout the entirety of their stay. All people in ICE custody receive medical, dental and mental health intake screening within 12 hours of arriving at each detention facility, a full health assessment within 14 days of entering ICE custody or arrival at a facility, access to medical appointments and 24-hour emergency care. At no time during detention is a detained illegal alien denied emergent care.

Updated: 06/25/2025

MEDIA INQUIRIES

For media inquiries about ICE activities, operations, or policies, contact the ICE Office of Public Affairs at ICEMedia@ice.dhs.gov.

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U.S. Immigration and Customs Enforcement

ICE Contact Center

Report suspicious activity: 1-866-DHS-2-ICE



ICE.gov

An official website of the U.S. Department of Homeland
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Ex. 6

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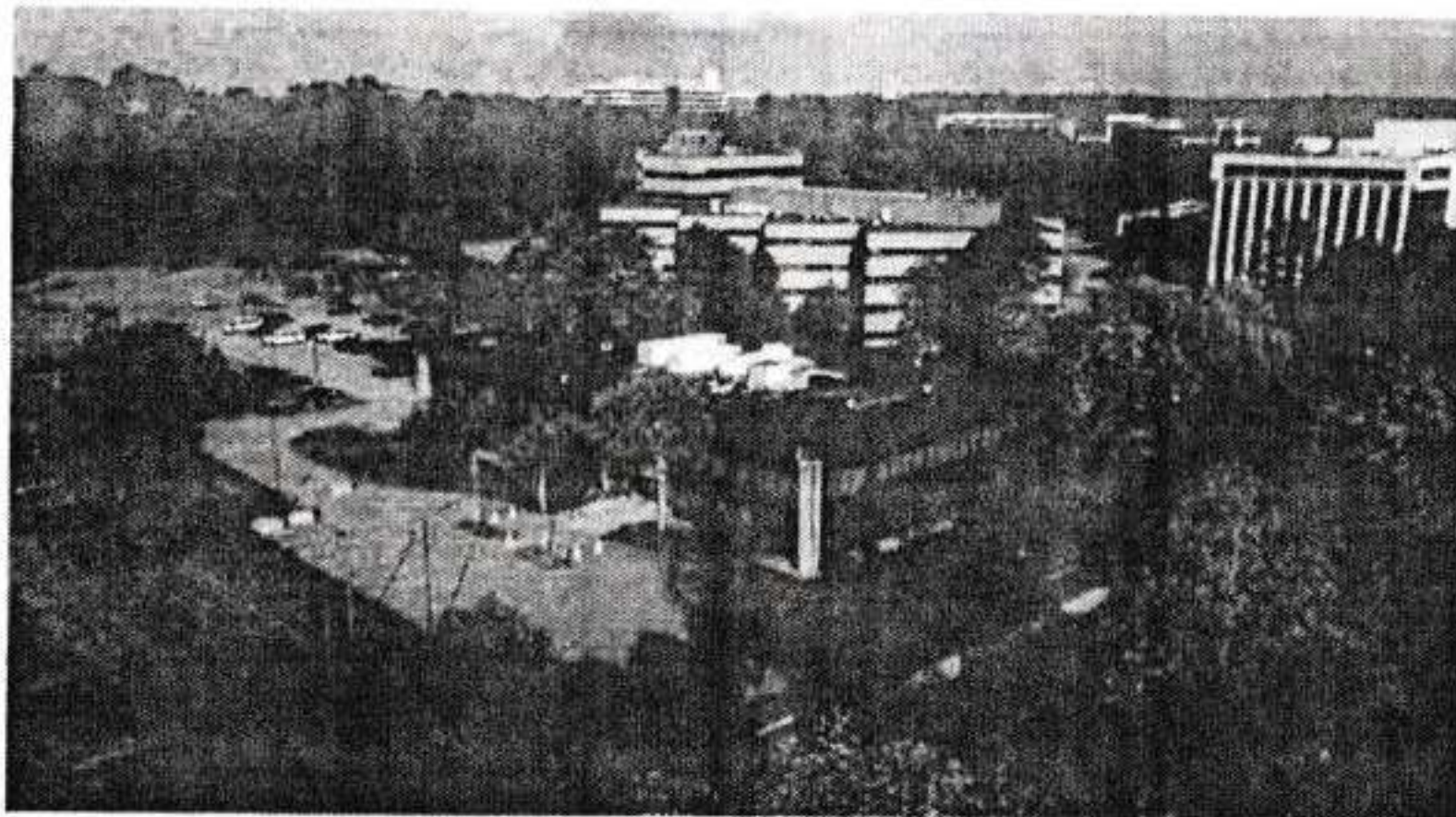
detain immigrants

WBUR | By Miriam Wasser

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LISTEN • 7:00



Robin Lubbock/WBUR

The ICE Boston Field Office in Burlington, Mass. (Robin Lubbock/WBUR)

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Kary Diaz Martinez was trying to do the right thing when she went to the immigration court in Boston last month for a scheduled hearing before a judge.

She'd heard that agents from U.S. Immigration and Customs Enforcement were arresting immigrants at the courthouse, but decided to take her chances. She's applying for permanent legal status and wanted to follow the rules.

It didn't work out in her favor.

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Diaz Martinez fled the Dominican Republic last year "to escape unrelenting physical and sexual abuse from the father of her children, who beat her, controlled her, sexually abused her and threatened her with death for years," her attorney wrote in a petition to the court. She crossed the southern border and made her way to Rhode Island to live with, and eventually marry, her boyfriend of four years, Wiliz de Leon, a naturalized U.S. citizen.

At the courthouse, the judge told Diaz Martinez to come back for another hearing in a year. But when she left the courtroom, ICE agents were waiting in the hallway.

She was arrested, joining tens of thousands of immigrants detained as part of the Trump administration's push to arrest and deport people who crossed the U.S. border illegally — an effort that has strained the immigration system in many parts of the country.

The ICE agents brought Diaz Martinez to the agency's New England regional headquarters — a two-story building in an office park near the Burlington Mall — and put her in a cramped, cold concrete holding room with 16 other women.

The building, more commonly called the Burlington field office, was not designed to hold people for more than a few hours. But Diaz Martinez — who has no criminal history, according to court documents — spent nine days there.



Kary Diaz Martinez and her husband, Wiliz de Leon, in their Providence, R.I., apartment. (WBUR/Miriam Wasser)

She said she remembers entering the holding room in Burlington and seeing women sprawled out on the floor. The room was freezing and smelled like human feces.

"I came in, sat on one of the little benches by the door, and spent the whole day crying with my head down," she said.

The holding room had a small bathroom area in the corner, she said. It consisted of a sink and a toilet, and was set off by a half-wall that offered little privacy. There were no beds, just concrete benches lining the perimeter of the room. Some women slept on them, while everyone else lay on the floor.

"We slept close and huddled together — the line of women reaching all the way to the bathroom," she said.

Immigration attorneys and some elected officials have called the conditions inside the Burlington facility "unsanitary" and "inhumane." And they say the situation raises questions about whether Congress or the courts can hold ICE accountable for the treatment of people in its custody.

"It's important to situate Burlington within the larger landscape of immigration detention — the hallmarks of which are a lack of accountability, a lack of transparency and a lack of

Fresh Air

enforceable standards," said Sarah Sherman-Stokes, Diaz Martinez's lawyer and the associate director of Boston University's Immigrants' Rights & Human Trafficking clinic.

"There are national detention standards that are supposed to govern conditions in ICE custody, but they have no teeth," she added. "And even when ICE violates them, there are almost no consequences. So Burlington is like an example of that on steroids."

Though several immigration attorneys said ICE arrests seem to be down in Massachusetts this month — and they aren't aware of any individuals currently being held in the Burlington office for long stretches of time — they worry that could soon change. President Trump's new tax and spending law includes at least \$150 billion for more immigration enforcement and those same attorneys expect arrests to spike again in the near future.

"I suspect that we could see the widespread use of Burlington again," said Sherman-Stokes. "It seems to me that until they're legally required to stop using Burlington, it will continue to be an option."

The Burlington field office is primarily a place where agents do paperwork and people come for scheduled check-ins with immigration officials.

It also serves as an intake center. Immigrants arrested by ICE typically stay in one of its secure holding rooms for a few hours before they're taken to a longer-term detention center.

When the building opened in 2007, the regional director of ICE, Bruce Chadbourne, said the facility was not designed to hold people for extended periods of time.

He told the audience at a public meeting, "You will note that we have no kitchens and no dining rooms, and therefore we cannot keep people overnight or over the weekend," Wicked Local reported at the time.

But as ICE began ramping up arrests in Massachusetts this spring, men and women have been held at the Burlington office for days at a time, according to several immigration lawyers.

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WBUR found a floor plan for the field office attached to a publicly available document on the Burlington Building Department website. It was included in a package of information about a 2021 renovation. Mark Dupell, the town's building inspector, confirmed it is the most up-to-date rendering of the building on file.

The floor plan shows four main holding rooms at the facility. Each has a toilet and sink in the corner, as Diaz Martinez described.

There are also four smaller "segregated" holding rooms, one of which seems to be designated for juveniles. Marcelo Gomes da Silva, the high school volleyball player from Milford who spent six days in Burlington, told reporters he was put in one of these rooms on his last day in detention.

Alexandra Peredo Carroll, an immigration attorney, said she has a client who was detained with two other women in one of the smaller rooms. Peredo Carroll's client told her there wasn't enough room for all three people to lie on the floor at once, so they took turns.

Preview is not available for Flourish Scrolly

According to the floor plan, the Burlington office has one shower for detainees, though Diaz Martinez and others held in the facility said they never got to bathe or change their clothes.

What's more, Diaz Martinez said, there was no soap or hand sanitizer in the holding room. Occasionally, an ICE agent would give out baby wipes so the women could clean themselves.

ICE did not respond to a detailed list of questions from WBUR about the conditions inside the Burlington field office and the number of people held there. But in a statement, the agency said "detainees pending processing are given ample food, regular access to phones, showers and legal representation as well as medical care when needed."

Diaz Martinez said the unsanitary conditions, the anxiety that she might be deported and that fact that she didn't know how long she might be stuck in Burlington all took a toll on her.

"I fell into a really bad depression there. I was losing all my hair," she said. "I was so depressed that I was ripping it out myself — with my own hands, I was ripping out my hair."

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I just couldn't take being locked up."

When she got her period, she said an agent gave her five sanitary pads. After she had used those, she was told the facility had run out. She wadded up toilet paper to line her underwear instead.

Diaz Martinez said she asked to see a doctor several times, but one never came.

She also said the women were fed the same thing every day: microwaved oatmeal in the morning with the consistency of a thick paste, and microwaved pasta for lunch and dinner. Sometimes they got an apple.

The food was "really awful," she said. And after a few days, just the smell of it made her nauseous. She lost 10 pounds during her stay, she said.

Others who spent time inside the Burlington facility shared similar stories.

Yury Melissa Aguiriano Romero, a 36-year-old immigrant from Honduras, was detained there for 11 days. She came to the U.S. after fleeing political violence in 2021, court documents show. She has three young children, including one who is a U.S. citizen and was still breastfeeding when ICE agents arrested her in early June.

Aguiriano Romero spoke to WBUR from the Chittenden Regional Correctional Facility in Vermont, where she was transferred about a month ago. In a 20 minute phone call, she described the "horrible" days she spent in Burlington.

"There were five women in the room when I arrived," she said in Spanish. "Then came one woman, then another, then another. Eventually, there were 19 of us in that room. We were practically sleeping one on top of the other."

Like Diaz Martinez, she said the women were fed small portions of microwaved oatmeal and pasta for every meal, though she remembered that one day she got a sandwich. She divided it into four pieces and ate a quadrant for the next few meals.

Aguiriano Romero said she suffers from chronic headaches and repeatedly asked the ICE agents outside of the room for Tylenol. She said they told her she could call her husband and have him drop off medicine, but she never did. She was afraid ICE would arrest him

* 2. 
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"Other women would say that their husbands had gone in to drop off some meds and had been grabbed there," she said. A headache, she decided, was preferable to leaving her daughters parentless.

After Gomes da Silva, the Milford high school student, was released from Burlington on June 5, U.S. Reps. Seth Moulton and Jake Auchincloss went to the Burlington field office to see the building for themselves. ICE field offices aren't open to the public, but members of Congress have oversight authority and are allowed to show up unannounced and go inside.

Moulton and Auchincloss said they were shown the secure area in the back part of the building, though they didn't go into any of the holding rooms or talk with any detainees. After the tour, they told reporters it didn't seem like the type of place people should be held for more than a few hours.

"What I saw was a processing facility, not a detention facility," Moulton said in a recent phone interview. "It's not a place that anyone should be made to stay for more than a few hours, let alone overnight."



Marcelo Gomes da Silva, 18, center, a Massachusetts high school student who came to the U.S. from Brazil at age 7 and was detained by U.S. Immigration and Customs Enforcement agents Saturday, May 31, 2025, speaks to journalists after being released from detention on bond as Reps. Seth Moulton, D-Mass., right, and Jake Auchincloss, D-Mass., left, listen, Thursday, June 5, in Burlington, Mass. (AP Photo/Rodrique Ngowi)

Moulton said he hasn't tried to go back to the Burlington office since his visit in early June. It's not clear he would even be allowed inside.

Not long after his visit, several media outlets reported that ICE released new guidance requiring members of Congress to give at least 72-hours notice before asking to tour a field office. That guidance seems to have disappeared from the ICE website. WBUR asked ICE if it had rescinded the policy and received the following statement from Tricia McLaughlin, assistant secretary of the Department of Homeland Security:

"As ICE law enforcement have seen a surge in assaults, disruptions and obstructions to enforcement, including by politicians themselves, any requests to tour processing centers and field offices must be approved by the Secretary of Homeland Security."

In a letter to ICE signed by the state's all-Democratic congressional delegation, Massachusetts lawmakers criticized this new policy restricting their access to the Burlington field office.

"ICE appears to be violating its own detention standards, denying reports of violations, and then preventing the American public's representatives from witnessing those violations," they wrote.

The letter includes a long list of questions about how the facility is being used and how many people are inside. As of publication time, lawmakers said they hadn't received answers.

After nine days in Burlington, Diaz Martinez agreed to be transferred to the Chittenden detention center in Vermont.

She spent five days there and said the conditions were much nicer than Burlington: She had a bed. She could shower. The food was palatable. She had an easier time getting in touch with her lawyer and husband.

On June 17, a judge ruled that her detainment was unlawful and that she should be released from custody. Since then, she's been back home with her husband in their Providence apartment.

She said she's relieved to be out, but the transition has been tough. She's terrified ICE is going to detain her again.

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"I've had a lot of nightmares," she said. "I can't sleep. Sometimes I hear a car coming and feel like it's ICE."

In the weeks since she returned home, she said she's only left the house to meet with her therapist. She's too scared to even open the front door.

And her biggest fear now is ending up back in custody in Burlington.

"It's not a suitable place for holding a person in," she said.

Data visualization by Roberto Scalese, with photo by Robin Lubbock.

Jesús Marrero Suárez contributed to this story.

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Concerns Grow Over Dire Conditions in Immigrant Detention

Mass immigration arrests have led to overcrowding in detention facilities, with reports of unsanitary and inhumane conditions.

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By Miriam Jordan and Jazmine Ulloa

June 28, 2025 Updated 7:42 p.m. ET

Far from public view, the toll of the Trump administration's crackdown on immigration is unfolding in overcrowded detention facilities across the country.

Some immigrants have gone a week or more without showers. Others sleep pressed tightly together on bare floors. Medications for diabetes, high blood pressure and other chronic health problems are often going unprovided. In New York and Los Angeles, people have been held for days in cramped rooms designed for brief processing, not prolonged confinement, and their lawyers and family members have remained in the dark about their whereabouts.

The nation's immigration detention system is buckling under the weight of record numbers as the Trump administration intensifies its enforcement agenda with raids on workplaces and arrests at immigration courts. More than 56,000 immigrants were in government custody on June 15, exceeding the current capacity of 41,000.

"These are the worst conditions I have seen in my 20-year career," said Paul Chavez, litigation and advocacy director at Americans for Immigrant Justice in Florida, which represents detainees. "Conditions were never great, but this is

horrendous.”

At least 10 immigrants have died in ICE custody in the six months since Jan. 1, including two at a facility in Miami, the Krome detention center, where detainees earlier this month formed a human “S.O.S.” sign in the yard. At least two of the deaths were suicides, in Arizona and Georgia. (An average of about seven deaths a year occurred in ICE custody during the four years of the Biden administration.)

Immigration detentions have soared since late May, when Stephen Miller, the White House aide overseeing immigration policy, set a goal of 3,000 arrests per day.

To accommodate the swelling numbers, the administration has expanded contracts with prison operators and pushed for a substantial funding increase to secure additional capacity. The House version of the budget reconciliation bill proposes \$45 billion for immigration detention, more than 10 times the current budget.

Many immigrants already have outstanding deportation orders, and others agree to voluntarily leave the country. In those cases, ICE officials are able to swiftly put them on planes or buses out of the country. But many others are entitled to court hearings, which take time, and ICE is either releasing those detainees on bond, which also requires a court hearing, or holding them in custody if they are deemed a flight risk.

The Department of Homeland Security, which oversees ICE, categorically denied all claims of overcrowding and poor conditions at its facilities. A spokeswoman, Tricia McLaughlin, said in a statement that all detainees “are provided with proper meals, medical treatment, and have opportunities to communicate with their family members and lawyers.”

Ms. McLaughlin added that Kristi Noem, the homeland security secretary, had called on states and local government to help with beds and detention space, and she noted that multiple court rulings have led to delays in deporting immigrants.

“Despite a historic number of injunctions, D.H.S. is working rapidly overtime to remove these aliens from detention centers to their final destination — home,” Ms. McLaughlin said.

But interviews with more than two dozen former detainees, lawyers, family members and lawmakers suggest that conditions in facilities across the country have become unsanitary, intolerable and in some cases, for detainees with health problems, unsafe.

Marcelo Gomes, an 18-year-old Brazilian from Milford, Mass., was pulled over on his way to volleyball practice in late May. Mr. Gomes, who has lived in the United States on a long-expired visa since age 7, said in an interview that he spent six days in a windowless, overcrowded room at an ICE field office before being released on bond.

There was one toilet for 35 to 40 men, who had no privacy when using it, he said. They slept on the concrete floor in head-by-toe formation with aluminum blankets to cover them.

He lost seven pounds in six days, he said, because the food was poor and the portions tiny. “It was so bad,” he said, “I used water to drink it down.”

Mr. Gomes said he was not able to shower or change his clothes the entire time he was there.



Marcelo Gomes, 18, who was detained by ICE on his way to volleyball practice in late May, poses for a portrait at his home in Milford, Mass. Sophie Park for The New York Times

At the Northwest Detention Center in Tacoma, Wash., run by the GEO Group, a private prison firm, conditions have deteriorated as the population has significantly increased, according to Global Rights Advocacy, a nonprofit, and La Resistencia, a grass-roots group.

Alejandra Gonza, a human-rights lawyer, said that detainees told her that guards have been so overworked that they have delivered food close to midnight and have failed to provide yard time or disburse funds sent by their families to buy food, hygiene products and make phone calls.

She said she knew of some detainees who had been placed in prolonged solitary confinement or on suicide watch after complaining about conditions.

In Alaska, immigrants transferred from the Tacoma facility have been locked up in a state corrections facility in Anchorage.

"We are very concerned about the mental health and well-being of these individuals," Cindy Woods, a lawyer at the A.C.L.U. of Alaska, said in testimony to the State Legislature last week.

"Many of them are struggling with the punitive setting and the isolation from family and lack of access to religious effects," she said.

She said that detainees had been pepper-sprayed during a conflict over access to their belongings, and that they had regularly been placed on lockdown when the facility was understaffed.

After a tour that his staff members took in May to a facility in Estancia, N.M., Senator Martin Heinrich, a Democrat, reported that several detainees complained that they had been given few opportunities to shower, had been limited to two bottles of drinking water per day and were unable to flush their toilets for days at a time.

A California lawmaker, Representative Judy Chu, posted on X that she had visited a detention center in the remote desert town of Adelanto and seen detainees "held in filthy, inhumane conditions" who had been unable to communicate with lawyers

or family members.

“They were not able to change their underwear for 10 days,” she said in a video.

In a statement, Christopher V. Ferreira, a GEO Group spokesman, said that facilities run by GEO like those in California, Pennsylvania and Washington, provided round-the-clock medical care, proper diets and visitation services. Mr. Ferreira said the detention centers were monitored by federal overseers to ensure they met strict standards on food, safety and health care.

“Our contracts also set strict limits on a facility’s capacity,” he said. “Simply put, our facilities are never overcrowded.”

Immigrants have been locked up for several days at a time at an ICE processing facility in the basement of a federal building in downtown Los Angeles that is intended to hold people for less than 12 hours, until they are released or transferred to a detention center.

“They’re packing people in there as if they were sardines,” said Mark Rosenbaum, a lawyer with Public Counsel, a legal nonprofit. “It’s a horror show.”

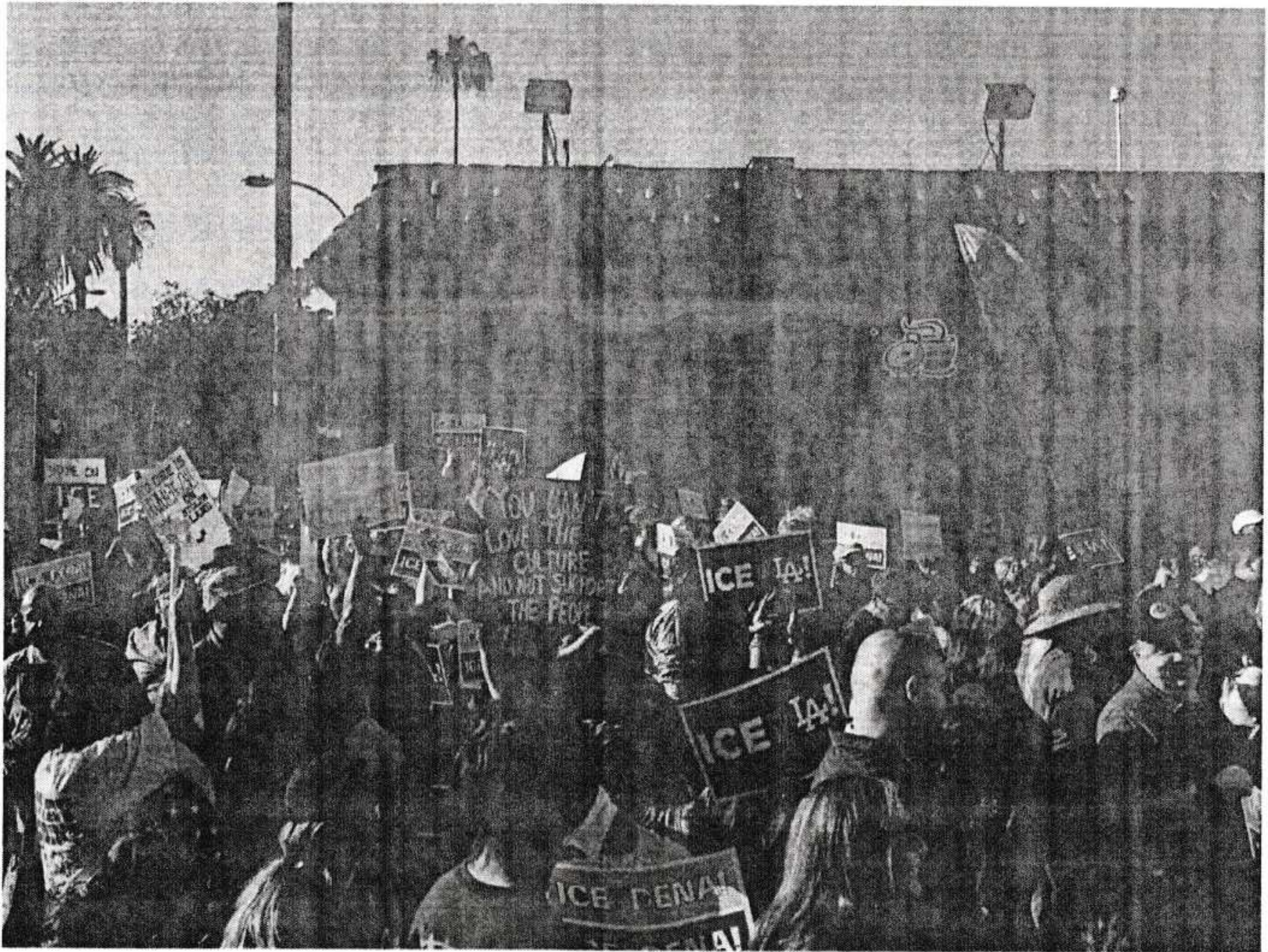
He said ICE authorities were preventing people from contacting lawyers and urging them to agree to swift deportation. “It’s a no-constitutional-rights zone,” he said.

Javier, 55, a Mexican day laborer who was arrested by agents in front of a doughnut shop in Pasadena, Calif., at 5:40 a.m. last week, said that about 60 men were jammed into the frigid, filthy space downtown.

“We felt like we were in a cage,” said Javier, who has lived in the United States for 28 years but did not want his last name used to avoid jeopardizing his immigration case. “They would take out five men and bring in 10 more.”

He said there was “utter despair and fear” in the room. The immigrants were forced to share one foul toilet; the other was out of order.

Javier was transferred to Adelanto, but lawyers with Immigrant Defenders Law Center, a nonprofit, secured his release because he is undergoing treatment for cancer.



People attend an “ICE out of Dena” protest outside Winchell’s Donut House in Pasadena, Calif., — the site where six people were detained by immigration officials this month. Philip Cheung for The New York Times

In an industrial corner near Newark, four men escaped this month from the Delaney Hall detention facility after a melee broke out over the deteriorating conditions, according to lawyers who spoke with their detainee clients. Gwyneth Hesser, a lawyer with the Bronx Defenders, a nonprofit, said that her diabetic client now being held there could face “a life-threatening” situation without the diet and medical attention needed to manage his condition.

“He can’t eat bread or carbs, and that’s almost all they’ve given him,” Ms. Hesser said.

He has not received insulin regularly, she said. On June 16, he was found lying on the floor after his glucose level spiked, according to Ms. Hesser, who reviewed medical records of the incident.

In New York, immigration lawyers and federal lawmakers have struggled to gain access to the 10th floor of a federal building in Lower Manhattan, another intake center designed to hold immigrants for just a few hours. In recent weeks, lawyers said, their clients have reported being forced to sleep on the floor or on benches during days-long stays.

As with other detainees around the country, many who start off in Manhattan are quickly transferred out.

Anne Pilsbury, a lawyer in New York City, said that her client, a Honduran man who has lived in the United States for years, was handcuffed in front of her when he reported for an ICE check-in on June 9. She later learned that he had been held in the Lower Manhattan building overnight and sent to a jail on Long Island the next day.

“From that point, every time I checked the government’s detainee locator system, it would either have no information or it would show a new jail,” she said, “but when I called that facility, they would tell me he had been moved.”

Since being detained, the man, who is a construction worker and father of four children, has been held in Pennsylvania, Texas and Ohio.

Raiza, a mother who declined to give her last name out of fear of retaliation, has a 20-year-old son who was arrested at immigration court in Manhattan in May, setting off protests. She said he was subsequently transferred from New York to Texas to Louisiana to Pennsylvania.

He also described unsavory conditions. At the Moshannon Valley Processing Center in Philipsburg, Pa., he told his mother during phone calls that he had spotted worms in the sink they used to drink water and was served rotten food.

Cynthia Myers, a Chicago woman whose husband was detained while awaiting asylum, said he was placed in an overcrowded facility in Monroe, La. Detainees there, he told her, were “constantly intimidated and pressured by staff to self-deport, with no regard for their rights or due process.”

Several of those interviewed said that ICE officials appeared to be trying to free up space by encouraging detainees to accept quick deportation.

A lawyer in Arizona, Nera Shefer, said that some of her clients had recently been offered \$1,000 by the authorities if they agreed to immediate voluntary departure. She said all of them had declined.

“It seems they are randomly picking people, and telling them, ‘You want to leave? We’ll pay you because we need your bed,’” she said.

Steven Richard Albert Sun contributed reporting.

Miriam Jordan reports from a grass roots perspective on immigrants and their impact on the demographics, society and economy of the United States.

Jazmine Ulloa is a national reporter covering immigration for The Times.

A version of this article appears in print on , Section A, Page 1 of the New York edition with the headline: In Immigrant Detentions, Filth and Despair Fester

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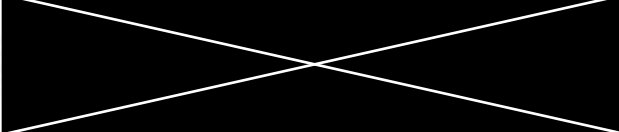
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Court Decision and Motion Information

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DECISION DATE

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