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## CLASS ACTION NOTICE



***Hamama, et al. v. Adducci, et al.***  
**United States District Court for the  
Eastern District of Michigan**

**Case No. 2:17-cv-11910  
Hon. Mark A. Goldsmith**

***Authorized by the U.S. District Court***

**Are you an Iraqi national who had a final order of removal at any point between March 1, 2017 and June 24, 2017?**

**You are part of a class action lawsuit about the removal and detention of Iraqi nationals.**

**This notice explains a settlement that will affect your rights.**

**If you agree with the settlement, you don't need to do anything.**

**If you don't agree, you can object by writing to the Court by July 17, 2024.**

### **Important things to know:**

If the Court approves the settlement, you will be bound by the settlement agreement. The government will also be bound by the settlement agreement.

The purpose of this notice is to summarize the terms of the settlement agreement. The language in this notice does not override the terms of the settlement agreement.

You can learn more at: [aclumich.org/hamama-settlement](http://aclumich.org/hamama-settlement)

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# What Is This Notice About?

## Why did I get this notice?

This notice tells you about the settlement of a class action lawsuit, *Hamama v. Adducci*, brought on behalf of people who had final orders of removal to Iraq. You received this notice because you are a member of the group of people affected, called the “class.”

## What is this lawsuit about?

This lawsuit started in 2017 and challenged the removal and detention of Iraqi nationals.

The lawsuit alleged that the federal government, including U.S. Immigration and Customs Enforcement (ICE):

- did not provide people time to seek legal protection from their removal to Iraq.
- detained them for long periods of time while they pursued immigration relief without a bond hearing.
- detained them despite being unable to remove them to Iraq within a reasonable time frame.

## Where can I learn more?

You can get a complete copy of the proposed settlement and other key documents at: [aclumich.org/hamama-settlement](http://aclumich.org/hamama-settlement)

Or scan here:



The website also has details about a webinar where the attorneys will explain the settlement.

## Why is there a settlement?

The attorneys representing you in this case believe that settling for the terms that the government has agreed to is better than continuing the lawsuit. The government also wants to settle the case.

## What are the next steps in the case?

The Court has directed the parties to send you this notice about the proposed settlement. Because the settlement of a class action affects the rights of all class members, the Court must give final approval to the settlement before it can take effect.

The Court will hold a Fairness Hearing on July 31, 2024 to decide whether to approve the settlement. If the Court approves the settlement, it will then dismiss the *Hamama* case.

If the Court does not approve the settlement, the lawsuit will continue.

## Learning about the Settlement

### What does the settlement do and not do?

The settlement limits why, when and for how long you can be detained during and after removal proceedings. The settlement also provides you with other protections, like limiting what counts as a violation of an order of supervision.

The settlement does **NOT** affect your individual immigration case, or your ability to challenge removal. The settlement also does **NOT** limit the government's ability to remove you to Iraq if you lose your immigration case.

As part of the settlement, class members will "release" their claims which means you cannot sue the government for the same issues as in this class action lawsuit. However, you can still challenge your detention or detention conditions on an individual basis.

### Am I part of this settlement?

Yes, if you are an Iraqi national in the United States who had a final order of removal at any point between March 1, 2017 and June 24, 2017, and you were not already removed from the United States based on that final order.

### How long will the settlement last?

The terms of the proposed settlement would last for three years after the Court approves the settlement. The Court can enforce the settlement agreement during that time.

## How Does the Settlement Apply to Me?

### Does the settlement apply differently to different class members?

Yes. The procedures that apply to you depend on whether:

1. You have a final order of removal ("post-order" vs. "pre-order").
2. The government categorizes you as dangerous ("Category 1" vs. "Category 2"). If you are Category 2, you have more protection from detention than if you are Category 1.

3. You were in ICE detention on May 13, 2024, when the case was settled, or are detained before the Court gives final approval to the settlement.

## What does it mean to be “post-order” vs. “pre-order”?

**Post-Order:** You have a final order of removal to Iraq or another country OR you have an order granting withholding of removal.

**Pre-Order:** You do **NOT** have a final order of removal, including if you lost your case before an immigration judge but are appealing to the Board of Immigration Appeals.

## What does it mean to be “Category 1”?

You are a “Category 1” class member if ICE determines you are:

1. A **threat to national security**, e.g., terrorism.
2. A **threat to border security**, meaning you were arrested while attempting to unlawfully enter or after unlawfully entering the U.S. after November 1, 2020.
3. A **threat to public safety**. ICE can use past criminal convictions to determine you are a threat to public safety only if:
  - You were released from criminal custody within the last five years; OR
  - You were released more than five years ago and you have committed new crimes.

ICE must review the facts and circumstances of your case. The settlement agreement includes a list of things that ICE must consider (for example, how serious your crime was, how old you were, how long you have been in the U.S., etc.).

## What does it mean to be “Category 2”?

All class members who are not Category 1 are Category 2. In most cases, if you were released from criminal custody more than five years ago and have not been criminally charged since, you are Category 2.

## Information for Post-Order Class Members

### When can ICE detain post-order class members?

If you are post-order, the government can detain you only:

1. To remove you, which includes the time necessary to obtain travel documents from Iraq, OR
2. If you violate an order of supervision, OR
3. If you are a suspected terrorist or threat to national security.

## Will I know in advance if ICE is trying to remove me?

ICE must provide 90 days' advance written notice before they can detain a post-order class member for removal. However, ICE does not need to give you 90 days' written notice if:

1. You are being detained immediately upon release from criminal custody and there is a significant likelihood ICE can remove you in 90 days.
2. You are a suspected terrorist or threat to national security.
3. ICE has credible information (beyond any past criminal history) of a substantial risk you will commit a violent or other very serious crime during the 90-day period.

## How long can ICE detain a Category 1 post-order class member for removal?

ICE can detain you if there is a significant likelihood of removal in the next 90 days. If ICE has not removed you after 90 days, ICE must conduct a custody review, which is an internal ICE process to determine if you should be released.

If ICE does not release you, you can request release from a Special Master (a neutral party appointed by the Court to oversee these types of disputes), and the government must show a significant likelihood of removal in the next 90 days (total 180 days) to continue detention.

If you are released by the Special Master, ICE can detain you again for up to 30 days once ICE finalizes an itinerary.

If you are still detained after 180 days, you can request release from the Court. ICE must then show they have travel documents and a removal itinerary in the very near future in order to continue your detention.

## What happens after the 90-day notice for a Category 2 post-order class member?

If you have not obtained a travel document, ICE can require you to report for an interview. ICE can detain you for a consular interview only if:

1. You have previously failed to report for an interview, OR
2. The Special Master gives ICE advance permission to detain you.

Detention for a consular interview is limited to 10 days (video interview) or 30 days (in-person interview). You can request release from the Special Master.

## **How long can ICE detain a Category 2 post-order class member for removal?**

Once ICE has obtained a travel document from Iraq, you can be detained for up to 30 days in order for ICE to remove you.

## **What happens if a Category 1 post-order class member violates an order of supervision?**

ICE can detain you up to 14 days. However, if ICE intends to remove you and there is a reasonable likelihood of removal within 90 days, ICE can detain you longer. The limits and procedures discussed above for detaining Category 1 post-order class members for removal would then apply.

## **What happens if a Category 2 post-order class member violates an order of supervision?**

In most cases, ICE can detain you only for 24 hours.

However, ICE may decide you are Category 1 rather than Category 2 if you violate your order of supervision under certain circumstances (like committing serious new crimes). In those cases, the Category 1 rules apply.

## **What happens to post-order class members who are detained on the settlement date (May 13, 2024) or before the Court approves the settlement?**

If the Court approves the settlement, it will limit how long ICE can continue to detain you and will provide procedures for you to challenge your detention. The following rules will apply:

If ICE determines you are Category 1: The time limits described above for post-order Category 1 class members apply. The time you've already spent in detention counts toward the detention limits in the settlement. Once the settlement is approved, you can use the procedures in the section below on How To Seek Release From Detention to seek release.

If ICE determines you are Category 2: ICE must release you within 10 days.



## What happens if I get a stay of removal?

**If you are not detained when you get the stay of removal:** ICE cannot detain you unless you violate an order of supervision. This is true for both Category 1 and Category 2.

**If you are detained at the time your stay of removal is granted:**

1. If you are Category 1, ICE will conduct a custody review. If ICE does not release you, you can request release from the Special Master.
2. If you are Category 2, ICE will release you.

## Can ICE make class members obtain travel documents?

ICE can require you to make reasonable good-faith attempts to get travel documents from Iraq. For example, ICE can require you to appear for an interview or fill out a form with factual information. ICE cannot require you to sign papers saying you agree to be removed.

For class members in the Detroit area: ICE will not require you to visit the consulate to request documents more than once a year. If Iraq confirms in writing that it will not provide travel documents or does not consider you to be Iraqi, you will no longer be required to try to get travel documents.

## Information for Pre-Order Class Members

### When can ICE detain a pre-order class member?

ICE can detain pre-order class members only if:

1. ICE does a category review (to decide if you are Category 1 or 2), AND
2. The ICE Assistant Field Office Director approves your detention.

ICE agrees that, in its discretion, it does not need to conduct a Category Review unless one of the following conditions exist:

1. You are convicted of a new crime, OR
2. You violate probation or parole, OR
3. You abscond, meaning you don't follow your supervision conditions.

## Will filing a motion to reopen my immigration case result in detention?

ICE cannot detain you based on the fact that you reopened your immigration case.

## What happens when ICE decides after a category review that I am Category 1 or Category 2?

If ICE decides you are Category 1, ICE can detain you, taking into account your criminal record, evidence of rehabilitation, how long you have been in the U.S., and your family and community ties, among other things.

If you are detained, your detention is governed by the immigration law that applies to you. For example, whether you can get a bond hearing before an immigration judge will depend on whether you are eligible for a bond hearing under immigration law.

If ICE decides you are Category 2, ICE will not detain you.

## What happens if a Category 1 pre-order class member violates conditions of supervision?

If the detention law under 8 U.S.C. § 1226(a) applies to you, then ICE can detain you only for the time necessary to address the violation, which can be no more than 14 days. However, if ICE conducts a category review, it can detain you longer.

If 8 U.S.C. § 1226(c) applies to you, then ICE can decide to detain you under the applicable immigration laws after considering factors set out in the settlement.

## What happens if a Category 2 pre-order class member violates conditions of supervision?

In most cases, ICE can detain you only for 24 hours. However, if you violate your order of supervision under certain circumstances (like committing serious new crimes), ICE may do a category review. If ICE determines you are Category 1, then the Category 1 rules may apply.

## What happens to pre-order class members who are detained on the settlement date (May 13, 2024) or before the Court approves the settlement?

Your detention is governed by the immigration law that applies to you. For example, whether you can get a bond hearing before an immigration judge will depend on whether you are eligible for a bond hearing under immigration law.

## What happens if I reopen my case while in detention?

If you reopen your case while in detention (moving you from being post-order to pre-order), you can request that ICE do a custody review to decide whether to release you.

Your detention is governed by the immigration law that applies to you. If, after reopening your case, you are detained under 8 U.S.C. § 1226(a), you will get a bond hearing. If you are detained under 8 U.S.C. § 1226(c), you will not get a bond hearing.

## How to Seek Release From Detention

### If I am detained, how can I seek release?

If the settlement is approved, there will be several different ways to seek release if you are currently detained or get detained in the future:

1. Custody reviews by ICE.
2. Review by the Special Master.
3. Requesting release from the District Court.
4. Filing a habeas corpus petition.

Which ones you can use depends on your situation. See below.

### When will ICE do a custody review?

**Post-order class members:** ICE will do a custody review (an internal ICE process to decide if you should remain detained) 90 days after you are detained for removal OR if a stay of removal is granted.

**Pre-order class members:** ICE will do a custody review if your immigration case is reopened AND you ask for a custody review.

ICE will also do custody reviews as otherwise required by law.

### When can I go to the Special Master?

**Category 1 post-order class members.** If you are detained more than 90 days, you can ask the Special Master to decide whether your removal is significantly likely in the reasonably foreseeable future (the next 90 days, or 180 days total).

**Category 2 post-order class members.** You can ask the Special Master to decide whether detention for a consular interview is permitted.

**Class members with a stay of removal.** If ICE has continued your detention after a custody review, you can ask the Special Master for release.

**Post-order class members detained as of the settlement date or before the Court approves the settlement.** The settlement will apply if it is approved by the Court. At that time, you can ask the Special Master to decide whether the terms of the settlement agreement were followed for your detention based on whether you are Category 1 or Category 2.

**Category 1 class members.** You can ask the Special Master to resolve a dispute about whether you were most recently released from imprisonment less than five years ago, which could affect whether you are Category 1 or 2.

**All class members.** If you and the government agree that the issue should be decided by the Special Master, you can raise it with the Special Master.

You or your attorney can present your case to the Special Master. However, you must try to resolve the issue with the government's attorneys before going to the Special Master.

## When can I go to the District Court?

You can file a motion in the *Hamama* case if:

1. You are a post-order class member who has been detained more than 180 days.
2. You think the government has violated the settlement agreement in another way.
3. You think the fact or length of your detention violates the U.S. Constitution.

With the Court's permission, you or your attorney can present your case to the Court. However, you must try to resolve the issue with the government's attorneys before going to the Court.

## When can I file a habeas corpus petition?

You can file a habeas corpus petition if you think you are being unlawfully detained. You can file your petition in the Eastern District of Michigan as a "companion case" to the *Hamama* case, so long as the Court approves. Or you can also file in the federal court for the place where you are detained, or another court that has jurisdiction.

You cannot file requests for release before the Special Master or the Court in the *Hamama* case, and simultaneously seek release for the same reasons in a separate habeas case.

# Supervision Conditions and Bond

## What does NOT count as a violation of supervision conditions?

It is **NOT** a violation of supervision conditions to:

1. Report within two business days after a scheduled report date.
2. Fail to report prior to the date the Court issues a final order approving the settlement, if, after receiving this notice and written notice from ICE of a new report date, you start reporting again.
3. Be unable to obtain documents (such as travel documents) or information despite good faith efforts to do so.
4. Be unwilling to say that you agree to be removed.
5. Have technical difficulties in remote reporting methods or with electronic monitoring if you bring them to your ICE officer's attention within two business days.

## If I stopped reporting, and now start reporting again, will I be detained?

If the Court approves the settlement, and you then start reporting again, ICE cannot detain you for your past failure to report.

## Can I ask ICE to review my supervision conditions?

Yes, you can submit a written request. If you have been complying with supervision conditions like electronic monitoring, home confinement or a curfew for more than a year, ICE will presume that condition is no longer necessary. ICE can continue it only if there is a reason to think the condition is clearly necessary for public safety or to prevent flight.

## Can I get my bond back?

If you are post-order (including if you have an order granting you protection from removal, like a CAT grant), you can request in writing that ICE return your bond money. If that is not successful, contact class counsel at [hamama@aclumich.org](mailto:hamama@aclumich.org).

# The Process for Settlement Approval

## What happens now?

The Honorable Mark A. Goldsmith, United States District Judge for the Eastern District of Michigan, will decide whether to approve the settlement after holding a Fairness Hearing. If the Court approves the settlement, you, all other class members, and the government will be bound by it.

## Do I need to do anything?

If you agree with the proposed settlement, you do not need to do anything.

If you disagree with the proposed settlement, you can let the Court know why you disagree by filing an objection with the Court.

## How can I object to the settlement?

To object to the proposed settlement, you must be a class member or class representative. Your objection must be in writing, and you must send it to the Court. The objection must include your name, contact information, and the reasons for your objection. The objection must be clearly marked "Objection to Class Action Settlement in *Hamama v. Adducci*, Case No. 2:17-cv-11910."

You can mail your objection to:

Clerk of Court  
Theodore Levin United States Courthouse  
213 West Lafayette Blvd., Room 599  
Detroit, MI 48226

You can also submit your objection electronically using the Pro Se Document Upload Program at <https://www.mied.uscourts.gov/index.cfm?pagefunction=ProSeDocs>. Put in your name and email, click "no" to the question "new case filing," enter the case number 17-cv-11910, and then upload your objection.

Any objection received by the Court will be filed by the Court Clerk on the public docket. **Your objection must be received no later than July 17, 2024.**

## What is a Fairness Hearing and when will that happen?

The Court will hold a Fairness Hearing to decide whether to approve the settlement. The

Court will consider any objections and will decide whether the settlement is fair, reasonable, and adequate.

**When:** July 31, 2024, 2 p.m.

**Where:** Theodore Levin United States Courthouse, Room 815  
231 Lafayette Blvd.  
Detroit, MI 48266

Class counsel (who represent you) and attorneys for the government will attend. You don't have to attend, but you can if you want. You can also ask the Court for permission to speak and express your opinion about the settlement. You can be represented at the hearing by your own attorney at your own cost. The date of the hearing may change without further notice to you. To learn more and confirm the hearing date, go to [aclumich.org/hamama-settlement](https://aclumich.org/hamama-settlement).

## What if I need an interpreter or accommodation for the hearing?

If you need an interpreter, or an accommodation for a hearing, visual or other impairment in order to participate in the Fairness Hearing, please contact class counsel no later than July 17, 2024 by emailing: [hamama@aclumich.org](mailto:hamama@aclumich.org).

## Getting More Information About the Settlement

### How can I get more information?

This notice summarizes the proposed settlement. The settlement agreement itself has more details and is the document that fully sets out your rights. To learn more about the settlement or to get a copy of the settlement agreement, go to [aclumich.org/hamama-settlement](https://aclumich.org/hamama-settlement). Or scan this code:



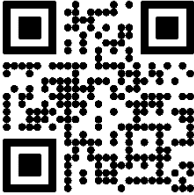
To read the full settlement agreement, go to [aclumich.org/hva-settlement-agreement](https://aclumich.org/hva-settlement-agreement) for English, and [aclumich.org/hva-settlement-agreement-arabic](https://aclumich.org/hva-settlement-agreement-arabic) for Arabic.

Class counsel will hold a webinar for class members. Go to [aclumich.org/hamama-settlement](https://aclumich.org/hamama-settlement) to find out the date/time, and how you can sign up. The session will be recorded and posted on the ACLU website.

### How can I ask questions about the settlement?

You can ask questions at the webinar, talk to your immigration attorney, or email class counsel at [hamama@aclumich.org](mailto:hamama@aclumich.org). Please do not contact the Court or the government.

## Key Resources

Resource	Case Information
<b>Case website (includes webinar and other information)</b>	<a href="http://aclumich.org/hamama-settlement">aclumich.org/hamama-settlement</a> 
<b>Settlement-English</b>	<a href="http://aclumich.org/hva-settlement-agreement">aclumich.org/hva-settlement-agreement</a>
<b>Settlement-Arabic</b>	<a href="http://aclumich.org/hva-settlement-agreement-arabic">aclumich.org/hva-settlement-agreement-arabic</a>
<b>Address for Class Counsel</b>	Hamama Litigation Miller, Canfield, Paddock & Stone, PLC 101 N. Main Street, 7th Floor Ann Arbor, MI 49104
<b>Email for Class Counsel</b>	<a href="mailto:hamama@aclumich.org">hamama@aclumich.org</a>
<b>Court Address for Objections</b>	<p><b>Electronic:</b> Pro Se Document Upload Program, <a href="https://www.mied.uscourts.gov/index.cfm?pagefunction=ProSeDocs">https://www.mied.uscourts.gov/index.cfm?pagefunction=ProSeDocs</a></p> <p>or</p> <p><b>Mail:</b> United States District Court for the Eastern District of Michigan Theodore Levin United States Courthouse 213 West Lafayette, Blvd., Room 599 Detroit, MI 48266</p>
<b>Fairness Hearing</b>	July 31, 2024, 2 p.m. Theodore Levin U.S. Courthouse, Room 815 231 Lafayette Blvd. Detroit, MI 48266

**This notice has been approved by order of the Court.**

Dated: June 14, 2024

/s/ Mark A. Goldsmith  
 Hon. Mark A. Goldsmith  
 United States District Judge