

INFORMATION FOR *HAMAMA V. ADDUCCI* CLASS MEMBERS ABOUT 90-DAY NOTICES

Disclaimer: This information sheet is not intended as legal advice.
For individual legal advice, contact your immigration attorney.

Why did I get a notice from ICE that I have 90 days before ICE begins finalizing my removal?

You are a member of class action lawsuit, *Hamama v. Adducci*, brought on behalf of people who had final orders of removal to Iraq. Under the settlement in *Hamama*, in most cases ICE cannot just detain class members for removal right away. It must give class members 90 days' notice that it is trying to remove them before taking them into custody.

What does the 90-day notice mean?

If you get a 90-day notice, then you have an order of removal and ICE is actively trying to deport you.

What should I do now?

You should immediately contact an immigration attorney to discuss your options.

The settlement in the *Hamama* case does NOT prevent your removal to Iraq. The only way to prevent removal is to win your individual immigration case.

Depending on your circumstances, you may be able to file a motion to reopen your case and a motion for a stay of removal in your immigration case. An immigration attorney can help you figure out what your options are.

If you recently lost a motion to reopen or lost your immigration case, it may be difficult to win a new motion to reopen. You may want to consider departing the United States yourself so that you are not detained and have more control over what happens. An immigration attorney may be able to advise you about whether you can seek immigration relief in another country.

Where can I learn more?

You can get a complete copy of the settlement and other key documents at:
aclumich.org/hamama-settlement

Or scan here:



The website also has a video explaining the settlement.

What does a 90-day notice look like?

A sample notice is attached at the end of this information sheet.

I don't have an immigration attorney. What should I do?

If you do not have an immigration attorney, you can look for legal help here:

<https://www.immigrationadvocates.org/legaldirectory/>

If you are in Michigan, you can email hamama@aclumich.org to request a list of Michigan immigration attorneys.

Can I file a motion to reopen and motion for a stay without an attorney?

We **strongly** recommend consulting an immigration attorney. An attorney can advise you whether it makes sense to file a motion to reopen and can help you prepare a strong motion. If you cannot afford an immigration attorney and cannot find free legal help, you can try to file a motion to reopen and a motion for a stay of removal on your own.

More information is available at: <https://refugeerights.org/news-resources/iraqi-deportation-resources>. (Click on the "accessible here" link at the bottom of the page, and then go to the sections on motions to reopen and stays of removal.)

Can ICE make me 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.

I have CAT or Withholding. Can ICE still try to remove me?

ICE could try to remove you to a country other than Iraq. Just like if ICE were trying to remove you to Iraq, if ICE is trying to remove you to a third country, it must give you 90 days' notice before taking you into custody. The other settlement provisions that apply to people with final orders of removal—like those limiting how long ICE can detain you for removal and how you can seek release from detention—also apply to you.

My check-in date is sooner than 90 days. Can ICE detain me at that check-in?

Under the Settlement Agreement, as long as you follow your order of supervision, ICE is not allowed to detain you until the 90 days are over except in exceptional circumstances (like if ICE believes you are a national security risk or if ICE knows you are planning to commit a serious crime).

If you are detained at a check-in before the 90 days are over, that could violate the Settlement Agreement. You or a family member should immediately contact your immigration attorney. You or a family member should also contact the *Hamama* legal team at hamama@aclumich.org.

What happens after the 90-day notice period is over?

That depends on whether you are a Category 1 or Category 2 class member. See below.

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.

I am a Category 1 Class Member. Can ICE detain me 90 days after sending me the notice?

ICE can detain you if there is a significant likelihood of removal in the next 90 days (after you are detained).

How long can ICE detain a Category 1 class member for removal?

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 (totaling 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 a travel itinerary.

If you are still detained after 180 days, you can request release directly 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.

I am a Category 2 Class Member. Can ICE detain me 90 days after sending me the notice?

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 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 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.

How can I seek release if I am detained?

If you get detained, there are several different ways to seek release. For more information, see the class notice available at: <https://www.aclumich.org/en/hva-settle-info>.

The *Hamama* team has also prepared sample motions that you or your attorney can use to seek release before the special master. Contact hamama@aclumich.org for a copy.

I am Iraqi, but I am not sure if I am a *Hamama* class member. Does the settlement apply to me?

The settlement agreement and the protections described in this info sheet only apply to people who are class members in the *Hamama* case, not to all Iraqis. The settlement applies to you 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 can I get more information?

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. Or scan this code:



To read the full settlement agreement, go to aclumich.org/hva-settlement-agreement for English, and aclumich.org/hva-settlement-agreement-arabic for Arabic.

The website also has a video in English and Arabic explaining the settlement.

U.S. Department of Homeland Security
985 Michigan Ave. Sute 207
Detroit, MI 48226



U.S. Immigration and Customs Enforcement

03/10/2025

A [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

You are a Class Member in *Hamama v Adducci*, Case No. 2:17-cv-11910, in the U.S. District Court for the Eastern District of Michigan. On August 2, 2024, the case settled, and the Settlement Agreement provisions apply to you. Under the Agreement, a Class Member is 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 whose order of removal from that period has not already been executed.

In accordance with the Settlement Agreement, this notice is provided to inform you that you have 90 days from the date of this letter before U.S Immigration and Customs Enforcement (ICE) will begin finalizing travel documents and a travel itinerary for your return to Iraq. During this 90-day period, you are required to make reasonable good faith attempts to obtain travel documents and to assist ICE in obtaining travel documents, including: contacting Iraqi consular officials, participating in appointments and interviews, providing copies of documents and information in your possession, and attempting to obtain documents not in your possession. After 90 days, if you have not obtained a travel document and/or departed from the United States, ICE may set a check-in date for you to fill out a travel document application and provide requested documents.

You must check in, in person, to the location specified in this notice, if you have not left the United States or obtained a travel document within 90 days of March 10, 2025. Your check in date is [REDACTED] 2025 at 985 Michigan Ave. Suite 207, Detroit, MI 48226. Please bring this notice with you to the ICE office.

_____. C. 4782 McClain DO _____
Name and Title of Authorizing Official (Print)

Signature of Authorizing Official