

Can I Seek Release Under The *Hamama v. Adducci* Settlement?

Information For Iraqi Nationals Detained By ICE

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INTRODUCTION

The U.S. District Court for the Eastern District of Michigan has approved a settlement agreement in *Hamama v. Adducci*, a class-action lawsuit on behalf of Iraqi nationals. You are a member of the class and covered by the settlement if you are an Iraqi national who had an order of removal between March 1, 2017 and June 24, 2017 who has not been removed. The settlement limits when, why, and how long class members can be detained by ICE. It will be in effect until August 2, 2027.

If you are a member of this class action lawsuit, you should have received a notice explaining your rights under the settlement. That notice is also available at this link in English:

https://www.aclumich.org/sites/default/files/field_documents/class_notice_6.19.24_final_english_to_govt_for_printing.pdf

and this link in Arabic:

https://www.aclumich.org/sites/default/files/field_documents/class_notice_final_arabic_to_govt_for_printing_6-27-2024.pdf

The full settlement is available at this link in English:

https://www.aclumich.org/sites/default/files/field_documents/717-2_exh_prop_class_settlement_agreement.pdf

and this link in Arabic:

https://www.aclumich.org/sites/default/files/field_documents/final_hamana_settlement_05_22_2024_arabic.pdf

In addition, a webinar explaining the settlement is available at this link in English:

https://www.dropbox.com/scl/fi/jxuzwguaq0vxxhnudccc3/English_Englishs_ubtitles.mp4?rlkey=3o2vw6pxejj1fwn1w6ha57eaq&e=1&st=y4iqyykm&dl=0

and at these links in Arabic:

English with Arabic Subtitles:

https://www.dropbox.com/scl/fi/32kis2w94y690m8yxq80a/English_Arabic_Subtitles.mp4?rlkey=ootypeie4zxvf4q18wpl0rhgq&e=2&dl=0

Arabic Audio:

https://www.dropbox.com/scl/fi/svngqjrf120a9vuk5mgox/Arabic_Audio.mp3?rlkey=a3kn7qvtgqmk7cg72zhi6lfbh&e=2&dl=0

You should review these materials carefully, so you know what your rights are.

The ACLU of Michigan has prepared sample motions to help class members seek release from immigration detention under the settlement. These motions cover some of the most common situations. They do not cover every possible motion for release you may be able to file under the settlement, which is why it is important to read the class notice and settlement carefully. If these motions do not apply to you, talk to an immigration attorney about other options.

Note that you can also file a habeas corpus petition in federal court, and you can ask that your habeas corpus petition be heard by the judge in the *Hamama* case. However, if you file a habeas corpus petition, you cannot file one of these motions until your habeas corpus case is resolved or dismissed. In other words, you can only pursue one path at a time: habeas corpus OR a motion under the settlement.

A final note: these motions will only assist with seeking release from prolonged detention. **They will not prevent your deportation or cancel your removal order.** We strongly advise you to also work with an immigration attorney to determine whether there are options for you to obtain relief from deportation, such as filing a motion to reopen so that you can seek asylum or withholding of removal. Because the government could remove you while you are waiting for a decision on your motion to reopen, you should also talk with an immigration attorney about seeking a stay of removal. In addition, if a stay of removal is granted, you may be eligible for release under the terms of the settlement.

CAN I USE THE SAMPLE MOTIONS TO SEEK RELEASE?

If you are a *Hamama* class member and are currently detained, the settlement in *Hamama v. Adducci* might offer you opportunities to seek release from detention. This packet includes sample motions and instructions for seeking release through some of the opportunities created by the settlement.

Before using any of these motions, please determine if you are eligible to use one of these motions by answering these questions.

1. Are you an Iraqi national who had a final order of removal between March 1, 2017, and June 24, 2017 (note: your final order could have been issued before March 2017; what matters is that it was *still active* between March 1, 2017, and June 24, 2017)?
 - a. YES
 - b. NO – You are not a *Hamama* class member and cannot seek release under the settlement.

2. Do you currently have a Final Order of Removal?
 - a. YES
 - b. NO – The sample motions are only for people with final orders.

3. Are you currently in immigration detention (that is, you are in detention for an immigration violation and *not* because you are serving a sentence for a criminal conviction)?
 - a. YES
 - b. NO

If you answered YES to ALL of the questions above, please see the next section. If you answered NO to any question above, you probably cannot use any of the motions in this packet. However, you may be eligible for other types of relief under settlement, even if you cannot use these motions. Please reach out to an immigration lawyer to discuss your options.

WHICH SAMPLE MOTION SHOULD I USE?

If you are a *Hamama* class member with a final order of removal who is in immigration detention, you may be able to use these motions if you have a stay of removal or if you have been in immigration detention for at least 90 days. (You cannot use these motions unless you either have a stay of removal or you have been detained for more than 90 days. However, if you get a stay of removal or your detention lasts more than 90 days, please return to this packet.)

Answer the questions below to find out which motion to use.

1. Do you currently have a stay of removal?

If yes, you can use the Motion to Special Master for Release Based on a Stay of Removal. The sample motion and accompanying instructions are in Section A of this packet.

2. Have you been detained by ICE for more than 90 days, but less than 180 days?

If yes, you can seek release from the Special Master using the Motion to Special Master Seeking Release After 90 Days of Detention. The sample motion and accompanying instructions are in Section B of this packet.

3. Have you have been detained for more than 180 days, and you do not believe Iraq has issued a travel document for you?

You can seek release directly from the federal judge in the *Hamama* case. Please use the Motion to Court Seeking Release After 180 Days of Detention (No Iraqi Travel Document). The sample motion and accompanying instructions are in Section C of this packet.

4. Have been detained for more than 180 days, and Iraq has issued a travel document for you, but ICE does not have a removal itinerary?

You can seek release directly from the federal judge in the *Hamama* case. Please use the Motion to Court Seeking Release After 180 Days of Detention

(No Removal Itinerary). The sample motion and accompanying instructions are in Section D of this packet.

Please note: when calculating how long you have been detained, do not include any time you spend in prison for a criminal conviction. Include **only** the time you have spent in ICE custody—that is, your time in immigration detention. For example, if you completed a two-year prison sentence last month for a criminal conviction and were then picked up by ICE and taken to a jail or detention center because you have a final order of removal, **you have only been detained by ICE since last month—not for two years.**

WHAT OTHER TYPES OF MOTIONS CAN I FILE UNDER THE SETTLEMENT AGREEMENT?

Under the settlement agreement, there are some other motions you can file in addition to the motions in this packet. If you are filing a motion that is not based on one of the samples in this packet, we strongly encourage you to work with an immigration attorney.

Other Motions Before the Special Master. Here are some of the additional situations in which you can file a motion with the Special Master:

- If ICE has designated you as a “Category 1” on the basis that you were released from a criminal sentence less than five years ago, but you believe that you were released from your criminal sentence *more* than five years ago, you can ask the Special Master to resolve that disagreement.
- If you are a “Category 2” individual and ICE has decided to detain you to ensure that you attend a consular interview, you may be able to challenge that detention before the Special Master.
- If you were detained as of the date this settlement was approved and you think ICE is not correctly applying the settlement’s standards for detention, you can file a motion with the Special Master.
- If you have a different dispute than the ones listed above, ICE may agree to submit the disputes to the Special Master. You can only go to the Special Master if ICE agrees. Email OIL-DCS.Hamama@usdoj.gov to describe why you think ICE is violating the Settlement Agreement, and to ask if they will agree to submit your dispute to the Special Master.

Other Motions Before the Court. You can file a motion with Court if:

- If you are a “Category 2” individual and ICE has decided to detain you because they have obtained a travel document for you, you may be able to challenge that detention before the Court if it lasts for more than 30 days.
- You believe ICE is violating the Settlement Agreement.
 - However, you cannot file motions with the Court if you can file them before the Special Master. For example, if you are seeking release because you have a final order and have been detained more than 90 days, but less than 180 days, you must file with the Special Master.
- You believe ICE is detaining you in violation of the Constitution.

In addition, if you file a habeas petition, you can ask that the Court consider it a “companion case” to the *Hamama* case. If the Court agrees, your habeas petition will be heard by the same judge as in the *Hamama* case instead of a judge that covers the area where you are detained.

Disclaimer

The *Hamama v. Adducci* settlement is complex and will apply differently to different class members. The information contained in this packet is a general overview of the settlement and is not a substitute for legal advice about how the *Hamama v. Adducci* settlement applies in your specific situation. For individualized advice, please contact an immigration attorney.

Motion A:

**Motion to Special Master
Seeking Release
Based on Stay of Removal**

**BEFORE THE SPECIAL MASTER
APPOINTED BY THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

USAMA JAMIL HAMAMA, et al.,

Petitioners and Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents and Defendants.

District Court Case No. 2:17-cv-11910
Special Master Anil Kalhan

Class Action

MOTION FOR RELEASE

INTRODUCTION

I, _____ [1. NAME & ALIEN NUMBER], respectfully move the Special Master to order my release from immigration detention. I am a member of the Court-certified class in this matter and am detained at _____ [2. NAME OF FACILITY IN WHICH YOU ARE DETAINED]. I am requesting release pursuant to Sections IV.B.7. and IV.B.4.d.ii. of the Settlement Agreement. Because I have been granted a stay of removal by _____ [3. NAME OF COURT/AGENCY THAT GRANTED YOUR STAY], under the Settlement Agreement, Immigration and Customs Enforcement (ICE) can no longer detain me unless it can demonstrate that Iraq has indicated that it will issue a travel document and that my removal is significantly likely within the reasonably foreseeable future.

BACKGROUND

Section IV.B.4.d.ii. of the class-wide Settlement Agreement approved by the Court in this case limits prolonged detention of class members with final orders of removal and creates a process for class members to file a request for release with the court-appointed Special Master. *See Hamama v. Adducci*, Case No. 2:17-cv-11910, ECF No. 717-2, Settlement Agreement, Section IV.B.4.d.ii.3; VIII.D.2. Under Section III.D.2.v, the Special Master has authority to determine if a detained class member who has been granted a stay of removal and whom ICE continues to detain after a custody review should remain in detention. *See also* Section IV.B.7.b. (providing that such class members may seek release from the Special Master).

I have been detained since _____ [4. IMMIGRATION DETENTION BOOKING DATE], which is approximately _____ [5. NUMBER OF DAYS] days as of _____ [6. TODAY'S DATE]. Based on the information available to me,

I do not believe my removal is significantly likely in the reasonably foreseeable future.¹

ARGUMENT

a. The Special Master Has Jurisdiction to Hear My Motion for Release.

The Settlement Agreement gives the Special Master the authority to review

“good faith challenges by Class Members... to determine if a detained Class Member who is granted a Stay of Removal and whom ICE continues to detain after a custody review should remain in detention.”

Section VIII.D.2.b.v. I satisfy all of the criteria for Special Master review.²

The Settlement Agreement covers a Class of “all Iraqi nationals in the United States who had Final Orders of Removal at any points between March 1, 2017 and June 24, 2017.” Section I.B.6. I am an Iraqi national who is currently in the United States. ICE issued me a Final Order of Removal on _____ [7. DATE ON YOUR INITIAL REMOVAL ORDER], and that Order was in effect during the period between March 1, 2017, and June 24, 2017.

I was granted a stay of removal on _____ [8. DATE OF STAY] by _____ [9. COURT/AGENCY THAT ISSUED STAY]. To the best of my knowledge, that stay is still active. Under the Settlement Agreement, ICE must conduct a custody review because I was granted stay. To the best of my knowledge, [10.] [ICE has not conducted a custody review in the required time] / [ICE conducted a custody review on _____ [DATE], and decided to continue detention.] As of the date of this filing, I continue to remain detained in ICE custody at _____ [13. NAME OF THE

¹ To the extent that I have been detained for more than 90 days, please also consider this motion a request for release under Section IV.B.4.d.ii.3.

² The Settlement Agreement also requires me to attempt to meet and confer with the government prior to seeking release. Section VIII.C.1. I reached out to the government’s attorneys on _____ [11. DATE] via email, and as of the filing of this motion, [12.] [my concerns regarding my continued detention have not been resolved] / [the government has not responded to my request for a meet and confer in the required five business days].

FACILITY WHERE YOU ARE DETAINED]. Upon information and belief, I have been detained there since _____ [14. IMMIGRATION DETENTION BOOKING DATE], which amounts to approximately _____ [15. NUMBER OF DAYS] days.

Finally, upon information and belief, ICE has conducted a Category Review for me and has designated me as Category 1. *See* Settlement Agreement, Section II. That means that, under the Settlement Agreement, I can ask the Special Master for release under the procedures in Section IV.B.4.d.ii. *See* Section IV.B.7.b. [16.] [While I reserve the right to challenge the correctness of that designation, I am not disputing my Category 1 status in this motion.] / [I am also challenging my Category 1 classification. To the best of my knowledge, I was released from jail/prison on _____ [DATE OF RELEASE], which was more than five years ago. As a result, pursuant to Section VIII.D.2.b.i., the Special Master should correct my classification to Category 2. And because the Settlement Agreement states that Category 2 class members with a stay of removal “shall be released,” Section IV.D.7.c., the Special Master should order my immediate release.]

b. I am entitled to immediate release because ICE has not shown that my removal is significantly likely to occur in the reasonably foreseeable future.

Pursuant to Section IV.B.4.d.ii.6. of the Settlement Agreement, ICE may only continue detaining me despite my stay of removal if they have “demonstrated a significant likelihood of removal within the reasonably foreseeable future (which at this point means no longer than the next ninety (90) days, but could, depending on the circumstances, be shorter). . . .” To demonstrate a significant likelihood of removal, ICE must provide “evidentiary support showing that Iraq has indicated that it will issue a Travel Document and that the Class Member’s removal is significantly likely to occur within the reasonably foreseeable future.” Section IV.B.4.d.ii.4. The Special Master must order the Class Member’s release “[u]nless the Special Master finds that ICE has demonstrated a significant likelihood of removal within the reasonably foreseeable future (which

at this point means no longer than the next ninety (90) days, but could, depending on the circumstances, be shorter)...” *Id.*, Section IV.B.4.d.ii.6. If my detention exceeds 180 days, then continued detention is only allowed “if ICE clearly demonstrates a very high likelihood of imminent removal, by demonstrating that Iraq has already provided a Travel Document and ICE has already arranged a removal itinerary for the very near future.” Section IV.B.4.e.

ICE cannot remove me without getting the stay lifted. I have no reason to believe that the stay will be lifted any time soon. And if the merits filings associated with my stay motion are successful, it will take even longer, and in fact ICE may never be able to remove me.

[17.] _____

Even if the stay is lifted, there is no reason to believe that I can be removed in the reasonably foreseeable future. [18.] [As of the filing of this motion, ICE has not shown me any travel documents from Iraq, any travel itinerary, or any other evidence that my removal is likely.]

[19.] _____

Thus, because there is no evidence that my stay will soon be lifted [or that Iraq will soon issue a travel document], ICE is not significantly likely to remove me in the reasonably foreseeable future.

In addition, the record in this case shows how difficult it is for ICE to remove people to

Iraq. Indeed, the Court found in 2018 that, based on the “plethora of credible evidence on support of their position... Petitioners’ removal is not significantly likely in the reasonably foreseeable future.” ECF No. 490, PageID.14189 - 14190. The difficulties that ICE had at that time continue. Data collected by *Hamama* Class Counsel show that ICE has only been able to remove 53 of the 1143 class members (~4%) with final orders of removal. Declaration of Lisa Gore, Exhibit A at ¶¶ 3-4. Those 53 removed class members spent an average of 253 days in detention prior to their removal, with some spending over 800 days. *Id.* at ¶ 5. In addition, once ICE was able to obtain travel documents for a detained class member, those class members averaged an additional 85 days in detention before ICE remove them, with some spending as long as an extra 150 days. *Id.* at ¶ 6. [20.]

Accordingly, absent evidentiary support in the response to this motion that (1) my removal is significantly likely in the reasonably foreseeable future despite my active stay of removal, and (2) Iraq will issue a travel document for me, I should be immediately released.

CONCLUSION

Despite ordering me removed ____ [21. HOW MANY YEARS AGO] years ago and detaining me for roughly _____ [22. HOW MANY MONTHS] months, ICE has not yet removed me to Iraq. In fact, as evidenced by their failure to obtain a travel document for me and my active stay of removal, they do not appear to be close to removing me in the reasonably foreseeable future. I respectfully request that the Special Master use his authority under the Settlement Agreement to immediately release me from detention.

I declare under penalty of perjury that the foregoing information concerning me and my detention is true and correct to the best of my information and belief.

Respectfully executed and submitted,

_____ [23. SIGNATURE]

_____ [24. YOUR NAME & A NUMBER]

_____ [25. TODAY'S DATE]

Currently detained at:

_____ [26. NAME & ADDRESS OF DETENTION FACILITY]

**INSTRUCTIONS FOR COMPLETING AND SUBMITTING
MOTION TO SPECIAL MASTER
SEEKING RELEASE BASED ON STAY OF REMOVAL**

NOTE: This motion, and the others in this packet, will only assist with seeking release from prolonged detention. **They will not prevent your deportation or cancel your removal order.** We strongly advise you to also work with an immigration attorney to determine whether there are options for you to obtain relief from deportation, such as filing a motion to reopen so that you can seek asylum or withholding of removal.

I. What to do before filling out this sample motion.

First, please confirm that you have a stay of removal (i.e., an order telling ICE they cannot deport you) from an immigration judge, a federal court, or another government agency/judicial body. If this does not describe you, please return to the questionnaire at the beginning of this packet to determine whether there is another motion you can use.

Second, before submitting this motion, you are required to raise concerns about your continued detention with the government directly. You can do this by sending an email to: OIL-DCS.Hamama@usdoj.gov. We suggest that your email contain the following language (if you have a lawyer, your lawyer can reach out to the government on your behalf):

My name is _____ and my A-Number is _____. I am a *Hamama* Class Member. Pursuant to Section VIII.C. of the Settlement Agreement, I am emailing to request a meet-and-confer with the government to discuss concerns about my continued detention. I believe that I am being detained in violation of Section IV.B. of the Settlement Agreement. I continue to be detained despite having been granted a stay of removal, and there is no indication that my removal is significantly likely in the reasonably foreseeable future. As a result, I am requesting that the government either meet and confer with me regarding my continued detention or immediately release me.

The government has five business days (that is, do not count weekends or holidays) to respond to your email. They might respond to your email in a few different ways:

- (1) They may say that they have decided to release you, in which case filing this motion will no longer be necessary.
- (2) They may say that they have decided to continue detaining you, in which case **you can proceed to filing this motion.**
- (3) They may say that they are willing to meet with you and discuss your detention further, in which case you should meet with them before filing this motion. **If they still have not released you after that meeting, you can file this motion.**

- (4) They might not respond at all. If five business days have passed without a response from the government, **you can proceed to filing this motion.**

II. How to fill out this sample motion.

The attached motion is **incomplete**. It requires you to write in information about yourself and about your detention. Please follow these instructions carefully so that you can complete the missing pieces of this motion accurately.

The attached motion is written from the perspective of the class member. If you are a lawyer representing a class member, you should adjust this language to speak on behalf of your client.

The following are step-by-step instructions for filling out the motion. Each place where you need to fill in information on the motion has a blank line, and a number with brackets for what you need to fill in (for example, “_____ [1. NAME AND ALIEN NUMBER]”). For each number, the instructions below tell you what to fill in.

1. Write your full name and your alien number (also known as an “A Number”). You can use the following format: “John Doe (A# 123456789).”
2. Write the name of the facility/jail where you are currently detained.
3. Write the name of the court/agency that granted you a stay of removal. Usually, this would be an immigration judge (specify which judge), the Board of Immigration Appeals or a federal court (specify which court).
4. Write the date you entered immigration detention. If you served a criminal sentence right before your current detention, please use the date on which you were transferred to immigration detention *after* you completed your criminal sentence.
5. Write the number of days you have been detained by counting the days since you were first detained up until the day you are submitting this motion.
6. Write the date that you are submitting this motion.
7. Write the date that your order of removal was issued. If you reopened your case and were later issued a second removal order, please use the date on the first removal order.
8. Write the date on which you were granted your stay of removal.
9. Write the name of the court/agency that granted you a stay of removal. Usually, this would be an immigration judge (specify which judge), Board of Immigration Appeals, or a federal court (specify which court). Please make sure that this is the same information you wrote earlier in the motion.

10. Under the Settlement Agreement, ICE is required to conduct a custody review within 15 days from when your stay was granted.

Circle “ICE has not yet conducted a custody review” if that is the case. And then cross out the rest of the sentence.

If ICE has done a custody review, cross out the first part of the sentence, and circle “ICE conducted a custody review on [DATE] and decided to continue detention. Then fill in the date of the custody review.

If you have not had a custody review after obtaining your stay of removal, you should immediately request one.

11. This is in footnote 2 at the bottom of the page. Write the date on which you sent an email to the email inbox that the government set up to request a meet-and-confer. **If you have not done this, please return to the first section of these instructions (“What to do before filling out this sample motion.”) before proceeding.**
12. This is in footnote 2 at the bottom of the page. If the government responded to your email, circle the first phrase (“my concerns regarding my continued detention have not been resolved”) and cross out the second phrase. If the government has not responded to your email in five business days, you should cross out the first phrase and instead circle the second phrase (“the government has not responded to my request for a meet and confer in the required five business days”).
13. Write the name of the facility/jail where you are currently detained.
14. Write the date you entered immigration detention. If you served a criminal sentence right before your current detention, please use the date on which you were transferred to immigration detention *after* you completed your criminal sentence.
15. Write the number of days you have been detained by counting the days since you were first detained up until the day you are submitting this motion. Please make sure that this is the same information you wrote earlier in the motion.
16. Under the settlement, ICE categorizes class members as Category 1 or Category 2. Category 1 class members can be detained longer, while Category 2 class members can only be detained up to 30 days. You are a Category 1 class member if (a) you were released from a criminal sentence within the last five years, including if you went from criminal custody to ICE custody; (b) you were arrested after attempting to enter the United States unlawfully after November 1, 2020; (c) the government believes you are engaging in activities related to terrorism or espionage, or otherwise thinks you are a danger to national security. See the class notice for more information about Category 1 and 2 classifications.

If you think ICE correctly categorized you as Category 1, circle the first sentence that says: “While I reserve the right to challenge the correctness of that designation, I am not disputing my Category 1 status in this motion.” Cross out the rest of the footnote.

If you were released from jail/prison more than five years ago, and you think ICE incorrectly classified you as Category 1, circle the language that says: “I am also challenging my Category 1 classification. To the best of my knowledge, I was released from jail/prison on _____ [DATE OF RELEASE], which was more than five years ago. As a result, pursuant to Section VIII.D.2.b.i., the Special Master should correct my classification to Category 2. Because Category 2 class members can only be detained for 30 days under Section IV.B.5.d.-g., I should be immediately released.” Fill in the date that you were released (date, month and year.). Cross out the first sentence.

17. You will now see some blank lines. This blank space is very important. You should include details about your stay of removal, especially if there is a reason to believe the stay will last for a long time. You should also explain why you were granted a stay of removal. For example, if you obtained a stay of removal from an immigration judge in connection with a pending motion to reopen, you should specify that. If you have an immigration lawyer, we strongly recommend consulting with them to determine what information to share about your stay of removal.
18. Here you will see the sentence: “As of the filing of this motion, ICE has not shown me any travel documents from Iraq, any travel itinerary, or any other evidence that my removal is likely.” If this is true, leave it there. If it is not true (for example, ICE has shown you a travel document), cross it out.
19. Here you will see some more blank lines. You must explain in detail any information that makes you think ICE can’t remove you to Iraq in the near future. This may include any conversations you have had with an Iraqi embassy or consulate, or any conversations you’ve had with ICE officers. For example, if you have spoken to the Iraqi consulate/embassy and a representative told you that they cannot issue a travel document because they don’t know who you are, you can say something like “I spoke to a representative of the Iraqi consulate around [APPROXIMATE DATE OF PHONE CALL], and they told me that they would not be able to issue a travel document for me because they do not have the necessary records to verify that I can lawfully reside in Iraq.” Or, if the ICE officers have told you that they are still trying to get travel documents, but have not been able to get them yet, you can say something like “My ICE officer, [NAME OF OFFICER] told me on [APPROXIMATE DATE OF CONVERSATION] that ICE has been trying to get travel documents for me, but that Iraq has not responded and they don’t know when I will be removed.”

What you write in these lines is really going to depend on what conversations you have had with ICE and Iraq, and how/why you obtained your stay of removal. It will look different for everyone. But you should fill in as much information as you can explaining why you think ICE will not be able to remove you to Iraq in the near future.

20. You will again see some blank lines. This blank space is for you to include any other reasons that you should be released. For example, if you have a medical condition that is not being properly treated in detention, you should explain your medical condition and how being released from detention would help you access quality treatment. In addition, if you had a good track record of complying with supervision requirements before you were detained (for example, you regularly checked in at the ICE office), you can use these lines to explain that you will comply with any supervision requirements ICE may impose if you are released.
21. Write how many years it has been since you were first issued a removal order. For example, if your removal order is from 2015 and you are filling out this motion in 2024, you should write “9 years” (because it has been nine years since 2015).
22. Write how many months you have been in immigration detention.
23. Sign your name.
24. Write your full name and your alien number (also known as an “A Number”). You can use the following format: “John Doe (A# 123456789).”
25. Write the date you are submitting this motion.
26. Write the name and address of the facility/jail where you are currently detained.

III. How to submit this motion.

Once you have finished filling in all of the blanks in the attached motion, and signed it, please review the motion to make sure everything you included is accurate.

After you have reviewed your motion, please collect the following documents:

1. The completed motion.
2. Exhibit A, “Declaration of Lisa Gore” (include this with the motion you submit).

Make a copy of everything to keep for your records.

You can submit these documents in one of the following ways:

1. Via email: hamama.special.master@outlook.com
2. Via mail:

Special Master Anil Kalhan
Professor of Law
Drexel University Kline School of Law
3320 Market Street
Philadelphia, PA 19104

If you are sending the motion in the mail, **please make sure that your full name is written on the envelope.**

IV. What happens next.

Once you file your motion with the Special Master, the government will have seven business days to show you and the Special Master evidence that Iraq will issue a travel document and that your removal is significantly likely in the reasonably foreseeable future.

Once ICE has submitted their evidence in response to your motion, you will have seven business days from the date that you received ICE's response to send a letter to the Special Master explaining why you think ICE's evidence does not actually show a likelihood of your removal. This step is not mandatory, but we encourage you to submit this letter and include any evidence you have that may prove that ICE is wrong about the likelihood of your removal. If you stay of removal is still active at this point, you should let the Special Master know that your stay of removal remains active.

After all of the responses are submitted, the Special Master will decide whether or not to release you.

If the Special Master approves your request for release, ICE should release you shortly after they receive the order from the Special Master. However, ICE can appeal the Special Master's decision to the Court by filing objections. If ICE files those objections within two business days of receiving the Special Master's release order, then you will not be released right away because the release order will not go into effect for ten days. If you want to respond to the government's objection, you have two business days to file a response (no more than five pages) with the Court.

If the Special Master denies your request for release, you will remain in detention. However, you can file objections (no more than five pages) with the Court within 14 days. You must send a copy of your objections to the Special Master.

If either ICE or you file objections to a decision of the Special Master, the Court will decide whether you should be released.

Once you have reached 180 days in detention, you can file another motion for release, this time directly with the Court. Once you have been in detention for 180 days, please return to the questionnaire at the beginning of this packet to determine whether you can use one of the sample motions.

Motion B:

**Motion to Special Master
Seeking Release
After 90 Days of Detention**

**BEFORE THE SPECIAL MASTER
APPOINTED BY THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

USAMA JAMIL HAMAMA, et al.,

Petitioners and Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents and Defendants.

District Court Case No. 2:17-cv-11910
Special Master Anil Kalhan

Class Action

MOTION FOR RELEASE

INTRODUCTION

I, _____ [1. NAME & ALIEN NUMBER], respectfully move the Special Master to order my release from immigration detention. I am a member of the Court-certified class in this matter and am detained at _____ [2. NAME OF FACILITY IN WHICH YOU ARE DETAINED]. I am requesting release pursuant to Section IV.B.4.d.ii. of the Settlement Agreement. Because I have been detained for more than 90 days, under the Settlement Agreement, Immigration and Customs Enforcement (ICE) can no longer detain me unless it can demonstrate that Iraq has indicated that it will issue a travel document and that my removal is significantly likely within the reasonably foreseeable future.

BACKGROUND

On July 31, 2024, the U.S. District Court for the Eastern District of Michigan approved a class-wide Settlement Agreement and appointed a Special Master to hear certain proceedings. *See* Order Approving Settlement Agreement, *Hamama v. Adducci*, Case No. 2:17-cv-11910, ECF No. 728; Amended Order Appointing Special Master, ECF No. 730.

Section IV.B.4.d.ii. of the Settlement Agreement limits prolonged detention of class members with final orders of removal and creates a process for such class members to file a request for release with the Special Master if they have been detained for more than 90 days. *See* Settlement Agreement, Section IV.B.4.d.ii.3. ICE must then within seven days provide “evidentiary support showing that Iraq has indicated that it will issue a Travel Document and that the Class Member’s removal is significantly likely to occur within the reasonably foreseeable future.” *Id.*, Section IV.B.4.d.ii.4. The Special Master must order the Class Member’s release “[u]nless the Special Master finds that ICE has demonstrated a significant likelihood of removal within the reasonably foreseeable future (which at this point means no longer than the next ninety

(90) days, but could, depending on the circumstances, be shorter)...” *Id.*, Section IV.B.4.d.ii.6.

I have been detained since _____ [3. IMMIGRATION DETENTION BOOKING DATE], which is approximately _____ [4. NUMBER OF DAYS] days as of _____ [5. TODAY’S DATE]. Based on the information available to me, I do not believe my removal is significantly likely in the reasonably foreseeable future.

ARGUMENT

a. The Special Master Has Jurisdiction to Hear My Motion for Release.

The Settlement Agreement gives the Special Master the authority to review

“good faith challenges by Class Members... to determine for a Category 1 Individual, with a Final Order of Removal, who has been detained more than 90 days whether Iraq has indicated that it will issue a Travel Document and whether the Class Member’s removal is significantly likely to occur in the reasonably foreseeable future such that detention can be continued....”

Section VIII.D.2.b.iii. I satisfy all of the criteria for Special Master review.¹

The Settlement Agreement covers a Class of “all Iraqi nationals in the United States who had Final Orders of Removal at any points between March 1, 2017 and June 24, 2017.” Section I.B.6. I am an Iraqi national who is currently in the United States. ICE issued me a Final Order of Removal on _____ [6. DATE ON YOUR INITIAL REMOVAL ORDER], and that Order was in effect during the period between March 1, 2017, and June 24, 2017. Thus, I am a class member with a final order of removal.

¹ The Settlement Agreement also requires me to attempt to meet and confer with the government prior to seeking release. Section VIII.C.1. I reached out to the government’s attorneys on _____ [7. DATE] via email, and as of the filing of this motion, [8.] [my concerns regarding my continued detention have not been resolved] / [the government has not responded to my request for a meet and confer in the required five business days].

Upon information and belief, ICE has conducted a Category Review for me and has designated me as a Category 1 individual. *See* Settlement Agreement, Section II.² Finally, I have been detained by ICE for more than 90 days. I am currently detained in ICE custody at _____ [9. NAME OF THE FACILITY WHERE YOU ARE DETAINED].

Upon information and belief, I have been detained there since _____ [10. IMMIGRATION DETENTION BOOKING DATE], which amounts to approximately _____ [11. NUMBER OF DAYS]—i.e., more than 90 days.

b. I am entitled to immediate release because ICE has not shown that my removal is significantly likely to occur in the reasonably foreseeable future.

Pursuant to Section IV.B.4.d.ii.6. of the Settlement Agreement, ICE may only detain me beyond 90 days if they have “demonstrated a significant likelihood of removal within the reasonably foreseeable future (which at this point means no longer than the next ninety (90) days, but could, depending on the circumstances, be shorter). . . .” To demonstrate a significant likelihood of removal, ICE must provide “evidentiary support showing that Iraq has indicated that it will issue a Travel Document and that the Class Member’s removal is significantly likely to occur within the reasonably foreseeable future.” Section IV.B.4.d.ii.4.

As of the filing of this motion, ICE has not shown me any travel documents from Iraq, any travel itinerary, or any other evidence that my removal is likely.

[12.] _____

² [13.] [While I reserve the right to challenge the correctness of that designation, I am not disputing my Category 1 status in this motion.] [I am also challenging my Category 1 classification. To the best of my knowledge, I was released from jail/prison on _____ [DATE OF RELEASE], which was more than five years ago. As a result, pursuant to Section VIII.D.2.b.i., the Special Master should correct my classification to Category 2. Because Category 2 class members can only be detained for up to 30 days under Section IV.B.5.d.-g., I should be immediately released.]

Thus, there is no evidence that Iraq will issue a travel document or that ICE is significantly likely to remove me in the reasonably foreseeable future.

In addition, the record in this case shows how difficult it is for ICE to remove people to Iraq. Indeed, the Court found in 2018 that, based on the “plethora of credible evidence on support of their position... Petitioners’ removal is not significantly likely in the reasonably foreseeable future.” ECF No. 490, PageID.14189 - 14190. The difficulties that ICE had at that time continue. Indeed, data collected by *Hamama* Class Counsel show that ICE has only been able to remove 53 of the 1143 class members (~4%) with final orders of removal. Declaration of Lisa Gore, Exhibit A at ¶¶ 3-4. Those 53 removed class members spent an average of 253 days in detention prior to their removal, with some spending over 800 days. *Id.* at ¶ 5. In addition, once ICE was able to obtain travel documents for a detained class member, those class members averaged an additional

85 days in detention before ICE was able to effect their removal, with some spending as long as an additional 150 days. *Id.* at ¶ 6.

[14.] _____

Accordingly, absent evidentiary support in the response to this motion that (1) Iraq will issue a travel document for me and (2) my removal is significantly likely in the reasonably foreseeable future, I should be immediately released.

CONCLUSION

Despite ordering me removed ____ [15. HOW MANY YEARS AGO] years ago and detaining me for roughly _____ [16. HOW MANY MONTHS] months, ICE has not yet removed me to Iraq. In fact, as evidenced by their failure to obtain a travel document for me, they do not appear to be close to removing me in the reasonably foreseeable future. I respectfully request that the Special Master use his authority under the Settlement Agreement to immediately release me from detention.

I declare under penalty of perjury that the foregoing information concerning me and my detention is true and correct to the best of my information and belief.

Respectfully executed and submitted,

_____ [17. SIGNATURE]

_____ [18. YOUR NAME & A NUMBER]

_____ [19. TODAY'S DATE]

Currently detained at:

_____ [20. NAME & ADDRESS OF DETENTION FACILITY]

**INSTRUCTIONS FOR COMPLETING AND SUBMITTING
MOTION TO SPECIAL MASTER
SEEKING RELEASE AFTER 90 DAYS OF DETENTION**

NOTE: This motion, and the others in this packet, will only assist with seeking release from prolonged detention. **They will not prevent your deportation or cancel your removal order.** We strongly advise you to also work with an immigration attorney to determine whether there are options for you to obtain relief from deportation, such as filing a motion to reopen so that you can seek asylum or withholding of removal. Because the government could remove you while you are waiting for a decision on your motion to reopen, you should also talk with an immigration attorney about seeking a stay of removal. In addition, if a stay of removal is granted, you may be eligible for release under the terms of the settlement.

I. What to do before filling out this sample motion.

First, please confirm that you have been in detention for more than 90 days, but less than 180 days. If this does not describe you, please return to the questionnaire at the beginning of this packet to determine whether there is another motion you can use.

Second, before submitting this motion, you are required to raise concerns about your continued detention with the government directly. You can do this by sending an email to: OIL-DCS.Hamama@usdoj.gov. We suggest that your email contain the following language (if you have a lawyer, your lawyer can reach out to the government on your behalf):

My name is _____ and my A-Number is _____. I am a *Hamama* Class Member. Pursuant to Section VIII.C. of the Settlement Agreement, I am emailing to request a meet-and-confer with the government to discuss concerns about my continued detention. I believe that I am being detained in violation of Section IV.B. of the Settlement Agreement. I have been detained for more than 90 days, and there is no indication that my removal is significantly likely in the reasonably foreseeable future. As a result, I am requesting that the government either meet and confer with me regarding my continued detention or immediately release me.

The government has five business days (that is, do not count weekends or holidays) to respond to your email. They might respond to your email in a few different ways:

- (1) They may say that they have decided to release you, in which case filing this motion will no longer be necessary.
- (2) They may say that they have decided to continue detaining you, in which case **you can proceed to filing this motion.**

- (3) They may say that they are willing to meet with you and discuss your detention further, in which case you should meet with them before filing this motion. **If they still have not released you after that meeting, you can file this motion.**
- (4) They might not respond at all. If five business days have passed without a response from the government, **you can proceed to filing this motion.**

II. How to fill out this sample motion.

The attached motion is **incomplete**. It requires you to write in information about yourself and about your detention. Please follow these instructions carefully so that you can complete the missing pieces of this motion accurately.

The attached motion is written from the perspective of the class member. If you are a lawyer representing a class member, you should adjust this language to speak on behalf of your client.

The following are step-by-step instructions for filling out the motion. Each place where you need to fill in information on the motion has a blank line, and a number with brackets for what you need to fill in (for example, “_____ [1. NAME AND ALIEN NUMBER]”). For each number, the instructions below tell you what to fill in.

1. Write your full name and your alien number (also known as an “A Number”). You can use the following format: “John Doe (A# 123456789).”
2. Write the name of the facility/jail where you are currently detained.
3. Write the date you entered immigration detention. If you served a criminal sentence right before your current detention, please use the date on which you were transferred to immigration detention *after* you completed your criminal sentence.
4. Write the number of days you have been detained by counting the days since you were first detained up until the day you are submitting this motion.
5. Write the date that you are submitting this motion.
6. Write the date that your order of removal was issued. If you reopened your case and were later issued a second removal order, please use the date on the first removal order.
7. This is in footnote 1 at the bottom of the page. Write the date on which you sent an email to the email inbox that the government set up to request a meet-and-confer. **If you have not done this, please return to the first section of these instructions (“What to do before filling out this sample motion.”) before proceeding.**
8. This is in footnote 1 at the bottom of the page. If the government responded to your email, circle the first phrase (“my concerns regarding my continued detention have not been

resolved”) and cross out the second phrase. If the government has not responded to your email in five business days, you should cross out the first phrase and instead circle the second phrase (“the government has not responded to my request for a meet and confer in the required five business days”).

9. Write the name of the facility/jail where you are currently detained.
10. Write the date you entered immigration detention. If you served a criminal sentence right before your current detention, please use the date on which you were transferred to immigration detention *after* you completed your criminal sentence.
11. Write the number of days you have been detained by counting the days since you were first detained up until the day you are submitting this motion. Please make sure that this is the same information you wrote earlier in the motion.
12. You will now see some blank lines. This blank space is very important. You must explain in detail any information that makes you think ICE can’t remove you to Iraq in the next 90 days. This may include any conversations you have had with an Iraqi embassy or consulate, or any conversations you’ve had with ICE officers. For example, if you have spoken to the Iraqi consulate/embassy and a representative told you that they cannot issue a travel document because they don’t know who you are, you can say something like “I spoke to a representative of the Iraqi consulate around [APPROXIMATE DATE OF PHONE CALL], and they told me that they would not be able to issue a travel document for me because they do not have the necessary records to verify that I can lawfully reside in Iraq.” Or, if the ICE officers have told you that they are still trying to get travel documents, but have not been able to get them yet, you can say something like “My ICE officer, [NAME OF OFFICER] told me on [APPROXIMATE DATE OF CONVERSATION] that ICE has been trying to get travel documents for me, but that Iraq has not responded and they don’t know when I will be removed.”

What you write in these lines is really going to depend on what conversations you have had with ICE and Iraq. It will look different for everyone. But you should fill in as much information as you can explaining why you think ICE will not be able to remove you to Iraq in the near future.

13. This is in footnote 2 at the bottom of the page. Under the settlement, ICE categorizes class members as Category 1 or Category 2. Category 1 class members can be detained longer, while Category 2 class members can only be detained up to 30 days. You are a Category 1 class member if (a) you were released from a criminal sentence within the last five years, including if you went from criminal custody to ICE custody; (b) you were arrested after attempting to enter the United States unlawfully after November 1, 2020; (c) the government believes you are engaging in activities related to terrorism or espionage, or otherwise thinks you are a danger to national security. See the class notice for more information about Category 1 and 2 classifications.

If you think ICE correctly categorized you as Category 1, circle the first sentence in footnote 2 that says: “While I reserve the right to challenge the correctness of that designation, I am not disputing my Category 1 status in this motion.” Cross out the rest of the footnote.

If you were released from jail/prison more than five years ago, and you think ICE incorrectly classified you as Category 1, circle the language in footnote 2 that says: “I am also challenging my Category 1 classification. To the best of my knowledge, I was released from jail/prison on _____ [DATE OF RELEASE], which was more than five years ago. As a result, pursuant to Section VIII.D.2.b.i., the Special Master should correct my classification to Category 2. Because Category 2 class members can only be detained for 30 days under Section IV.B.5.d.-g., I should be immediately released.” Fill in the date that you were released (date, month and year.). Cross out the first sentence.

14. You will again see some blank lines. This blank space is for you to include any other reasons that you should be released. For example, if you have a medical condition that is not being properly treated in detention, you should explain your medical condition and how being released from detention would help you access quality treatment. In addition, if you had a good track record of complying with supervision requirements before you were detained (for example, you regularly checked in at the ICE office), you can use these lines to explain that you will comply with any supervision requirements ICE may impose if you are released.
15. Write how many years it has been since you were first issued a removal order. For example, if your removal order is from 2015 and you are filling out this motion in 2024, you should write “9 years” (because it has been nine years since 2015).
16. Write how many months you have been in immigration detention.
17. Sign your name.
18. Write your full name and your alien number (also known as an “A Number”). You can use the following format: “John Doe (A# 123456789).”
19. Write the date you are submitting this motion.
20. Write the name and address of the facility/jail where you are currently detained.

III. How to submit this motion.

Once you have finished filling in all of the blanks in the attached motion, and signed it, please review the motion to make sure everything you included is accurate.

After you have reviewed your motion, please collect the following documents:

1. The completed motion.
2. Exhibit A, “Declaration of Lisa Gore” (include this with the motion you submit).

Make a copy of everything to keep for your records.

You can submit these documents in one of the following ways:

1. Via email: hamama.special.master@outlook.com
2. Via mail:

Special Master Anil Kalhan
Professor of Law
Drexel University Kline School of Law
3320 Market Street
Philadelphia, PA 19104

If you are sending the motion in the mail, **please make sure that your full name is written on the envelope.**

IV. What happens next.

Once you file your motion with the Special Master, the government will have seven business days to show you and the Special Master evidence that Iraq will issue a travel document and that your removal is significantly likely in the reasonably foreseeable future.

Once ICE has submitted their evidence in response to your motion, you will have seven business days from the date that you received ICE’s response to send a letter to the Special Master explaining why you think ICE’s evidence does not actually show a likelihood of your removal. This step is not mandatory, but we encourage you to submit this letter and include any evidence you have that may prove that ICE is wrong about the likelihood of your removal.

After all of the responses are submitted, the Special Master will decide whether or not to release you.

If the Special Master approves your request for release, ICE should release you shortly after they receive the order from the Special Master. However, ICE can appeal the Special Master’s decision to the Court by filing objections. If ICE files those objections within two business days of receiving the Special Master’s release order, then you will not be released right away because the release order will not go into effect for ten days. If you want to respond to the government’s objection, you have two business days to file a response (no more than five pages) with the Court.

If the Special Master denies your request for release, you will remain in detention. However, you can file objections (no more than five pages) with the Court within 14 days. You must send a copy of your objections to the Special Master.

If either ICE or you file objections to a decision of the Special Master, the Court will decide whether you should be released.

Once you have reached 180 days in detention, you can file another motion for release, this time directly with the Court. Once you have been in detention for 180 days, please return to the questionnaire at the beginning of this packet to determine whether you can use one of the sample motions.

Motion C:

**Motion to Court
Seeking Release
After 180 Days of Detention
(No Iraqi Travel Document)**

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners and Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents and Defendants.

Case No. 2:17-cv-11910
Hon. Mark A. Goldsmith
Mag. David R. Grand

Class Action

**MOTION FOR RELEASE AND
TO APPEAR IN PRO PER**

AND BRIEF IN SUPPORT OF MOTION

INTRODUCTION

I, _____ [1. NAME & A NUMBER], respectfully move this Court to (1) order my release from immigration detention and (2) allow me to proceed with this motion in pro per. I am a member of the Court-certified class in this matter and am detained at _____ [2. NAME OF THE FACILITY IN WHICH YOU ARE DETAINED]. I am requesting release pursuant to Section IV.B.4.e. of the Settlement Agreement. Because I have been detained for more than 180 days, under the Settlement Agreement, Immigration and Customs Enforcement (ICE) can no longer detain me unless it can “clearly demonstrate[] a very high likelihood of imminent removal, by demonstrating that Iraq has already provided a Travel Document and ICE has already arranged a removal itinerary for the very near future.”

BACKGROUND

On July 31, 2024, this Court approved a class-wide Settlement Agreement. See Order Approving Settlement Agreement, *Hamama v. Adducci*, Case No. 2:17-cv-11910, ECF No. 728. Section IV.B.4. of the Settlement Agreement limits prolonged detention of class members with final orders of removal and creates a process for such class members to file a motion for release with this Court if they have been detained for more than 180 days. See Settlement Agreement, Section IV.B.4.e. ICE must then within seven days provide “evidentiary support... clearly

demonstrate[ing] a very high likelihood of imminent removal, by demonstrating that Iraq has already provided a Travel Document and ICE has already arranged a removal itinerary for the very near future.” *Id.* Section IV.B.4.d.ii.4., e. Absent such a showing, this Court must order the Class Member’s release. *Id.*, Section IV.B.4.e.

I have been detained since _____ [3. IMMIGRATION DETENTION BOOKING DATE], which is approximately _____ [4. NUMBER OF DAYS] days as of _____ [5. TODAY’S DATE]. Based on the information available to me, there is no indication that Iraq has issued a travel document for me and that ICE has arranged a removal itinerary. Therefore, I do not believe my removal is very highly likely and imminent.

ARGUMENT

a. The Court Has Jurisdiction to Hear My Motion for Release.

The Settlement Agreement gives the Court the authority to review “challenges to prolonged detention or based on limitations on detention specifically contained in this Agreement brought by individual Class Members,” except those which the Settlement Agreement specifies should go before the Special Master. Section VIII.A.2. The Settlement Agreement states that a Category 1 Class Member’s challenge to prolonged detention lasting 180 days or more may be brought before

the Court. Section IV.B.4.e. I satisfy all of the criteria for Court review.¹

The Settlement Agreement covers a Class of “all Iraqi nationals in the United States who had Final Orders of Removal at any points between March 1, 2017 and June 24, 2017.” Section I.B.6. I am an Iraqi national who is currently in the United States. ICE issued me a Final Order of Removal on _____ [6. DATE ON YOUR INITIAL REMOVAL ORDER], and that Order was in effect during the period between March 1, 2017, and June 24, 2017. Thus, I am a class member with a final order of removal.

Upon information and belief, ICE has conducted a Category Review for me and has designated me as a Category 1 individual. *See* Settlement Agreement, Section II.² Finally, I have been detained by ICE for more than 180 days. I am currently detained in ICE custody at _____ [7. NAME OF THE FACILITY WHERE YOU ARE DETAINED]. Upon information and belief, I have been detained there since _____ [8. IMMIGRATION DETENTION

¹ The Settlement Agreement also requires me to attempt to meet and confer with the government prior to seeking release. Section VIII.C.1. I reached out to the government’s attorneys on _____ [9. DATE] via email, and as of the filing of this motion, [10.] [my concerns regarding my continued detention have not been resolved] / [the government has not responded to my request for a meet and confer in the required five business days].

² While I reserve the right to challenge the correctness of that designation before the Special Master, I am not disputing my Category 1 status in this motion.

BOOKING DATE], which amounts to approximately _____ [11.
NUMBER OF DAYS]—i.e., more than 180 days.

b. I am entitled to immediate release because ICE has not clearly demonstrated a very high likelihood of imminent removal.

Pursuant to Section IV.B.4.e. of the Class Settlement Agreement, ICE may only continue to detain me beyond 180 days if they can “clearly demonstrate[] a very high likelihood of imminent removal.” To do so, ICE must “demonstrate[e] that Iraq has already provided a Travel Document and ICE has already arranged a removal itinerary for the very near future.” *Id.* As of the filing of this motion, ICE has not shown me any travel documents from Iraq, any removal itinerary, or any other evidence that my removal is very highly likely and imminent.

[12.] _____

Thus, there is no evidence that Iraq has issued a travel document or that ICE has arranged a removal itinerary.

In addition, the record in this case shows how difficult it is for ICE to remove people to Iraq. Indeed, the Court found in 2018 that, based on the “plethora of credible evidence on support of their position... Petitioners’ removal is not significantly likely in the reasonably foreseeable future.” ECF No. 490, PageID.14189 - 14190. The difficulties that ICE had at that time continue. Indeed, data collected by *Hamama* Class Counsel show that ICE has only been able to remove 53 of the 1143 class members (~4%) with final orders of removal. Declaration of Lisa Gore, Exhibit A at ¶¶ 3-4. Those 53 removed class members spent an average of 253 days in detention prior to their removal, with some spending over 800 days. *Id.* at ¶ 5. In addition, once ICE was able to obtain travel documents for a detained class member, those class members averaged an additional 85 days in detention before ICE was able to effect their removal, with some spending as long as an additional 150 days. *Id.* at ¶ 6.

[13.]

Accordingly, absent evidentiary support in the response to this motion that (1) Iraq has already issued a travel document for me and (2) ICE has already arranged a removal itinerary in the very near future, I should be immediately released.

c. I request permission to proceed in pro per.

Section VIII.G.1. of the Settlement Agreement provides that class members may appear in pro per with the Court's approval. I am currently unable to afford an attorney and have not been able to find *pro bono* legal representation to file this motion. In addition, Class Counsel is unable to represent me directly in filing this motion. Therefore, to ensure that I can access the relief provided by the Settlement Agreement, I am respectfully requesting that this Court allow me to file in pro per.

CONCLUSION

Despite ordering me removed _____ [14. HOW MANY YEARS AGO] years ago and detaining me for roughly _____ [15. HOW MANY MONTHS] months, ICE has not yet removed me to Iraq. In fact, as evidenced by the lack of travel documents or a removal itinerary, my removal is nowhere near imminent. I respectfully request that this Court use its authority under the Settlement Agreement to immediately release me from detention.

I declare under penalty of perjury that the foregoing information concerning me and my detention is true and correct to the best of my information and belief.

Respectfully executed and submitted,

_____ [16. SIGNATURE]

_____ [17. YOUR NAME & A NUMBER]

_____ [18. TODAY'S DATE]

Currently detained at:

[19. NAME & ADDRESS OF DETENTION FACILITY]

**INSTRUCTIONS FOR COMPLETING AND SUBMITTING
MOTION TO THE COURT
SEEKING RELEASE AFTER 180 DAYS OF DETENTION
WITH NO TRAVEL DOCUMENT ISSUED**

NOTE: This motion, and the others in this packet, will only assist with seeking release from prolonged detention. **They will not prevent your deportation or cancel your removal order.** We strongly advise you to also work with an immigration attorney to determine whether there are options for you to obtain relief from deportation, such as filing a motion to reopen so that you can seek asylum or withholding of removal. Because the government could remove you while you are waiting for a decision on your motion to reopen, you should also talk with an immigration attorney about seeking a stay of removal. In addition, if a stay of removal is granted, you may be eligible for release under the terms of the settlement.

I. What to do before filling out this sample motion.

First, please confirm that you have been in detention for more than 180 days. If this does not describe you, please return to the questionnaire at the beginning of this packet to determine whether there is another motion you can use.

Second, before submitting this motion, you are required to raise concerns about your continued detention with the government directly. You can do this by sending an email to: OIL-DCS.Hamama@usdoj.gov. We suggest that your email contain the following language (if you have a lawyer, your lawyer can reach out to the government on your behalf):

My name is _____ and my A-Number is _____. I am a *Hamama* Class Member. Pursuant to Section VIII.C. of the Settlement Agreement, I am emailing to request a meet-and-confer with the government to discuss concerns about my continued detention. I believe that I am being detained in violation of Section IV.B. of the Settlement Agreement. I have been detained for more than 180 days, and there is no indication that there is a very high likelihood of my imminent removal. I have not been shown a travel document provided by Iraq or a removal itinerary. As a result, I am requesting that the government either meet and confer with me regarding my continued detention or immediately release me.

The government has five business days (that is, do not count weekends or holidays) to respond to your email. They might respond to your email in a few different ways:

- (1) They may say that they have decided to release you, in which case filing this motion will no longer be necessary.
- (2) They may say that they have decided to continue detaining you, in which case **you can proceed to filing this motion.**

- (3) They may say that they are willing to meet with you and discuss your detention further, in which case you should meet with them before filing this motion. **If they still have not released you after that meeting, you can file this motion.**
- (4) They might not respond at all. If five business days have passed without a response from the government, **you can proceed to filing this motion.**

II. How to fill out this sample motion.

The attached motion is **incomplete**. It requires you to write in information about yourself and about your detention. Please follow these instructions carefully so that you can complete the missing pieces of this motion accurately.

The attached motion is written from the perspective of the class member. If you are a lawyer representing a class member, you should adjust this language to speak on behalf of your client.

The following are step-by-step instructions for filling out the motion. Each place where you need to fill in information on the motion has a blank line, and a number with brackets for what you need to fill in (for example, “_____ [1. NAME AND ALIEN NUMBER]”). For each number, the instructions below tell you what to fill in.

1. Write your full name and your alien number (also known as an “A Number”). You can use the following format: “John Doe (A# 123456789).”
2. Write the name of the facility/jail where you are currently detained.
3. Write the date you entered immigration detention. If you served a criminal sentence right before your current detention, please use the date on which you were transferred to immigration detention *after* you completed your criminal sentence.
4. Write the number of days you have been detained by counting the days since you were first detained up until the day you are submitting this motion.
5. Write the date that you are submitting this motion.
6. Write the date that your order of removal was issued. If you reopened your case and were later issued a second removal order, please use the date on the first removal order.
7. Write the name of the facility/jail where you are currently detained.
8. Write the date you entered immigration detention. If you served a criminal sentence right before your current detention, please use the date on which you were transferred to immigration detention *after* you completed your criminal sentence.

9. This is in footnote 1 at the bottom of the page. Write the date on which you sent an email to the email inbox that the government set up to request a meet-and-confer. **If you have not done this, please return to the first section of these instructions (“What to do before filling out this sample motion.”) before proceeding.**
10. This is in footnote 1 at the bottom of the page. If the government responded to your email, circle the first phrase (“my concerns regarding my continued detention have not been resolved”) and cross out the second phrase. If the government has not responded to your email in five business days, you should cross out the first phrase and instead circle the second phrase (“the government has not responded to my request for a meet and confer in the required five business days”).
11. Write the number of days you have been detained by counting the days since you were first detained up until the day you are submitting this motion. Please make sure that this is the same information you wrote earlier in the motion.
12. You will now see some blank lines. This blank space is very important. You must explain in detail any information that makes you think ICE can’t remove you to Iraq in the very near future. This may include any conversations you have had with an Iraqi embassy or consulate, or any conversations you’ve had with ICE officers. For example, if you have spoken to the Iraqi consulate/embassy and a representative told you that they cannot issue a travel document because they don’t know who you are, you can say something like “I spoke to a representative of the Iraqi consulate around [APPROXIMATE DATE OF PHONE CALL], and they told me that they would not be able to issue a travel document for me because they do not have the necessary records to verify that I can lawfully reside in Iraq.” Or, if the ICE officers have told you that they are still trying to get travel documents, but have not been able to get them yet, you can say something like “My ICE officer, [NAME OF OFFICER] told me on [APPROXIMATE DATE OF CONVERSATION] that ICE has been trying to get travel documents for me, but that Iraq has not responded and they don’t know when I will be removed.”

What you write in these lines is really going to depend on what conversations you have had with ICE and Iraq. It will look different for everyone. But you should fill in as much information as you can explaining why you think ICE will not be able to remove you to Iraq in the near future.

13. You will again see some blank lines. This blank space is for you to include any other reasons that you should be released. For example, if you have a medical condition that is not being properly treated in detention, you should explain your medical condition and how being released from detention would help you access quality treatment. In addition, if you had a good track record of complying with supervision requirements before you were detained (for example, you regularly checked in at the ICE office), you can use these lines

to explain that you will comply with any supervision requirements ICE may impose if you are released.

14. Write how many years it has been since you were first issued a removal order. For example, if your removal order is from 2015 and you are filling out this motion in 2024, you should write “9 years” (because it has been nine years since 2015).
15. Write how many months you have been in immigration detention.
16. Sign your name.
17. Write your full name and your alien number (also known as an “A Number”). You can use the following format: “John Doe (A# 123456789).”
18. Write the date you are submitting this motion.
19. Write the name and address of the facility/jail where you are currently detained.

III. How to submit this motion.

Once you have finished filling in all of the blanks in the attached motion, and signed it, please review the motion to make sure everything you included is accurate.

After you have reviewed your motion, please collect the following documents:

1. The completed motion.
2. Exhibit A, “Declaration of Lisa Gore” (include this with the motion you submit).

Make a copy of everything to keep for your records.

You can submit these documents via mail at the following address:

Theodore Levin United States Courthouse
Clerk’s Office, Room 599
231 W. Lafayette Blvd.
Detroit, MI 48226

If you are sending the motion in the mail, **please make sure that your full name and A number, as well as the case number (2:17-cv-11910), is written on the envelope.**

You can also submit these documents 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 documents.

A family member or other representative may also drop off your complete, signed motion packet to the Clerk’s Office at the same courthouse address provided above for mailing. Please bring a photo ID and leave any electronic devices in the car.

Finally, if your lawyer is preparing this motion for you, they can submit the motion through the PACER ECF system under the *Hamama* case.

IV. What happens next.

Once you file your motion with the Court, the government will have seven business days to show you and the Court evidence that Iraq has already issued a travel document and ICE has already arranged a removal itinerary for the very near future.

Once ICE has submitted their evidence in response to your motion, you will have seven business days from the date you received ICE’s response to file a response with the Court explaining why you think ICE’s evidence does not actually show that your removal is very highly likely and imminent. This step is not mandatory, but we encourage you to submit a response and include any evidence you have that may prove that ICE is wrong about the likelihood of your removal.

After all of the responses are submitted, the Court will decide whether or not to release you. If the Court approves your request for release, ICE should release you shortly after they receive the order from the Court.

If the Court denies your request for release, you will remain in detention.

Motion D:

**Motion to Court
Seeking Release
After 180 Days of Detention
(No Removal Itinerary)**

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners and Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents and Defendants.

Case No. 2:17-cv-11910
Hon. Mark A. Goldsmith
Mag. David R. Grand

Class Action

**MOTION FOR RELEASE AND
TO APPEAR IN PRO PER**

AND BRIEF IN SUPPORT OF MOTION

INTRODUCTION

I, _____ [1. NAME & A NUMBER], respectfully move this Court to (1) order my release from immigration detention and (2) allow me to proceed with this motion in pro per. I am a member of the Court-certified class in this matter and am detained at _____ [2. NAME OF THE FACILITY IN WHICH YOU ARE DETAINED]. I am requesting release pursuant to Section IV.B.4.e. of the Settlement Agreement. Because I have been detained for more than 180 days, under the Settlement Agreement, Immigration and Customs Enforcement (ICE) can no longer detain me unless it can “clearly demonstrate[] a very high likelihood of imminent removal, by demonstrating that Iraq has already provided a Travel Document and ICE has already arranged a removal itinerary for the very near future.”

BACKGROUND

On July 31, 2024, this Court approved a class-wide Settlement Agreement. See Order Approving Settlement Agreement, *Hamama v. Adducci*, Case No. 2:17-cv-11910, ECF No. 728. Section IV.B.4. of the Settlement Agreement limits prolonged detention of class members with final orders of removal and creates a process for such class members to file a motion for release with this Court if they have been detained for more than 180 days. See Settlement Agreement, Section IV.B.4.e. ICE must then within seven days provide “evidentiary support... clearly

demonstrate[ing] a very high likelihood of imminent removal, by demonstrating that Iraq has already provided a Travel Document and ICE has already arranged a removal itinerary for the very near future.” *Id.* Section IV.B.4.d.ii.4., e. Absent such a showing, this Court must order the Class Member’s release. *Id.*, Section IV.B.4.e.

I have been detained since _____ [3. IMMIGRATION DETENTION BOOKING DATE], which is approximately _____ [4. NUMBER OF DAYS] days as of _____ [5. TODAY’S DATE]. Based on the information available to me, there is no indication that ICE has already arranged a removal itinerary for the very near future. Therefore, I do not believe my removal is very highly likely and imminent.

ARGUMENT

a. The Court Has Jurisdiction to Hear My Motion for Release.

The Settlement Agreement gives the Court the authority to review “challenges to prolonged detention or based on limitations on detention specifically contained in this Agreement brought by individual Class Members,” except those which the Settlement Agreement specifies should go before the Special Master. Section VIII.A.2. The Settlement Agreement states that a Category 1 Class Member’s challenge to prolonged detention lasting 180 days or more may be brought before

the Court. Section IV.B.4.e. I satisfy all of the criteria for Court review.¹

The Settlement Agreement covers a Class of “all Iraqi nationals in the United States who had Final Orders of Removal at any points between March 1, 2017 and June 24, 2017.” Section I.B.6. I am an Iraqi national who is currently in the United States. ICE issued me a Final Order of Removal on _____ [6. DATE ON YOUR INITIAL REMOVAL ORDER], and that Order was in effect during the period between March 1, 2017, and June 24, 2017. Thus, I am a class member with a final order of removal.

Upon information and belief, ICE has conducted a Category Review for me and has designated me as a Category 1 individual. *See* Settlement Agreement, Section II.² Finally, I have been detained by ICE for more than 180 days. I am currently detained in ICE custody at _____ [7. NAME OF THE FACILITY WHERE YOU ARE DETAINED]. Upon information and belief, I have been detained there since _____ [8. IMMIGRATION DETENTION

¹ The Settlement Agreement also requires me to attempt to meet and confer with the government prior to seeking release. Section VIII.C.1. I reached out to the government’s attorneys on _____ [9. DATE] via email, and as of the filing of this motion, _____ [10.] [my concerns regarding my continued detention have not been resolved] / [the government has not responded to my request for a meet and confer in the required five business days].

² While I reserve the right to challenge the correctness of that designation before the Special Master, I am not disputing my Category 1 status in this motion.

BOOKING DATE], which amounts to approximately _____ [11.
NUMBER OF DAYS]—i.e., more than 180 days.

b. I am entitled to immediate release because ICE has not clearly demonstrated a very high likelihood of imminent removal.

Pursuant to Section IV.B.4.e. of the Class Settlement Agreement, ICE may only continue to detain me beyond 180 days if they can “clearly demonstrate[] a very high likelihood of imminent removal.” To do so, ICE must “demonstrate[e] that Iraq has already provided a Travel Document and ICE has already arranged a removal itinerary for the very near future.” *Id.* As of the filing of this motion, ICE has told me that Iraq has issued a travel document for me. However, they have shown me any removal itinerary for the very near future or any other evidence that my removal is very highly likely and imminent.

[12.] _____

Thus, there is no evidence ICE has already arranged a removal itinerary for the very near future. Even with a travel document, the lack of a removal itinerary for the very near future should be dispositive: under the Settlement Agreement, ICE needs to show *both* a travel document and a removal itinerary in order to continue detaining me. *See* Section IV.B.4.e.

In addition, the record in this case shows how difficult it is for ICE to remove people to Iraq. Indeed, the Court found in 2018 that, based on the “plethora of credible evidence on support of their position... Petitioners’ removal is not significantly likely in the reasonably foreseeable future.” ECF No. 490, PageID.14189 - 14190. The difficulties that ICE had at that time continue. Indeed, data collected by *Hamama* Class Counsel show that ICE has only been able to remove 53 of the 1143 class members (~4%) with final orders of removal. Declaration of Lisa Gore, Exhibit A at ¶¶ 3-4. Those 53 removed class members spent an average of 253 days in detention prior to their removal, with some spending over 800 days. *Id.* at ¶ 5. In addition, once ICE was able to obtain travel documents for a detained class member, those class members averaged an additional 85 days in

detention before ICE was able to effect their removal, with some spending as long as an additional 150 days. *Id.* at ¶ 6.

[13.] _____

Accordingly, absent evidentiary support in the response to this motion that ICE has already arranged a removal itinerary for the very near future, I should be immediately released. If I am released and ICE is then able to arrange a removal itinerary, I am willing to report to the airport for removal or, if ICE deems it necessary, to be detained for the very limited time it would take for ICE to ensure that I embark on the plane they have arranged for me.

c. I request permission to proceed in pro per.

Section VIII.G.1. of the Settlement Agreement provides that class members may appear in pro per with the Court’s approval. I am currently unable to afford an attorney and have not been able to find *pro bono* legal representation to file this motion. In addition, Class Counsel is unable to represent me directly in filing this motion. Therefore, to ensure that I can access the relief provided by the Settlement Agreement, I am respectfully requesting that this Court allow me to file in pro per.

CONCLUSION

Despite ordering me removed _____ [14. HOW MANY YEARS AGO] years ago and detaining me for roughly _____ [15. HOW MANY MONTHS] months, ICE has not yet removed me to Iraq. In fact, as evidenced by the lack of a removal itinerary for the very near future, my removal is nowhere near imminent. I respectfully request that this Court use its authority under the Settlement Agreement to immediately release me from detention.

I declare under penalty of perjury that the foregoing information concerning me and my detention is true and correct to the best of my information and belief.

Respectfully executed and submitted,

_____ [16. SIGNATURE]

_____ [17. YOUR NAME & A NUMBER]

_____ [18. TODAY'S DATE]

Currently detained at:

[19. NAME & ADDRESS OF DETENTION FACILITY]

**INSTRUCTIONS FOR COMPLETING AND SUBMITTING
MOTION TO THE COURT
SEEKING RELEASE AFTER 180 DAYS OF DETENTION
WITH NO REMOVAL ITINERARY**

NOTE: This motion, and the others in this packet, will only assist with seeking release from prolonged detention. **They will not prevent your deportation or cancel your removal order.** We strongly advise you to also work with an immigration attorney to determine whether there are options for you to obtain relief from deportation, such as filing a motion to reopen so that you can seek asylum or withholding of removal. Because the government could remove you while you are waiting for a decision on your motion to reopen, you should also talk with an immigration attorney about seeking a stay of removal. In addition, if a stay of removal is granted, you may be eligible for release under the terms of the settlement.

I. What to do before filling out this sample motion.

First, please confirm that you have been in detention for more than 180 days. If this does not describe you, please return to the questionnaire at the beginning of this packet to determine whether there is another motion you can use.

Second, please confirm that this is the correct motion to use for your situation. If ICE has told you that Iraq has already issued a travel document for you, but ICE has NOT arranged a removal itinerary (e.g., showing you that a flight has been scheduled) then you are using the correct motion. If Iraq has NOT issued a travel document for you, please return to the questionnaire at the beginning of this packet to determine which motion you should use.

Third, before submitting this motion, you are required to raise concerns about your continued detention with the government directly. You can do this by sending an email to: OIL-DCS.Hamama@usdoj.gov. We suggest that your email contain the following language (if you have a lawyer, your lawyer can reach out to the government on your behalf):

My name is _____ and my A-Number is _____. I am a *Hamama* Class Member. Pursuant to Section VIII.C. of the Settlement Agreement, I am emailing to request a meet-and-confer with the government to discuss concerns about my continued detention. I believe that I am being detained in violation of Section IV.B. of the Settlement Agreement. I have been detained for more than 180 days, and there is no indication that there is a very high likelihood of my imminent removal. I have not been shown a removal itinerary for the very near future. As a result, I am requesting that the government either meet and confer with me regarding my continued detention or immediately release me.

The government has five business days (that is, do not count weekends or holidays) to respond to your email. They might respond to your email in a few different ways:

- (1) They may say that they have decided to release you, in which case filing this motion will no longer be necessary.
- (2) They may say that they have decided to continue detaining you, in which case **you can proceed to filing this motion.**
- (3) They may say that they are willing to meet with you and discuss your detention further, in which case you should meet with them before filing this motion. **If they still have not released you after that meeting, you can file this motion.**
- (4) They might not respond at all. If five business days have passed without a response from the government, **you can proceed to filing this motion.**

II. How to fill out this sample motion.

The attached motion is **incomplete**. It requires you to write in information about yourself and about your detention. Please follow these instructions carefully so that you can complete the missing pieces of this motion accurately.

The attached motion is written from the perspective of the class member. If you are a lawyer representing a class member, you should adjust this language to speak on behalf of your client.

The following are step-by-step instructions for filling out the motion. Each place where you need to fill in information on the motion has a blank line, and a number with brackets for what you need to fill in (for example, “_____ [1. NAME AND ALIEN NUMBER]”). For each number, the instructions below tell you what to fill in.

1. Write your full name and your alien number (also known as an “A Number”). You can use the following format: “John Doe (A# 123456789).”
2. Write the name of the facility/jail where you are currently detained.
3. Write the date you entered immigration detention. If you served a criminal sentence right before your current detention, please use the date on which you were transferred to immigration detention *after* you completed your criminal sentence.
4. Write the number of days you have been detained by counting the days since you were first detained up until the day you are submitting this motion.
5. Write the date that you are submitting this motion.
6. Write the date that your order of removal was issued. If you reopened your case and were later issued a second removal order, please use the date on the first removal order.
7. Write the name of the facility/jail where you are currently detained.

8. Write the date you entered immigration detention. If you served a criminal sentence right before your current detention, please use the date on which you were transferred to immigration detention *after* you completed your criminal sentence.
9. This is in footnote 1 at the bottom of the page. Write the date on which you sent an email to the email inbox that the government set up to request a meet-and-confer. **If you have not done this, please return to the first section of these instructions (“What to do before filling out this sample motion.”) before proceeding.**
10. This is in footnote 1 at the bottom of the page. If the government responded to your email, circle the first phrase (“my concerns regarding my continued detention have not been resolved”) and cross out the second phrase. If the government has not responded to your email in five business days, you should cross out the first phrase and instead circle the second phrase (“the government has not responded to my request for a meet and confer in the required five business days”).
11. Write the number of days you have been detained by counting the days since you were first detained up until the day you are submitting this motion. Please make sure that this is the same information you wrote earlier in the motion.
12. You will now see some blank lines. This blank space is very important. You must explain in detail any information that makes you think ICE can’t remove you to Iraq in the very near future. This may include any conversations you have had with an Iraqi embassy or consulate, or any conversations you’ve had with ICE officers. For example, if you have spoken to ICE officers and they told you that they are still trying to arrange a removal itinerary, but have not been able to do so yet, you can say something like “My ICE officer, [NAME OF OFFICER] told me on [APPROXIMATE DATE OF CONVERSATION] that ICE has been trying to arrange a removal itinerary for me, but they have not yet done so.” Or, if ICE had previously scheduled a flight to Iraq, but that flight was cancelled, you can explain that ICE has already tried and failed to arrange a removal itinerary.

What you write in these lines is really going to depend on what conversations you have had with ICE and Iraq. It will look different for everyone. But you should fill in as much information as you can explaining why you think ICE will not be able to remove you to Iraq in the near future.

13. You will again see some blank lines. This blank space is for you to include any other reasons that you should be released. For example, if you have a medical condition that is not being properly treated in detention, you should explain your medical condition and how being released from detention would help you access quality treatment. In addition, if you had a good track record of complying with supervision requirements before you were detained (for example, you regularly checked in at the ICE office), you can use these lines

to explain that you will comply with any supervision requirements ICE may impose if you are released.

14. Write how many years it has been since you were first issued a removal order. For example, if your removal order is from 2015 and you are filling out this motion in 2024, you should write “9 years” (because it has been nine years since 2015).
15. Write how many months you have been in immigration detention.
16. Sign your name.
17. Write your full name and your alien number (also known as an “A Number”). You can use the following format: “John Doe (A# 123456789).”
18. Write the date you are submitting this motion.
19. Write the name and address of the facility/jail where you are currently detained.

III. How to submit this motion.

Once you have finished filling in all of the blanks in the attached motion, and signed it, please review the motion to make sure everything you included is accurate.

After you have reviewed your motion, please collect the following documents:

1. The completed motion.
2. Exhibit A, “Declaration of Lisa Gore” (include this with the motion you submit).

Make a copy of everything to keep for your records.

You can submit these documents via mail at the following address:

Theodore Levin United States Courthouse
Clerk’s Office, Room 599
231 W. Lafayette Blvd.
Detroit, MI 48226

If you are sending the motion in the mail, **please make sure that your full name and A number, as well as the case number (2:17-cv-11910), is written on the envelope.**

You can also submit these documents 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 documents.

A family member or other representative may also drop off your complete, signed motion packet to the Clerk’s Office at the same courthouse address provided above for mailing. Please bring a photo ID and leave any electronic devices in the car.

Finally, if your lawyer is preparing this motion for you, they can submit the motion through the PACER ECF system under the *Hamama* case.

IV. What happens next.

Once you file your motion with the Court, the government will have seven business days to show you and the Court evidence that ICE has already arranged a removal itinerary for the very near future.

Once ICE has submitted their evidence in response to your motion, you will have seven business days from the date you received ICE’s response to file a response with the Court explaining why you think ICE’s evidence does not actually show that your removal is very highly likely and imminent. This step is not mandatory, but we encourage you to submit a response and include any evidence you have that may prove that ICE is wrong about the likelihood of your removal.

After all of the responses are submitted, the Court will decide whether or not to release you. If the Court approves your request for release, ICE should release you shortly after they receive the order from the Court.

If the Court denies your request for release, you will remain in detention.

Exhibit A
Declaration of Lisa Gore

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners/Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents/Defendants.

Case No. 2:17-cv-11910
Hon. Mark A. Goldsmith
Mag. David R. Grand

Class Action

DECLARATION OF LISA GORE

I, Lisa Gore, make this statement under penalty of perjury of the laws of the United States and if called to testify I could and would do so competently based upon my personal knowledge as follows:

1. I work as a paralegal at the American Civil Liberties Union of Michigan where I have been an employee for the past five years. My job responsibilities include providing litigation and administrative support for staff attorneys, maintaining our intake database, and managing data sets for various projects. Since 2019, I have been tracking class member information in the *Hamama* litigation. I maintain and regularly update various spreadsheets containing information about class members' detention history, removals and releases, and updates in the procedural history of their individual immigration cases.
2. This declaration is based on data provided by Respondents in this litigation, as well as data from immigration attorneys and publicly available sources.
3. While all *Hamama* class members (by definition) had final orders of removal when this case began, some successfully reopened their cases and won immigration relief. Some are still litigating their immigration cases, and others reopened but then lost. According to class data provided by Respondents and current as of June 2, 2024, there are approximately 1143 class members with final orders. I have excluded from this number class members who have a final order granting withholding or relief under the Convention Against

Torture (CAT) and cannot be removed to Iraq (where the government data showed this information). We do not have comprehensive information about whether other individuals aside from those identified by the government may have CAT/withholding.

4. The government's data shows that ICE has removed approximately 53 class members since this case began in June 2017. In other words, in the last seven years, ICE has removed around 4.39% of those who had final orders when the case began, and around 4.64% of those who have final orders as of June 2, 2024 (i.e., excluding those who had been granted CAT/withholding). While there was initially a preliminary injunction in this case staying removal of class members, the Sixth Circuit vacated the injunction on December 20, 2018, *Hamama v. Adducci*, 912 F.3d 869 (6th Cir. 2018), meaning that there has not been any legal impediment to removal of class members with final orders since the mandate entered in April 2019.
5. According to our records, there have been 421 class members who have been detained at some point since June 2017. Of those 421 class members, 273 had final orders as of June 2, 2024. All 53 of the class members who were removed had been detained. On average, the 53 removed detainees spent approximately 252.96 days in detention prior to their removal. There were at least two class members who spent over 800 days in detention prior to removal.
6. For 39 of the 53 class members who were removed, our records contain information about when ICE was able to obtain travel documents. Even after ICE obtained travel documents from Iraq for those 39 individuals, they spent an average of 84.66 days in detention before they were ultimately removed. Some spent as long as 150 days in detention even after ICE had obtained travel documents from Iraq.
7. Of the 53 class members who have been removed, a significant number involve "voluntary" repatriations. The Court found in 2018 that Iraq was not accepting forced repatriations. ECF No. 490, PageID.14183. During the initial year and half of this case, when hundreds of class members were in detention, some agreed to be removed rather than to remain detained. *Id.* at PageID.14184 (noting that at least twenty-two class members had signed forms for voluntary removal to Iraq). There are approximately 30 class members who were removed between June 15, 2017, when this case began, and December 20,

2018, which is the date by which Respondents were ordered to release almost all class members, after which only a small number of class members have been in detention. See ECF No. 490, PageID.14200 – 14201 (giving Respondents 30 days from November 20, 2018, to release class members who had been detained over six months).

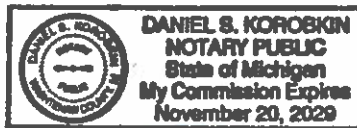
8. Only about 23 class members have been removed in the five and a half years since December 20, 2018. It is unclear how many of those are voluntary repatriations.
9. As of August 1, 2024, there were seven class members in detention, of whom five have final orders and two do not. Of those seven detained class members, all but one have been in detention more than 180 days. Three have been in detention for over 300 days, with one held for more than 400 days, and one held for over 500 days.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed, August 6, 2024, in Detroit, Michigan.

Lisa Gore

Lisa Gore



Subscribed and sworn to before me,
a notary public, on August 6, 2024.

Daniel S. Korobkin

Acting in the County of Wayne.