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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 HA THU THI NGUYEN,

9 Petitioner,

10 vs.

11 PAMELA BONDI, Attorney General of
12 the United States; KRISTI NOEM,
13 Secretary, United States Department of
14 Homeland Security; CAMMILLA
15 WAMSLEY, Seattle Field Office
16 Director, United States Citizenship and
17 Immigration Services; BRUCE SCOTT,
18 Warden of Immigration Detention
19 Facility; and the United States
20 Immigration and Customs Enforcement,

21 Respondents.

) No.

) **PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241
AND REQUEST FOR INJUNCTIVE
RELIEF**

22 **RECITATIONS TO SUBSTANTIALLY CONFORM TO AO 242**

23 **Personal Information**

- 24 1. (a) Ha Thu Thi Nguyen
25 (b) None
26 2. Place of confinement:
(a) Northwest Immigration Processing Center (NWIPC)
(b) 1623 East J Street, Tacoma, Washington 98241-1615, pursuant to a
contractual arrangement with my custodian, the Immigration and Customs Enforcement
Field Office Director at Seattle, Washington.

1 (c) Case number or numbers [ICE file number, if known]: My A# is 

2 
3 3. I am currently being held on orders by federal authorities: United States
4 Immigration and Customs Enforcement.

5 4. I am currently being held on an immigration charge.

6 **Decision or Action You Are Challenging**

7 5. What are you challenging in this petition: immigration detention.

8 6. Provide more information about the decision or action you are challenging:

9 (a) Name and location of the agency or court: United States Immigration and
10 Customs Enforcement

11 (b) Docket number, case number, or opinion number: My A# is 

12 (c) Decision or action you are challenging: I was originally ordered deported
13 on July 20, 2005. I was previously detained by ICE and was released on an order of
14 supervision. I was taken into custody again by ICE on August 12, 2025.

15 **Your Earlier Challenges of the Decision or Action**

16 7-9. First, second, and third appeals: None

17 10. Motion under 28 U.S.C. § 2255: N/A

18 11. Appeals of immigration proceedings:

19 Does this case concern immigration proceedings? Yes

20 (a) Date you were taken into immigration custody:

21 (b) Date of the removal or reinstatement order:

22 (c) Did you file an appeal with the Board of Immigration Appeals? No

23 (d) Did you appeal the decision to the United States Court of Appeals? No

24 12. Other appeals:

25 Other than the appeals listed above, have you filed any other petition,
26 application, or motion about the issues raised in this petition? No.

1 **Grounds for Your Challenge in This Petition**

2 **I. Introduction**

3 Ha Thu Thi Nguyen is presently detained at the Northwest ICE Processing
4 Center (NWIPC). She has been held in immigration custody since August 12, 2025,
5 after having previously been detained and released pursuant to *Zadvydas v. Davis*, 533
6 U.S. 678 (2001). Removal to the former country of residence is not reasonably
7 foreseeable. Her continued detention is therefore in violation of *Zadvydas*. She seeks (a)
8 release; (b) an order preventing removal to a third country without notice and
9 meaningful opportunity to respond in compliance with the statute and due process in
10 reopened removal proceedings; and (c) an order barring removal to any third country
11 pursuant to Respondents' punitive removal policy.

12 **II. Jurisdiction and Venue**

13 This case arises under the Constitution of the United States, the Immigration and
14 Nationality Act ("INA"), 8 U.S.C. § 1101, *et seq.*, and the Administrative Procedures
15 Act ("APA"), 5 U.S.C. §§ 500–596, 701–706.

16 This Court has subject matter jurisdiction under 28 U.S.C. § 2241, *et seq.*
17 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (United States
18 as Respondent), and 28 U.S.C. § 1651 (All Writs Act). Respondents have waived
19 sovereign immunity for purposes of this suit. 5 U.S.C. §§ 702, 706.

20 The Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241, *et*
21 *seq.*; the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*; the All Writs Act, 28
22 U.S.C. § 1651; the Due Process Clause of the Fifth Amendment; and the Court's
23 inherent equitable powers.

24 Venue is proper in this district under 28 U.S.C. § 1391(e)(1) because
25 Respondents are agencies or officers of agencies of the United States; Respondents
26 Wamsley and Scott reside in this district; and Petitioner is detained in this district.

1 Venue is further proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the
2 events or omissions giving rise to Petitioner’s claims occurred in this district.

3 Because Petitioner is seeking relief related only to her custody status, which is
4 not inconsistent with an order of deportation, exhaustion of administrative remedies, if
5 any, is not required.

6 **III. Parties**

7 Ha Thu Thi Nguyen is a citizen of Viet Nam. She has a final order of removal,
8 with Viet Nam as the country designated for removal. Petitioner is detained in the
9 control and custody of Respondents at NWIPC. As such, Petitioner is a resident of
10 Tacoma, Washington.

11 Respondent Pamela Bondi is the Attorney General of the United States. In this
12 capacity, Respondent Bondi is the legal custodian of Petitioner. Respondent Bondi is
13 sued in her official capacity.

14 Respondent Kristi Noem is the Secretary of the Department of Homeland
15 Security (“DHS”). In this capacity, Respondent Noem is the legal custodian of
16 Petitioner. Respondent Noem is sued in her official capacity.

17 Respondent Camilla Wamsley is the Field Office Director for ICE
18 Enforcement and Removal Operations (“ERO”) in Seattle, Washington. As the ERO
19 Seattle Field Office Director, she is Petitioner’s immediate custodian, responsible for
20 her detention at NWIPC, and is the person with the authority to authorize detention or
21 release. Respondent Wamsley is sued in her official capacity.

22 Respondent Bruce Scott is the Warden of the NWIPC, oversees the day-to-day
23 functioning of the NWIPC, and has immediate physical custody of Petitioner pursuant
24 to a contract with ICE to detain noncitizens. Mr. Scott is sued in his official capacity as
25 the Warden of a federal detention facility. *See Juarez v. Asher*, No. C20-700, 2021 WL
26 1946222, at *3–5 (W.D. Wash. May 14, 2021).

1 Respondent United States Immigration and Customs Enforcement (hereinafter
2 ICE) is the federal executive agency responsible for the enforcement of immigration
3 laws, including the arrest, detention, and removal of noncitizens. Respondent ICE is a
4 legal custodian of Petitioner.

5 **IV. Background**

6 Petitioner Ha Thu Thi Nguyen was born on [REDACTED], in Viet Nam. She
7 came to the United States when he was 19 years old and sponsored by one of her
8 uncles. On July 25, 2005, she received a final order of removal and was detained by
9 ICE for approximately three months before being released from custody. Ms. Nguyen
10 has checked in with ICE as required since then, but was re-detained by ICE on August
11 12, 2025.

12 **V. Facts Pertaining to Continued Detention**

13 Petitioner's removal to Viet Nam is not reasonably foreseeable. ICE has not
14 obtained a travel document from Viet Nam for Petitioner, nor has Viet Nam agreed to
15 accept Petitioner. Vietnam has historically accepted very few pre-1995 arrivals for
16 repatriation and there is no evidence that that practice has changed.

17 Moreover, the process for the Government of Vietnam to issue a travel
18 document, if it is issued at all, often takes many months to complete because it involves
19 both the Ministry of Foreign Affairs ("MOFA") and Ministry of Public Security
20 ("MPS"). Once the MOFA receives an official request for a travel document from ICE,
21 the information is forwarded to the MPS so that the local police can conduct interviews
22 and site-visits with the respondent's relatives in Vietnam. Only when this process is
23 complete will the MPS give the green light to the MOFA to issue the travel document
24 for repatriation to Vietnam.

1 **VI. The Legal Framework for Third Country Removals**

2 The immigration laws delineate the proper procedures by which a country may
3 be designated for removal. *See* 8 U.S.C. § 1231(b). These procedures move in
4 incremental steps.

5 First, an individual with a removal order may designate the country to which
6 they want to be removed, and the government *shall* remove the individual to that
7 country. 8 U.S.C. § 1231(b)(2)(A). The government may disregard that designation if
8 (1) the individual fails to designate a country promptly; (2) the government of that
9 country does not inform the U.S. government finally, within 30 days after the date the
10 U.S. government first inquires, whether the government will accept the individual into
11 that country; (3) the government of the country is not willing to accept the individual
12 into the country; or (4) the government decides that removing the individual to that
13 country is prejudicial to the United States. 8 U.S.C. § 1231(b)(2)(C).

14 Second, if the individual is not removed to the country they designated under
15 § 1231(b)(2)(A), the government shall remove the individual to the country of which
16 the individual is a “subject, national, or citizen” unless the government of that country
17 does not inform the U.S. government or the individual within 30 days after first inquiry
18 or within another reasonable period of time whether the government will accept the
19 individual into the country or the country is not willing to accept the individual into the
20 country. 8 U.S.C. § 1231(b)(2)(D).

21 Third, if the individual is not removed to either the country of their designation
22 or the country of which they are a subject, national, or citizen, then the government
23 shall remove them to any of the following options: (1) the country from which the
24 individual was admitted to the United States; (2) the country in which is located the
25 foreign port from which the individual left for the United States or for a foreign
26 territory contiguous to the United States; (3) the country in which the individual resided

1 before the individual entered the United States and from which the individual entered
2 the United States; (4) the country in which the individual was born; or (5) the country in
3 which the individual's birthplace is located when the individual was ordered removed.

4 8 U.S.C. § 1231(b)(2)(E). *Only* “[i]f impracticable, inadvisable, or impossible” to
5 remove the individual to any of these countries may the government remove the
6 individual to “another country whose government will accept [them] into that country.”

7 8 U.S.C. § 1231(b)(2)(E)(vii).

8 Notwithstanding any of these procedures, the statute prohibits removal to a third
9 country where a person may be persecuted or tortured, a form of protection known as
10 withholding of removal. *See* 8 U.S.C. § 1231(b)(3)(A). The government “may not
11 remove [a noncitizen] to a country if the Attorney General decides that the
12 [noncitizen’s] life or freedom would be threatened in that country because of the
13 [noncitizen’s] race, religion, nationality, membership in a particular social group, or
14 political opinion.” *Id.*; *see also* 8 C.F.R. §§ 208.16, 1208.16. Withholding of removal is
15 a mandatory protection.

16 Similarly, Congress codified protections enshrined in the Convention Against
17 Torture (CAT) prohibiting the government from removing a person to a country where
18 they would be tortured. *See* Foreign Affairs Reform and Restructuring Act of 1998
19 (“FARRA”), Public Law 105–277, div. G, sec. 2242, 112 Stat. 2681, 2631–822 (8
20 U.S.C. § 1231 note) (“It shall be the policy of the United States not to expel, extradite,
21 or otherwise effect the involuntary return of any person to a country in which there are
22 substantial grounds for believing the person would be in danger of being subjected to
23 torture, regardless of whether the person is physically present in the United States.”); 28
24 C.F.R. § 200.1; §§ 208.16–208.18, 1208.16–1208.18. CAT protection is also
25 mandatory.
26

1 To comport with the requirements of due process, the government must provide
2 notice of the third country removal and an opportunity to respond. Due process requires
3 “written notice of the country being designated” and “the statutory basis for the
4 designation, i.e., the applicable subsection of § 1231(b)(2).” *Aden v. Nielsen*, 409 F.
5 Supp. 3d 998, 1019 (W.D. Wash. 2019); *see also D.V.D. v. U.S. Dep’t of Homeland*
6 *Sec.*, No. 25-CV-10676-BEM, 2025 WL 1453640, at *1 (D. Mass. May 21, 2025) (“All
7 removals to third countries, *i.e.*, removal to a country other than the country or
8 countries designated during immigration proceedings as the country of removal on the
9 non-citizen’s order of removal, must be preceded by written notice to both the non-
10 citizen and the non-citizen’s counsel in a language the non-citizen can understand.”
11 (citation omitted)); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999) (due process
12 requires notice to the noncitizen of the right to apply for asylum and withholding to the
13 country where they will be removed). The government must be able to show evidence
14 that the third country will accept the individual into that country. *See Himri v. Ashcroft*,
15 378 F.3d 932, 939 (9th Cir. 2004) (“at the time the government proposes a country of
16 removal pursuant to § 1231(b)(2)(E)(vii), the government must be able to show that the
17 proposed country *will* accept the [individual]”).

18 Due process also demands that the government “ask the noncitizen whether he or
19 she fears persecution or harm upon removal to the designated country and memorialize
20 in writing the noncitizen’s response. This requirement ensures DHS will obtain the
21 necessary information from the noncitizen to comply with section 1231(b)(3) and
22 avoids [a dispute about what the officer and noncitizen said].” *Aden*, 409 F. Supp. 3d at
23 1019; *cf. D.V.D.*, 2025 WL 1453640, at *1 (“Following notice, the individual must be
24 given a meaningful opportunity, and a minimum of ten days, to raise a fear-based claim
25 for CAT protection prior to removal.”) (emphasis omitted).

1 If the noncitizen claims fear, measures must be taken to ensure that the
2 noncitizen can seek asylum, withholding, and relief under CAT before an immigration
3 judge in reopened removal proceedings. *Cf. D.V.D.*, 2025 WL 1453640, at *1 (requiring
4 the government to move to reopen the noncitizen’s immigration proceedings if the
5 individual demonstrates “reasonable fear” and to provide “a meaningful opportunity,
6 and a minimum of fifteen days, for the non-citizen to seek reopening of their
7 immigration proceedings” if the noncitizen is found to not have demonstrated
8 “reasonable fear”); *Aden*, 409 F. Supp. 3d at 1019 (requiring notice and time for a
9 respondent to file a motion to reopen and seek relief).

10 Finally, notice of the country to which the noncitizen will be removed must not
11 be “last minute” because that would deprive an individual of a meaningful opportunity
12 to apply for fear-based protection from removal. *Andriasian*, 180 F.3d at 1041. They
13 must have time to prepare and present relevant arguments and evidence and to seek
14 reopening of their removal case.

15 VII. Facts Pertaining to Punitive Banishment to Third Countries

16 Since January 2025, Respondents have developed and implemented a policy and
17 practice of removing individuals to third countries, without first following the
18 procedures in the INA for designation and removal to a third country and without
19 providing fair notice and an opportunity to contest the removal in immigration court.

20 Respondents reportedly have negotiated with at least 58 countries to accept
21 deportees from other nations. On June 25, 2025, the *New York Times* reported that
22 seven countries—Costa Rica, El Salvador, Guatemala, Kosovo, Mexico, Panama, and
23 Rwanda—had agreed to accept deportees who are not their own citizens.¹ Since then,
24 ICE has carried out highly publicized third country deportations to South Sudan and

25 ¹ Edward Wong, et al., *Inside the Global Deal-Making Behind Trump’s Mass*
26 *Deportations*, N.Y. Times (June 25, 2025), <https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-deportations.html> [<https://perma.cc/64G9-XYGB>].

1 Eswatini. It also attempted—and completed—an “end-run” around the protections of
2 the Convention Against Torture by deporting a group of migrants to Ghana, which sent
3 them on to their countries of citizenship despite fears of persecution.

4 Punishment and deterrence appear to be the point of the Administration’s third
5 country removal scheme. The Administration has reportedly negotiated with countries
6 to have deportees imprisoned in prisons, camps, or other facilities. The government
7 paid El Salvador about \$5 million to arbitrarily and indefinitely imprison more than 200
8 deported Venezuelans in a maximum-security prison notorious for gross human rights
9 abuses, known as CECOT. In February, Panama and Costa Rica took in hundreds of
10 deportees from countries in Africa and Central Asia and imprisoned them in hotels, a
11 jungle camp, and a detention center. On July 4, 2025, ICE deported eight men,
12 including one pre-1995 Vietnamese refugee, to South Sudan. The men have been
13 detained incommunicado ever since. On July 15, 2025, ICE deported five men to the
14 tiny African nation of Eswatini, including one man from Vietnam, where they are
15 reportedly being held in solitary confinement.

16 The Administration has hand-selected countries known for human rights abuses
17 and instability for these third country deportation agreements to frighten people in the
18 United States into self-deporting or to accept removal to their home countries. Indeed,
19 conditions in South Sudan are so extreme that the U.S. State Department website warns
20 Americans not to travel there, and if they do, to prepare their will, make funeral
21 arrangements, and appoint a hostage-taker negotiator first.

22 On July 9, 2025, ICE issued a new memo to staff instructing that when seeking
23 to remove an individual to a country not designated on that person’s removal order, that
24 ICE may deport that person without any procedures for notice or an opportunity to be
25 heard if the State Department confirms that it has received diplomatic assurances that
26 individuals will not be persecuted or tortured. If no diplomatic assurances are received,

1 the ICE memo instructs officers to serve on the individual a Notice of Removal that
2 includes the intended country of removal. It instructs officers not to ask whether the
3 individual is afraid of removal to that country. It states that officers should “generally
4 wait at least 24 hours following service of the Notice of Removal before effectuating
5 removal” but that “[i]n exigent circumstances, [ICE] may execute a removal order six
6 (6) or more hours after service of the Notice of Removal as long as the [noncitizen] is
7 provided reasonable means and opportunity to speak with an attorney prior to removal.”

8 The memo further instructs that if the noncitizen “does not affirmatively state a
9 fear of persecution or torture if removed to the country of removal listed on the Notice
10 of Removal within 24 hours, [ICE] may proceed with removal to the country identified
11 on the notice.” If the noncitizen “does affirmatively state a fear if removed to the
12 country of removal,” then ICE will refer the case to U.S. Citizenship and Immigration
13 Services (“USCIS”) for a screening for eligibility for withholding of removal and
14 protection under the Convention Against Torture. “USCIS will generally screen within
15 24 hours.” If USCIS determines that the noncitizen does not meet the standard, the
16 individual will be removed. If USCIS determines that the noncitizen has met the
17 standard, then the policy directs ICE to either move to reopen removal proceedings “for
18 the sole purpose of determining eligibility for [withholding of removal protection] and
19 CAT” or designate another country for removal.

20 The eight men who were ultimately deported to South Sudan all claimed fear of
21 removal to South Sudan. None of those men were provided a fear screening by a
22 USCIS officer or otherwise, despite the fact that they were held by ICE for six weeks
23 on a U.S. military base in Djibouti before their final removal to South Sudan.

24 **VIII. The Law Governing Punitive Removal Practices**

25 It is bedrock law that the U.S. government may not impose or inflict an infamous
26 punishment for violations of civil immigration law. In 1896, the U.S. Supreme Court

1 ruled that while deportation itself was not a punishment, the government could not
2 attach punitive conditions to deportation—in that case, imprisonment at hard labor—
3 absent a criminal charge, trial in a court of law, and the protections of the Fifth, Sixth,
4 and Eighth Amendments. *Wong Wing v. United States*, 163 U.S. 228, 237 (1896).

5 Importantly, the Court drew a distinction between deportation, which the Court
6 reasoned is “not a ‘banishment,’ in the sense in which that word is often applied to the
7 expulsion of a citizen from his country by way of punishment,” and government actions
8 aimed at punishment, such as imprisonment at hard labor in addition to deportation. *Id.*
9 at 236. The Court explained that deportation “is but a method of enforcing the return to
10 his own country of [a non-citizen] who has not complied with the conditions upon the
11 performance of which the government of the nation, acting within its constitutional
12 authority and through the proper departments, has determined that his continuing to
13 reside here shall depend.” *Id.* (quoting *Fong Yue Ting v. United States*, 149 U.S. 730
14 (1893)). But the Court admonished that the government may not “declare unlawful
15 residence within the country to be an infamous crime, punishable by deprivation of
16 liberty and property . . . unless provision were made that the fact of guilt should first be
17 established by a judicial trial.” *Id.* at 237.

18 Deportation of individuals to third countries to be imprisoned or harmed is
19 unquestionably punishment.

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1 **Grounds for Relief**

2 **Ground One: Petitioner’s Continued Detention in Immigration Custody**
3 **Violates the Due Process Clause of the Fifth Amendment to the U.S.**
4 **Constitution Because There Is No Significant Likelihood that Petitioner Will Be**
5 **Removed in the Reasonably Foreseeable Future.**

6 The allegations in the above paragraphs are realleged and incorporated herein.

7 Petitioner’s present detention is purportedly authorized under 8 U.S.C. § 1231.
8 Detention of non-citizens who have been ordered removed is mandatory during the so-
9 called 90-day “removal period.” 8 U.S.C. § 1231(a)(1)(A). This period begins, as
10 relevant here, on the “date the order of removal becomes administratively final.” 8
11 U.S.C. § 1231(a)(1)(B)(i). Because Petitioner’s removal order became final on July 20,
12 2005, the removal period has long since expired and detention is no longer required
13 under 8 U.S.C. § 1231.

14 Not only is detention no longer required, it is no longer allowed under the facts
15 of this case. The Due Process Clause of the Fifth Amendment limits an individual’s
16 “detention to a period reasonably necessary to bring about that [non-citizen’s] removal
17 from the United States.” *Zadvydas*, 533 U.S. at 689. Because of this constitutional
18 limitation, 8 U.S.C. § 1231 “does not permit indefinite detention.” *Id.* After the
19 “presumptively reasonable” period of six months’ detention, when the noncitizen can
20 “provide good reason to believe that there is no significant likelihood of removal in the
21 reasonably foreseeable future,” then “the Government must respond with evidence
22 sufficient to rebut that showing.” *Id.* at 701. “A petitioner’s total length of confinement
23 need not be consecutive to reach the six-month presumptively reasonable limit
24 established in *Zadvydas*.” *Tang v. Bondi*, No. 2:25-CV-01473-RAJ-TLF, 2025 WL
25 2637750, at *4 (W.D. Wash. Sept. 11, 2025).

26 Here, the government cannot rebut the conclusion that Petitioner’s continued
detention in ICE custody violates the Due Process Clause of the Fifth Amendment

1 under *Zadvydas*. See *Nguyen v. Scott*, No. 2:25-CV-01398, 2025 WL 2419288, at *28–
2 29 (W.D. Wash. Aug. 21, 2025) (granting preliminary injunction requiring release
3 under *Zadvydas*); *Tang*, dkt. 26 at 12 (same).

4 **Ground Two: Violation of the Fifth Amendment, 8 U.S.C. § 1231, Convention**
5 **Against Torture, Implementing Regulations, and the Administrative Procedure**
6 **Act**

7 The allegations in the above paragraphs are realleged and incorporated herein.

8 The Fifth Amendment, the INA, the CAT, and implementing regulations
9 mandate meaningful notice and opportunity to respond to any attempt to remove
10 Petitioner to a third country in reopened removal proceedings. They also require an
11 opportunity for Petitioner to make a fear-based claim against removal to a third country
12 in reopened removal proceedings. Respondents’ policy for third country removals
13 violates all of these laws because it directs ICE agents to remove individuals to third
14 countries without any notice or process *at all* where diplomatic assurances are received
15 and, where no diplomatic assurances are received, to provide flagrantly insufficient
16 notice (6–24 hours) and opportunity to respond, in violation of the statute, regulations,
17 and Fifth Amendment.

18 Prior to any third country removal, Petitioner must be provided with
19 constitutionally and statutorily compliant notice and an opportunity to respond and
20 contest that removal if she has a fear of persecution or torture in that country in
21 reopened removal proceedings. See *Nguyen*, 2025 WL 2419288, at *29 (granting
22 preliminary injunction against “removing Petitioner to a country other than [home
23 country] without notice and a meaningful opportunity to be heard in reopened removal
24 proceedings with a hearing before an immigration judge”).

25 **Ground Three: Punitive Third Country Banishment; Violation of Fifth and**
26 **Eighth Amendments**

The allegations in the above paragraphs are realleged and incorporated herein.

1 Under the Fifth Amendment to the U.S. Constitution, no person shall “be held to
2 answer for a capital, or otherwise infamous crime, unless on a presentment or
3 indictment of a Grand Jury;” “be subject for the same offence to be twice put in
4 jeopardy of life or limb;” or “be deprived of life, liberty, or property, without due
5 process of law.”

6 The Eighth Amendment provides that no “cruel and unusual punishments” may
7 be inflicted.

8 The U.S. Supreme Court long ago held that the government may not inflict upon
9 individuals an “infamous punishment” in addition to deportation as a penalty for an
10 immigration violation, absent criminal charges, a judicial trial, and attendant
11 constitutional protections. *Wong Wing*, 163 U.S. at 236–38.

12 Petitioner was convicted and completed any sentences for her criminal
13 convictions decades ago. Her convictions made her removable from the United States,
14 but the convictions do not authorize the government to inflict, as a matter of executive
15 policy and discretion, additional punishment on her. Respondents’ third country
16 removal program is punitive in nature and execution.

17 The government has arranged for third countries to receive deportees and
18 imprison them on arrival, possibly indefinitely and often in abhorrent conditions. It has
19 selected countries notorious for human rights abuses and instability for third country
20 removal arrangements. It has targeted individuals with criminal convictions for third
21 country removals where they will be imprisoned and harmed and publicly broadcast
22 those removals to demonize and dehumanize the individuals subjected to these practices
23 and strike fear in the immigrant community to send a message of retribution and
24 deterrence.

25 Respondents’ third country removal program is more than a publicity stunt. The
26 hundreds of individuals who have already been subjected to it have been banished in

1 foreign prisons upon arrival without charge and often without communication with the
2 outside world, including their families and lawyers. Respondents may not subject
3 Petitioner to its third country removal program designed to impose a severe punishment
4 on its subjects. *See id.* Such conduct “shocks the conscience” under Fifth Amendment
5 substantive due process, is cruel and unusual punishment, and may not be imposed
6 without charge and a judicial trial.

7 Respondents may not seek to remove Petitioner to a third country under their
8 punitive banishment policy and practices. *See Nguyen*, 2025 WL 2419288, at *29
9 (granting preliminary injunction against “removing Petitioner to any country where he
10 is likely to face imprisonment upon arrival”).

11 **Prayer for Relief**

12 Petitioner respectfully requests that this Court:

- 13 (a) Assume jurisdiction over this action;
- 14 (b) Order Respondents to immediately release Petitioner from custody;
- 15 (c) Order that Respondents may not remove or seek to remove Petitioner to a
16 third country without notice and meaningful opportunity to respond in compliance with
17 the statute and due process in reopened removal proceedings;
- 18 (d) Order that Respondents may not remove Petitioner to any third country
19 because Respondents’ third country removal program seeks to impose unconstitutional
20 punishment on its subjects, including imprisonment and other forms of harm; and
- 21 (e) Order all other relief that the Court deems just and proper.

22 **Verification Pursuant to LCR 100(e)**

23 Counsel verifies that this petition is authorized by Petitioner. It does not
24 personally bear Petitioner’s signature because of the significant difficulty for counsel in
25 meeting with Petitioner in person and because mailing the petition to Petitioner and
26 having it mailed back would cause delay that would only extend the period of her

1 unlawful detention. Counsel knows the facts asserted above or alleges them on
2 information and belief, based on information obtained from the government and/or
3 Petitioner.

4 DATED this 22nd day of September 2025.

5 Respectfully submitted,

6
7 *s/ Colin Fieman*
8 Federal Public Defender
9 Attorney for Ha Thu Thi Nguyen
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