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7

8  
9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 BAT A. UNG

12 Petitioner,

13 v.

14 KRISTI NOEM, Secretary of Homeland  
15 Security;

16 PAMELA J. BONDI, Attorney General of  
17 the United States;

18 THOMAS GILES, Los Angeles Field  
19 Office Director, Bureau of Immigration  
and Customs Enforcement;

20 JAMES PILKINGTON, Assistant Field  
21 Office Director, Adelanto Detention  
22 Facility,

23 GEO GROUP INC., Warden at Adelanto  
24 Detention Facility

25 Respondents.  
26  
27  
28

Case No. 5:25-cv-03349

DHS No. A 

**PETITION FOR A WRIT OF HABEAS  
CORPUS BY A PERSON IN  
FEDERAL CUSTODY UNDER 28  
U.S.C. § 2241; DECLARATIONS OF  
BAT A. UNG AND KATHERINE  
FARKAS**

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1 **I. INTRODUCTION & BACKGROUND**

2 Petitioner Bat Ung fled from Vietnam as a five-year-old refugee in 1975—just days  
3 before the fall of Saigon—and entered the United States as a lawful permanent resident  
4 that same year.

5 In 1992, Ung was detained in immigration custody and ordered removed to  
6 Vietnam, but he was released after approximately nine months in custody, because the  
7 United States was unable to effect his removal to Vietnam. In 2023, at the conclusion of a  
8 prison term, Ung was placed in the custody of the United States Immigration and Customs  
9 and Enforcement (ICE) again, but was immediately placed on supervised release due to  
10 the unlikelihood of being able to effect his removal to Vietnam.



11 Since 2023, Ung has complied with his supervision requirements, including all  
12 scheduled check-ins with ICE. Despite Ung’s compliance with supervision and with no  
13 further showing of any likelihood of removal nor with any advance notice of his detention,  
14 ICE re-detained him at his most recent check-in, on October 16, 2025.

15 Ung files this habeas petition to seek his release from custody because ICE’s  
16 revocation of his supervised release is unlawful and because there is no significant  
17 likelihood of his removal to Vietnam in the reasonably foreseeable future. Ung also seeks  
18 to enjoin the government from removing him to a third country without the notice and  
19 opportunity to be heard required by the Constitution and the immigration statute, and to  
20 enjoin the government from removing him to a third country for a punitive purpose.

21 **II. PROCEDURAL AND JURISDICTIONAL ALLEGATIONS**

22 Petitioner provides the following information related to his habeas petition:

- 23
- 24 • **Place of detention:** At the time of this filing, Petitioner is detained by ICE at the  
25 Adelanto Detention Facility in Adelanto, California.
  - 26 • **Name and location of court which imposed removal order:** Florence  
27 Immigration Court, 3260 North Pinal Parkway, Florence, AZ 85132
- 28

- 1 • **The immigration case number:** Department of Homeland Security, A#   
2 
- 3 • **The date upon which removal order was imposed:** Ung was ordered removed  
4 by an Immigration Judge on or about August 18, 1992. Ung did not appeal.
- 5 • **Previous petitions:** None
- 6 • **Do you have any petition, appeal or parole matter pending in any court,**  
7 **either state or federal, as to the removal order under attack?** No.

8 Respondents are government officials who have custody of Ung, and therefore are  
9 properly before the Court. 28 U.S.C. § 2243. Ung's grounds for relief are concisely stated  
10 in the point headings under "Claims and Arguments," below.

11 Ung seeks to proceed in forma pauperis, as he is financially unable to retain counsel  
12 to represent him in this matter.

13 Ung's 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 Act  
15 ("APA"), 5 U.S.C. §§ 500–96, 701–06.

16 The Court has subject matter jurisdiction under 28 U.S.C. § 2241, *et seq.* (habeas  
17 corpus); U.S. Const. art. I, § 9, cl. 2 (suspension clause); *id.* amend. XIV, § 1 (due process  
18 clause); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1346(a)(2) (United States as  
19 respondent); and 28 U.S.C. § 1651 (All Writs Act). Respondents have waived sovereign  
20 immunity for purposes of this suit. 5 U.S.C. §§ 702, 706.

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

24 Venue is proper in this District under 28 U.S.C. § 1391(e)(1) because the  
25 respondents are agencies or officers of agencies of the United States, they and Ung resides  
26 in this district, Ung is detained in this district, and a substantial part of the events or  
27 omissions giving rise to his claims took place in this district. 28 U.S.C. § 2241(a); *Rumsfeld v.*  
28

1 *Padilla*, 542 U.S. 426, 443 (2004).

2 **III. FACTUAL ALLEGATIONS**

3 **A. Emigration from Vietnam as a young child.**

4 Ung has been in the United States since 1975. Although he was born in Saigon, Ung  
5 was just five years old when he fled Vietnam with his mother, three brothers, and a sister  
6 in April 1975 - just days before the fall of Saigon. Ung's father worked with the United  
7 States government during the war. Ung's father managed to get his wife and children onto  
8 a flight out of Saigon, while he remained to fight with the resistance against the North  
9 Vietnamese Army until he finally rejoined Ung's family in the United States in 1982.

10 After fleeing Vietnam, Ung spent several months living with his mother and siblings  
11 in a refugee camp in the Philippines until they were admitted to the United States as lawful  
12 permanent residents in late 1975.

13 **B. Ung has strong ties to the United States and no ties to Vietnam.**

14 Ung's mother and siblings live in the United States, as does Ung's only child, a 32  
15 years old daughter who is a U.S. citizen. Ung works full-time as a cook for Homeboy Food  
16 Services, a catering subsidiary of Homeboy Industries. His supervisor has provided a letter  
17 describing Ung's exemplary work ethic as well as his ongoing work towards a degree  
18 through the Los Angeles Community College. Once Ung is released from ICE detention,  
19 Homeboy Food Services is "prepared to have him back on the cook's team  
20 immediately[.]" (*See* Decl. of K. Farkas, Ex. 1.)

21 In contrast to his strong ties in the United States, Ung has no immediate family  
22 members in Vietnam and no ties to anyone still living in Vietnam. Ung does not speak  
23 Vietnamese. Before his family fled Vietnam as refugees, they spoke Cantonese at home  
24 and lived in the Chinatown area of Saigon together with other members of the Chinese  
25 ethnic minority in Vietnam.  
26  
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1 **C. The United States released Ung from immigration custody twice, in**  
2 **1992 and 2023, due to inability to effect his removal.**

3 After Ung completed a prison sentence in California in 1992, he was transferred to  
4 the custody of federal authorities for removal proceedings. Ung was ordered removed on  
5 August 18, 1992, and spent a total of approximately nine months in immigration detention  
6 in 1992. However, Ung’s removal to Vietnam could not be effected. Ung was, therefore,  
7 placed on supervised release.

8 After completion of a prison sentence on June 28, 2023, Ung was transferred to the  
9 custody of ICE. Ung remained in ICE’s custody for only a few hours on June 28, 2023,  
10 before being placed on supervised release. Since then, Ung has complied with all terms of  
11 his supervised release.

12 Ung’s release by immigration authorities in 1992 and again in 2023 reflects that  
13 there is no good reason to believe he will be deported to Vietnam in the reasonably  
14 foreseeable future. Indeed, “Vietnam has long refused to accept for deportation  
15 Vietnamese nationals who came to the United States as refugees before 1995.” *Nguyen v.*  
16 *Scott*, 796 F. Supp. 3d 703, 714 (W.D. Wash. 2025) (citing *Trinh v. Homan*, 466 F. Supp. 3d  
17 1077, 1083 (C.D. Cal. 2020)).

18 While the United States and Vietnam entered into a Memorandum of  
19 Understanding (“MOU”) on November 21, 2000, regarding pre-1995 immigrants, that  
20 MOU includes at least one mandatory condition for Vietnam to accept an individual for  
21 removal that has not been publicly disclosed, as well as additional eligibility factors that  
22 Respondents have not disclosed to Ung or to the public. *See Nguyen*, 796 F. Supp. 3d at  
23 714-15 (“The fourth mandatory condition is redacted in the publicly disclosed version of  
24 the MOU[.] . . . Sections 5 and 6 of the MOU contain factors that the United States  
25 intends to consider before requesting travel documents for a Vietnamese citizen and that  
26 Vietnam intends to consider before accepting an individual ordered removed. These  
27 factors are also redacted and have not been disclosed in this litigation.” (internal citations  
28

1 omitted).) The only reasonable inference to be drawn from ICE’s decision to release Ung  
2 in 2023—several years after the execution of the MOU—is that ICE concluded it was  
3 unlikely to be able to effect Ung’s removal under the MOU.

4 **D. Ung’s record of rehabilitation since his release in 2023 has been**  
5 **exemplary.**

6 Since Ung’s supervised release from ICE’s custody on June 28, 2023, he has worked  
7 hard to serve his community. Ung successfully participated in an 18-month Homeboy  
8 Industries reentry program for previously incarcerated individuals, which involved training,  
9 counseling, and part-time work. At the conclusion of that program, Ung was selected for  
10 full-time work in a utilities position for Homeboy Food Services, working to provide meals  
11 to patients in the Behavioral Health Center of Martin Luther King Jr. Community  
12 Hospital. Shortly before his detention by ICE on October 16, 2025, Ung was promoted to  
13 his current position as a Production Cook—working to preapre three meals a day for  
14 approximately 200 patients. Ung’s manager confirms he “is a hard-working individual of  
15 outstanding character,” and she is eager for him to return to his work, “providing  
16 nourishing meals for the patients at BHC-MLK.” (Decl. of K. Farkas, Ex. 1.)

17 **E. Ung was re-detained in October 2025 without cause and without a**  
18 **hearing.**

19 Since Ung was last in ICE custody in 2023, he has complied with the terms of his  
20 supervised release—regularly reporting to his supervising agent as required. On September  
21 26, 2025, at a required check-in with his supervising agent in Los Angeles, ICE altered the  
22 conditions of his detention without notice by adding an ankle monitor. Ung complied with  
23 ankle monitoring and came to his next required check-in on October 16, 2025. On that  
24 date, he was detained—without first being given an informal interview and despite his  
25 compliance with supervision.

26 After he had already been detained in a holding cell on October 16, 2025, Ung was  
27 provided a “Notice of Revocation of Release.” That notice asserted that there were  
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1 “changed circumstances” that supported Ung’s detention, but did not specify what  
2 circumstances had changed or how they had changed. The Notice of Revocation of  
3 Release asserted that it is “expected that [Ung] will be removed to Vietnam in the  
4 foreseeable future[,]” does not state that there is a significant likelihood of removal in the  
5 reasonably foreseeable future, and does not explain the basis for ICE’s “expect[ation]” that  
6 Ung will be removed. The Notice of Revocation of Release stated that Ung would be  
7 afforded an informal interview at which he would have an opportunity to respond to the  
8 reasons for revocation of supervised release, but he was never provided the reasons for  
9 revocation and was not provided the promised informal interview. (Ung Decl., ¶¶ 11-12.)

10 An agent of ICE spoke to Ung very briefly on the day of his detention, but did not  
11 provide the reasons for revocation. The agent simply told Ung that he was being detained  
12 because there was a final order of deportation and asked Ung about his current ties to  
13 Vietnam. Ung responded truthfully that he does not have current ties to Vietnam.

#### 14 **IV. CLAIMS & ARGUMENTS**

15 ICE may only revoke release and re-detain a person who is compliant with the  
16 terms of their supervision under governing regulations and due process “if, on account of  
17 changed circumstances, [ICE] determines that there is a significant likelihood that the  
18 [noncitizen] may be removed in the reasonably foreseeable future.” 8 C.F.R. § 241.13(i)(2).

19 There are no changed circumstances. Ung’s removal to Vietnam is no more likely  
20 than it was when ICE released him from custody in 2023. ICE has not obtained a travel  
21 document from Vietnam, nor has Vietnam agreed to accept Ung. Vietnam has historically  
22 accepted few pre-1995 arrivals for repatriation, and there is no evidence that that policy  
23 has changed in any way affecting Ung’s case.

24 The only change is the U.S. government’s new policy and practice of deporting  
25 individuals to third countries, including countries where deportees are imprisoned upon  
26 arrival, often in abhorrent conditions. Under this new regime, the government has carried  
27 out these third-country removals without following any of the statutory, regulatory, and  
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1 constitutional procedures required before deporting a person to a third country.

2 Because the government’s implementation of these policies in Ung’s case violates  
3 the Constitution and laws of the United States, Ung alleges the following grounds for  
4 relief, each of which incorporates all of the factual allegations in Part III above.

5 **A. Ground One: Ung must be released because there is no good reason to**  
6 **believe he will be deported to Vietnam in the reasonably foreseeable**  
7 **future.**

8 The Due Process Clause limits a “[noncitizen’s] post-removal-period detention to a  
9 period reasonably necessary to bring about that [noncitizen’s] removal from the United  
10 States.” *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001). Because of this constitutional  
11 limitations, the immigration detention statute “does not permit indefinite detention.” *Id.*;  
12 *see* 8 U.S.C. § 1231.

13 Immigration detention is presumptively limited to six months. “After this 6-month  
14 period, once the [noncitizen] provides good reason to believe that there is no significant  
15 likelihood of removal in the reasonably foreseeable future, the Government must respond  
16 with evidence sufficient to rebut that showing.” *Zadvydas*, 533 U.S. at 701.

17 Although Ung was first ordered deported in 1992 and was returned to ICE custody  
18 in 2023, he has been permitted to remain in the United States on supervised release  
19 because there is no significant likelihood of his removal in the reasonably foreseeable  
20 future. This is as true now as it was in 1992 and 2023. Indeed, at the time ICE determined  
21 that Ung should be released in 2023—recognizing that there was no significant likelihood  
22 of his removal at that time—the United States and Vietnam were operating under the  
23 same MOU regarding removals to Vietnam that remains in place now. The letter provided  
24 to Ung after he was taken into custody fails to identify any change in circumstances since  
25 2023 that makes his removal likely now.

26 Even though Ung’s *current* ICE detention has not yet continued for six months—the  
27 presumptive limit for immigration detention—this petition is not premature. Ung cannot  
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1 be returned to his country of origin, because Vietnam does not recognize him as a citizen.  
2 Upon information and belief, the Vietnamese Embassy refused and will continue to refuse  
3 to issue him a passport or other travel documents. His continued detention in immigration  
4 custody thus violates the Due Process Clause of the Fifth Amendment. Even without six  
5 months in ICE custody, a petitioner can still raise this claim due to the lack of reasonable  
6 foreseeability of removal. *Zavvar v. Scott*, 2025 WL 2592543, at \*5 (D. Md. Sept. 8, 2025)  
7 (collecting numerous cases). In other words, regardless of the six-month rubric, an  
8 unconstitutional detention is an unconstitutional detention—no matter how long it’s been.

9 Moreover, in assessing the reasonableness of Ung’s detention, the Court should  
10 consider Ung’s total period of immigration detention following his removal order,  
11 including any time Ung spent in detention after August 18, 1992. A detainee’s release and  
12 rearrest does not restart the six-month grace period. *See Sied v. Nielson*, 2018 WL 1876907,  
13 at \*6 (N.D. Cal. Apr. 19, 2018) (“Several courts have held that the six-month period does  
14 not reset when the government detains an alien . . . , releases him from detention, and then  
15 re-detains him again.”); *see also S.F. v. Bostock*, 2025 WL 2841022, at \*4 (D. Or. Oct. 7,  
16 2025) (collecting cases where presumption of reasonableness did not apply when  
17 cumulative detention exceeded sixth months); *Nguyen v. Scott*, 796 F. Supp. 3d at 721-22  
18 (same); *Diaz-Ortega v. Lund*, 2019 WL 6003485, at \*7 n.6 (W.D. La. Oct. 15, 2019), *report*  
19 *and recommendation adopted*, 2019 WL 6037220 (W.D. La. Nov. 13, 2019). Indeed, to hold  
20 otherwise would create an obvious end run around *Zadhydas*, because ICE could detain an  
21 immigrant indefinitely by releasing and quickly rearresting them every six months.

22 **B. Ground Two: The Government violated both due process and INA**  
23 **regulations by reimprisoning Ung without notice and an opportunity to**  
24 **be heard.**

25 Due process rights extend to noncitizens present in the United States, including  
26 those subject to final removal orders. *Zadhydas*, 533 U.S. at 693–94, 121 S.Ct. 2491; *Trump*  
27 *v. J.G.G.*, 604 U.S. 670, 673 (2025) (per curiam). The fundamental requirements of  
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1 procedural due process are that a person be afforded notice and opportunity to be heard  
2 “at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333  
3 (1976).

4 If a noncitizen has been previously released, before reimprisonment, the regulations  
5 require the noncitizen “will be notified of the reasons for revocation of his or her release,”  
6 and will be given “an initial informal interview promptly after his or her return to Service  
7 custody to afford the alien an opportunity to respond to the reasons for revocation stated  
8 in the notification.” 8 C.F.R. § 241.4(l)(1); § 241.13(i)(3).

9 Courts have consistently interpreted these provisions to require findings prior to re-  
10 detention, as well as an opportunity to contest re-detention. *See, e.g., Constantinovici v. Bondi*,  
11 \_\_\_ F. Supp. 3d \_\_\_, 2025 WL 2898985, No. 25-cv-2405-RBM (S.D. Cal. Oct. 10, 2025);  
12 *Rokhfirooz v. Larose*, No. 25-cv-2053-RSH, 2025 WL 2646165 (S.D. Cal. Sept. 15, 2025);  
13 *Phan v. Noem*, 2025 WL 2898977, No. 25-cv-2422-RBM-MSB, \*3–\*5 (S.D. Cal. Oct. 10,  
14 2025); *Sun v. Noem*, 2025 WL 2800037, No. 25-cv-2433-CAB (S.D. Cal. Sept. 30, 2025);  
15 *Van Tran v. Noem*, 2025 WL 2770623, No. 25-cv-2334-JES, \*3 (S.D. Cal. Sept. 29, 2025);  
16 *Truong v. Noem*, No. 25-cv-02597-JES, ECF No. 10 (S.D. Cal. Oct. 10, 2025);  
17 *Khambounbeuang v. Noem*, No. 25-cv-02575-JO-SBC, ECF No. 12 (S.D. Cal. Oct. 9, 2025).

18 Here, however, (1) the Notice of Revocation of Release was provided to Ung after  
19 he was already taken into custody and that notice failed to include any findings supporting  
20 his reimprisonment; (2) the Government failed to conduct an informal interview or afford  
21 Ung an opportunity to be heard concerning the reasons for revocation—reasons that still  
22 have not been provided to Ung; and (3) the Government has never sufficiently  
23 demonstrated that changed circumstances exist, which render Ung’s removal significantly  
24 likely in the reasonably foreseeable future.

25 //

1 **C. Ground Three: To the extent Ung’s detention in immigration custody is**  
2 **to effectuate removal to a third country, that violates the Due Process**  
3 **Clause, because ICE has not given him sufficient notice of the**  
4 **proposed third country and an opportunity to request deferral or**  
5 **withholding of removal to that country under either statute or the**  
6 **Convention Against Torture.**

7 “It is well established that the Fifth Amendment entitles [noncitizens] to due  
8 process of law in the context of removal proceedings.” *J.G.G.*, 604 U.S. at 673 (*quoting Reno*  
9 *v. Flores*, 507 U.S. 292, 306 (1993)). Noncitizens are thus entitled to “notice and an  
10 opportunity to be heard appropriate to the nature of the case.” *Id.* (*quoting Mullane v. Central*  
11 *Hanover Bank & Trust Co.*, 339 U.S. 306,313 (1950)). As relevant here, this means that  
12 purported non-citizens are entitled to notice that they are to be removed to a third country  
13 “within a reasonable time and in such a manner as will allow them to actually seek habeas  
14 relief in the proper venue before such removal occurs.” *Id.*

15 Ung has not been formally ordered removed to any country other than Vietnam. As  
16 such, he has never had an opportunity to contest removal to any third country on the  
17 grounds that he may face persecution or torture if he is removed to that country.

18 To the extent that Ung’s detention is meant to facilitate his removal to a third  
19 country, *see generally Zadvydas*, 533 U.S. at 690 (suggesting that detention following a  
20 removal order is intended to facilitate removal), if such a removal is accomplished in  
21 violation of his due-process rights, then his detention is illegal. This due-process claim  
22 “necessarily impl[ies] the invalidity of [his] confinement and removal” to a third country  
23 not yet named in any removal order. *J.G.G.*, 604 U.S. at 672. Thus, his due-process claim is  
24 properly brought in a habeas petition, and a court order that he be released from detention  
25 is a proper remedy for such a violation.  
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1 **D. Ground Four: Removal to third countries where Ung might face**  
2 **imprisonment violates the constitutional prohibition on “punitive”**  
3 **removal practices.**

4 The U.S. Supreme Court long ago held that the government may not inflict upon  
5 individuals an “infamous punishment” atop deportation as a penalty for an immigration  
6 violation, absent criminal charges, a judicial trial, and related constitutional protections.  
7 *Wong Wing v. United States*, 163 U.S. 228, 236-38 (1896). More than a century later the Court  
8 reaffirmed the point, holding that while it is within the constitutional power of Congress  
9 to remove those unlawfully present in the United States, “punitive measures c[annot] be  
10 imposed upon [noncitizens]” merely by dint of their removal, as “all persons within the  
11 territory of the United States are entitled to the protection’ of the Constitution.’ ” *Zadvydas*,  
12 533 U.S. at 694 (quoting *Wong Wing*, 163 U.S. at 238).

13 Yet the purposes of the government’s third-country removal program are  
14 substantially punitive. As one district court recently held, government officials have made  
15 public statements, judicially noticeable, that “offer evidence that third country deportation  
16 is occurring as a punishment.” *Nguyen*, 796 F. Supp. 3d at 733. These include an official  
17 video of President Donald J. Trump stating, “[I]f illegal aliens choose to remain in  
18 America, they’re remaining illegally, and they will face severe consequences,” with  
19 “punishments ... including ... sudden deportation in a place and manner solely of our  
20 discretion.” *Id.* at 734. “Other courts [too] across the country have recognized that the  
21 government is intentionally removing individuals to countries where they will be  
22 imprisoned” in facilities where “ ‘torture is pervasive’ ” and “ ‘human rights violations’ ” “  
23 ‘widespread,’ ” under “ ‘horrific prison conditions [engineered] for the specific purpose of  
24 inflicting suffering.’ ” *Id.* (quoting cases).

25 Removal to such countries under the Government’s current policy would thus  
26 violate the constitutional prohibition on punitive removal practices as well.  
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**V. CONCLUSION**

For the foregoing reasons, this Court should:

- Order the government to answer this petition,
- Expedite any briefing and relief, as Petitioner’s current custody is illegal;
- Allow him to conduct discovery in order to support his claim for relief;
- Convene an evidentiary hearing, if needed, to resolve disputed facts;
- Order Respondents to release him from their custody; and
- Grant any other relief that is just and practicable.

Respectfully submitted,

CUAUHTEMOC ORTEGA  
Federal Public Defender

Dated: December 11, 2025

By: /s/ Katherine Farkas  
KATHERINE FARKAS  
Deputy Federal Public Defender

Proposed Attorneys for Petitioner  
BAT A. UNG

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**VI. VERIFICATION**

I, Katherine Farkas, declare as follows:

I am an attorney with the Office of the Federal Public Defender, and I am admitted to practice law in the State of California.

I am authorized to file this petition on behalf of petitioner, who is restrained in violation of his liberty.

Based on information and belief, I declare under penalty of perjury under the laws of the United States and the State of California that the contents of this petition are true and correct to the best of my knowledge and belief.


Executed December 11, 2025, at Los Angeles, California.

*/s/ Katherine Farkas*  
KATHERINE FARKAS

**DECLARATION OF BAT A. UNG**

I, Bat A. Ung, declare:

1. I, Bat A. Ung, am the petitioner in this action.

2. I am currently detained by Immigration and Customs Enforcement (ICE) at the Adelanto Detention Facility in Adelanto, California. My A number is A 

3. I was born in Saigon, Vietnam. I was five years old in April 1975, when I left Vietnam with my mother, three brothers, and a sister. My father had worked with the United States government during the war, so he was able to get my mother, me, and my siblings onto a flight out of Saigon. He stayed in Vietnam to fight with the resistance against the North Vietnamese Army, and did not join us in the United States until 1982.

4. Before we were admitted to the United States, I spent several months living with my mother and siblings in a refugee camp in the Philippines. We were admitted to the United States as lawful permanent residents later in 1975.

5. My mother is still alive. She and my siblings all live in the United States. I have one child, who is a 32-year-old United States citizen, and she lives in the United States. I currently work as a production Cook for Homeboy Food Services, a catering subsidiary of Homeboy Industries. My supervisor has provided a letter to my attorney and me concerning my work. If I am released from ICE detention, I plan to immediately return to my work.

6. I have no immediate family in Vietnam and no ties to anyone still living in Vietnam. I do not speak Vietnamese. Before we left Vietnam as refugees, my family lived in the Chinatown area of Saigon together with other members of the Chinese ethnic minority in Vietnam and spoke Cantonese.

7. After completing a prison sentence in 1992, I was transferred to the custody of the Immigration and Naturalization Service (INS) for removal proceedings. I remained in immigration detention for a total of about nine months in 1992 and was ordered removed in August 1992. I do not recall the exact date of my removal order. I understand that the Automated Case Information available on a Department of Justice Website states

1 that an immigration judge ordered my deportation on August 18, 1992, but I received a  
2 recent notice from Immigration and Customs and Enforcement (ICE) that says the date of  
3 the order was August 19, 1992.

4 8. After completion of another prison sentence on June 28, 2023, I was  
5 transferred to the custody of ICE. I was released after only a few hours and told to return  
6 for a scheduled check-in in 2024. I have attended every scheduled check-in since being  
7 placed on supervised release in 2023 and have complied with the terms of my supervised  
8 release.

9 9. Being on supervised release since 2023 has allowed me to reenter my  
10 community. I successfully participated in a reentry program for previously incarcerated  
11 people operated by Homeboy Industries, which required me to attend training and group  
12 sessions while I began working part-time. When I completed that program, I was hired  
13 full-time. My supervisor, Nadine Rossier, has provided a letter regarding my work with  
14 Homeboy Industries.

15 10. On September 26, 2025, I attended a regular check-in with ICE in Los  
16 Angeles. At that time, a monitor was placed on my ankle, and I was told to return for  
17 another check-in on October 16, 2025. Although I was given no explanation for the ankle  
18 monitor and no reason that my next check-in would need to be so soon, I complied with  
19 the instructions. When I returned on October 16, 2025, I was told I would be detained. I  
20 was first placed in a holding cell in the building where I reported, which was at 300 North  
21 Los Angeles Street.

22 11. After being detained in the holding cell for several hours, I was brought out  
23 of the cell to meet with an agent who handed me a document titled "Notice of Revocation  
24 of Release." I will file a copy of that Notice as soon as I am able to provide a copy of it to  
25 the attorney who is assisting me. The Notice of Revocation of Release is dated October  
26 16, 2025 and is addressed to me at the building where I was detained, 300 North Los  
27 Angeles Street. The time noted after the signature of the deportation officer indicates that  
28

1 the notice was provided to me at 14:00 on October 16, 2025. This is after I was already in  
2 custody in a holding cell. The Notice of Revocation of Release reads as follows:

3 This letter is to inform you that your case has been reviewed, and  
4 it has been determined that you will be kept in the custody of the  
5 U.S. Immigration and Customs Enforcement (ICE) at this time.  
6 This decision has been made based on a review of your file  
7 and/or your personal interview on account of changed  
8 circumstances in your case.

9 ICE has determined that you can be removed from the United  
10 States pursuant to the outstanding order of removal against you.  
11 On August 19, 1992, you were ordered removed to Vietnam by  
12 an Immigration judge. The removal order is administratively  
13 final, and your case is under current review. There is no pending  
14 action with the court that will impede the execution of your  
15 removal order at this time. It is expected that you will be removed  
16 to Vietnam in the foreseeable future.

17 Based on the above and pursuant to 8 CFR 241.4(l) and 241.13(i),  
18 you are to remain in ICE custody at this time. You will promptly  
19 be afforded an informal interview at which you will be given the  
20 opportunity to respond to the reasons for the revocation and to  
21 provide any evidence to demonstrate that your removal is  
22 unlikely. If you are not released following the informal interview,  
23 you will receive notification of a new review, which will occur  
24 within approximately three months from the date of this notice.

25 You are advised that you must demonstrate that you are making  
26 reasonable efforts to comply with the order of removal and that  
27 you are cooperating with ICE efforts to remove you by taking  
28 whatever actions ICE requests to affect your removal. You are

1 also advised that any willful failure or refusal on your part to make  
2 timely application in good faith for travel or other documents  
3 necessary for your departure, or any conspiracy or actions to  
4 prevent your removal or obstruct the issuance of a travel  
5 document, may subject you to criminal prosecution under 8 USC  
6 Section 1253(a).

7 12. An agent spoke to me briefly after I had already been in the cell for several  
8 hours, but did not tell me the reasons my supervision was being revoked. Because I did  
9 not know the reasons my supervised release had been revoked, I had no way to provide  
10 any response to the undisclosed reasons for revocation. The agent told me I was being  
11 detained because there was a final order of deportation and asked me about my current  
12 ties to Vietnam. I told him the truth that I do not have family or other ties in Vietnam. I  
13 complied with his request that I sign a form. The agent who spoke with me on October  
14 16, 2025, did not tell me that Vietnam had issued any travel documents for me, and no one  
15 has ever told me that Vietnam has agreed to allow me to travel there. To the best of my  
16 knowledge, I have never had a passport or any other travel document that would permit  
17 me to travel to Vietnam.

18 13. On December 10 and 11, 2025, I spoke with Deputy Federal Public  
19 Defender Katherine Farkas. I gave her the information contained in this declaration. On  
20 December 11, I called her again. She read this declaration to me over the phone. I  
21 authorized her to sign it on my behalf.

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

24 Executed on December 11, 2025, in Los Angeles, California.

25  
26  
27 Date: December 11, 2025

28  
*Bat A. Ung*  
\_\_\_\_\_  
BAT A. UNG  
(by Katherine Farkas  
Katherine Farkas)



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

3 Executed on December 11, 2025 in Los Angeles, California.  
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7 KATHERINE FARKAS  
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