Immigrant Rights Advocates Sue ICE to Stop Illegal Incarceration of Vietnamese Refugees

Atlanta, GA, February 28, 2018 — Vietnamese refugees have filed a nationwide class action lawsuit challenging their detention by U.S. Immigration and Customs Enforcement (ICE). Since March 2017, ICE began picking up dozens of Vietnamese refugees and subjecting them to prolonged and indefinite detention in violation of federal law. Many of them were young children or teenagers when they came to the United States fleeing profound hardship and political persecution. As ICE continues to carry out its aggressive detention campaign, between 8,000 and 10,000 Vietnamese Americans are at risk of being unlawfully detained.

The lawsuit was filed by civil rights organizations Asian Americans Advancing Justice–Atlanta (Advancing Justice-Atlanta), Asian Americans Advancing Justice–Los Angeles (Advancing Justice-LA), and Asian Americans Advancing Justice–Asian Law Caucus (Advancing Justice-ALC), along with law firms Reed Smith LLP and Davis Adams, LLC.

"The Vietnamese Americans whom the U.S. government is trying to force back to Vietnam are the same refugees who fled war and crippling re-education camps to pursue the promise of peace and freedom. Unfortunately, the current U.S. administration’s actions against these Vietnamese refugees do not uphold that promise," said Phi Nguyen, Litigation Director at Advancing Justice-Atlanta. "By detaining refugees without due process, ICE is acting illegally and arbitrarily, a hallmark of authoritarian regimes similar to the one in Vietnam. The courts must step in to affirm the rule of law. That’s what this lawsuit seeks to do."

Vietnam has refused to accept the deportation of any Vietnamese refugees who entered the United States before July 12, 1995 in a policy reflective of humanitarian considerations and memorialized in an agreement between the two countries. In addition, ICE has routinely released pre-1995 Vietnamese immigrants with deportation orders, under orders of supervision. However, in 2017, ICE officers began picking up previously released immigrants and holding them for prolonged periods of time, despite the inability of ICE to carry out their deportation. This prolonged detention of Vietnamese refugees violates federal law and breaks apart families without serving a legitimate purpose.

"Indefinite detention of immigrants is both unlawful and inhumane," said Anoop Prasad, Staff Attorney at Advancing Justice-ALC. "Each day causes untold harm to the people in detention and their families."

The transition for Vietnamese refugees who resettled in the U.S. in the years following the Vietnam War was not easy. Due to ad hoc resettlement practices, they were often placed in resource-poor and economically deteriorating neighborhoods, where they lacked a supportive community or access to mental health services to cope with war-related trauma. Under these challenging conditions, some made mistakes leading to criminal convictions and ultimately deportation orders. Despite these early challenges, many have gone to live peaceful and productive lives.

"ICE ripped my brother away from his house on the morning of his son’s birthday without any warning. Although he made some mistakes in the past, my brother is a changed person," said Gina Hoang, sister of Ngoc Hoang, a plaintiff in the lawsuit. "He works hard to financially support his four kids and would also cook dinner for them every night after he got home work. Being without their dad for the past four months has been extremely
difficult on Ngoc’s children, and we hope he will be able to return home to them soon.”

“This administration is recklessly disregarding our Constitution and laws as it continues its war on immigrants,” said Christopher Lapinig, Registered Legal Services Attorney at Advancing Justice-Los Angeles. “The actions taken by ICE only re-traumatize families from a community that already knows trauma all too well.”

“Reed Smith LLP is honored to serve as pro bono counsel alongside Asian American Advancing Justice and its affiliates to protect the constitutional due process rights of the Vietnamese community residing in the United States,” said Tuan Uong, Senior Associate at Reed Smith. “Nearly all of those detained have U.S. citizen spouses, children, parents, or other relatives who rely on them for support. The United States is the only home they know.”

**About Asian Americans Advancing Justice - Atlanta**

Asian Americans Advancing Justice – Atlanta (formerly Asian American Legal Advocacy Center or AALAC) is the first non-profit law center dedicated to Asian immigrants and refugees (“Asian Americans”) in the Southeast.

Our goal is to engage, educate and empower under-represented Asian Americans to greater civic participation.

We are one of five independent organizations that make up the national Asian Americans Advancing Justice. Together with our affiliates in Chicago, DC, Los Angeles and San Francisco, we bring more than 100 years of collective experience in addressing the civil rights issues faced by Asian Americans and other vulnerable and underserved communities. Visit [www.advancingjustice-atlanta.org](http://www.advancingjustice-atlanta.org).