

FOR IMMEDIATE RELEASE
February 8, 2022

CONTACT:

Tara Tidwell Cullen, NIJC – ttidwellcullen@heartlandalliance.org / 312-833-2967

Natalie Casal Alcaino, OCAD – nataliec@ocadchi.org / 786-208-6432

Brandon Lee, ICIRR – blee@icirr.org / 773-259-5288

Settlement Approved Today: ICE's Ability To Detain Immigrants Through Mass Raids And Traffic Stops Will Be Significantly Limited

Class action case was brought by Chicago residents detained in ICE sweeps

CHICAGO – The use of illegal traffic stops and arrest practices by federal immigration enforcement officials will be curtailed under a settlement resolving a lawsuit brought by Chicago area residents detained in ICE sweeps in 2018. Today, the District Court for the Northern District of Illinois approved a class action settlement which will require U.S. Immigration and Customs Enforcement (ICE) to end its practice of making unlawful “collateral arrests” through vehicle stops and other community enforcement actions in Illinois and five other Midwestern states.

Under today’s settlement in *Castañon Nava et al. v. Department of Homeland Security et al.*, ICE must implement new policies nationwide to prevent officers from making arrests and vehicle stops that violate statutory and constitutional limits, and fully document the circumstances under which they make vehicle stops and community arrests. ICE also must end the practice of stopping drivers under the guise of traffic violations which, as the class action plaintiffs described, were based on thinly veiled racial profiling that targeted Black and Brown communities.

The lawsuit was brought by the National Immigrant Justice Center (NIJC), American Civil Liberties Union of Illinois, and Winston & Strawn LLP, on behalf of individuals who were racially profiled and subject to collateral arrests in Chicago and across northern Illinois between May 19 and 24, 2018. ICE for years has conducted community enforcement raids which relied on so-called “collateral arrests,” which swept up any individuals they encountered who they believed to be undocumented, regardless of whether they were a person sought in the enforcement operation. In doing so, ICE would systematically violate the limits of its authority to make arrests and traffic stops and fuel fear in immigrant communities. Two community-based immigrant rights organizations, Illinois Coalition for Immigrant and Refugee Rights and Organized Communities Against Deportation, also were plaintiffs in the case.

“We’re hopeful this settlement will hold ICE accountable to stop harassing our communities with the threat of traffic stops and “collateral arrests, and end the impunity with which officers have been able to use lies and racial profiling to funnel people into the detention and deportation system, said **Mark Fleming, associate director of litigation, National Immigrant Justice Center**. “Over the next three years, We look forward to working with immigrant communities and their allies to help us identify any violations of the settlement that limits ICE's practice in making

traffic stops and warrantless arrests in Illinois, Indiana, Kansas, Kentucky, Missouri and Wisconsin”

“We are grateful that the court approved the settlement, and that ICE officers will now think twice before they pull over a car or arrest multiple people at a home or a work site, and that immigrant communities will get some relief from the continual threat of ‘collateral arrests.’” added **Rebecca Glenberg, senior staff attorney at the ACLU of Illinois.**

“My colleagues and I were honored to provide legal advocacy to those individuals and organizations involved in securing a landmark settlement agreement that will help ensure the constitutional, nondiscriminatory application of our immigration laws,” said **Ivan Poullaos, a partner at Winston & Strawn**, involved in bringing the lawsuit. Winston attorney Pat O’Meara added, “This critical settlement holds ICE accountable for respecting and operating within the meaningful limits the law places on the ability of officers to make warrantless arrests to enforce our immigration laws.”

The full settlement, [which can be read here](#), contains the following provisions:

1. ICE must issue a new nationwide policy regarding collateral arrests and vehicle stops, which details factors ICE must consider before making a vehicle stop or arrest. Those factors include that an individual’s community ties will often mitigate against the agency’s authority to make an arrest without first obtaining a warrant. Under the policy, ICE officers may only make vehicle stops if they have reasonable suspicion — based on specific, articulable facts — that a particular person inside the vehicle does not have legal status. The new policy prohibits officers from telling drivers or vehicle occupants the purpose for a stop is related to any vehicle or traffic violation.
2. Nationwide, ICE must document the specific, particularized facts supporting the legal basis for a collateral arrest and vehicle stop.
3. Nationwide, ICE must adopt or amend its training materials in compliance with the new policy and train all ICE officers.
4. In Illinois, Indiana, Wisconsin, Missouri, Kentucky, and Kansas, individuals arrested by ICE without a warrant or during a vehicle stop may have individual recourse through the settlement, including immediate release from ICE detention.

“In May 2018 we witnessed what has come to be the norm for ICE: rampant and indiscriminate large-scale enforcement operations in our communities using deceiving vehicle stops and arresting people without a warrant,” said **Xanat Sobrevilla, organizer with Communities Against Deportations.** “Today’s victory will hopefully have an impact on the harm ICE is able to cause in our neighborhoods by providing some restrictions on ICE and tools for us to continue to push for the full safety of our loved ones.”

"Today the community-led efforts to rein in ICE have achieved a significant win that will make it a little easier for immigrants to live their lives and go about their business without fear," said **Fred Tsao, senior policy counsel at the Illinois Coalition for Immigrant and Refugee**

Rights. "But this is only one step in holding ICE accountable. Our work will continue by building power to achieve further significant, permanent wins against an agency that only exists to harm our communities."

Community members and the media are invited to learn more about the settlement Friday at 12:00pm on Facebook. Plaintiffs, along with leaders from NIJC, OCAD, and ICIRR will speak about the settlement.

WHAT: Community response to ICE lawsuit settlement

WHERE: Online, on Facebook – facebook.com/icirr

WHEN: Friday, February 11, at 12pm