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Two Chicago Men Sue ICE For Unlawful Arrests During Recent Immigration Sweeps Fueled By Racial Profiling

May 29, 2018

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MEDIA INQUIRIES

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Two Chicago residents who were swept up during a U.S. Immigration and Customs Enforcement (ICE) operation last week are suing the agency for relying on warrantless traffic stops and racial profiling, among other tactics, to arrest and detain more than 100 people across the Chicagoland area over a six-day period.

The plaintiffs, represented by the National Immigrant Justice Center (NIJC) in a lawsuit filed in the U.S. District Court of Northern Illinois, seek to represent a class of individuals unlawfully detained in ICE enforcement, including the operations which took place in southwest Chicago neighborhoods and suburbs across northern Illinois between May 19 and 24. During the arrests, ICE officers violated the Immigration and Nationality Act and Fourth Amendment of the U.S. Constitution by failing to obtain warrants before making many of the arrests, and conducting pretextual traffic stops in order to forcibly fingerprint and arrest dozens of Hispanic residents. About 120 individuals swept up in the operation have since been detained in ICE custody at McHenry County Jail without seeing an immigration judge, another violation of U.S. law.

"The federal government's systematic use of racial profiling to tear people from our neighborhoods in Chicago and across northern Illinois is unlawful and should alarm everyone who values the rule of law in our society," said Mark Fleming, NIJC's associate director of litigation. "ICE's actions amount to an unjustified round-up of Chicago-area residents who have done nothing more than 'driving while brown.'"

The lawsuit's named plaintiff, Margarito Castañon Nava, has lived in Chicago for 17 years, the past six of which he has lived with his partner and her two children. Mr. Castañon was driving his work truck when officers in an unmarked car and vests labeled "Police" pulled him over at the corner of West 31st Street and Cicero Avenue in Chicago on May 20.

The officers barricaded his car on the side of the road, asked Mr. Castañon and his passenger for their identification,

and then forcibly fingerprinted and photographed them. Without any further questioning, the officers ordered the men out of the car, handcuffed them, and placed them in the back of their vehicle. Only when Mr. Castañon arrived at a building in downtown Chicago did he learn that the officers who had arrested him were not Chicago police officers but were in fact ICE agents.

A second plaintiff, identified as John Doe, spent the night with his co-workers at West 48th Street and South Wood Street in Chicago so that they could depart early the next morning for a construction job. As they departed together that morning in a work van, they were surrounded by four unmarked cars and seven officers wearing vests labeled "Police." An officer asked the van's driver for his license and registration and stated that the car was being stopped because of low tire pressure. Because the driver produced an Illinois Temporary Visitor Driver's License, the officer concluded that the entire van was filled with undocumented migrants. The ICE officers asked all the occupants to produce identification and fingerprinted them. The officers then ordered the men out of the vehicle, handcuffed them, and later shackled them. After holding the men for approximately two hours, the officials took them into immigration custody in downtown Chicago.

In their lawsuit, Mr. Castañon and Mr. Doe ask the court to find ICE's warrantless arrest tactics unlawful and to order that they and others who were swept up in the recent operation be granted immediate hearings to have their arrests reviewed by an immigration judge.

Individuals whose loved ones have been arrested and detained can contact NIJC's detention team at detentionhelp@heartlandalliance.org (mailto:detentionhelp@heartlandalliance.org). Detained individuals can call NIJC collect at (312) 263-0901 on Tuesdays between 11 a.m. and 2 p.m.

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