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## Lawsuit Challenging ICE Racial Profiling Tactics May Proceed, Illinois Federal Court Rules

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Lawsuit challenging ICE racial profiling tactics may proceed, Illinois federal court rules

### MEDIA INQUIRIES

Contact NIJC Communications Director Tara Tidwell Cullen at (312) 833-2967 or by email (<mailto:ttidwellcullen@immigrantjustice.org>).

A group of Chicago-area residents have been given a green light to move forward with a lawsuit fighting the tactics used by U.S. Immigration and Customs Enforcement (ICE) in their arrest and detention. The U.S. District Court of Northern Illinois ruled (</sites/default/files/content-type/press-release/documents/2020-02/Castanon%20Nava%20Order%20denying%20MTD.PDF>) on January 24, 2020, that the case, *Castañon Nava v. ICE* ([/court\\_cases/castanon-nava-et-al-v-dhs-et-al](/court_cases/castanon-nava-et-al-v-dhs-et-al)), may continue.

The lawsuit was brought on behalf of a number of individuals by the National Immigrant Justice Center, American Civil Liberties Union of Illinois and Winston & Strawn LLP in response to ICE's use of racial profiling and warrantless arrests in southwest Chicago neighborhoods and suburbs across northern Illinois between May 19 and 24, 2018. The court's ruling means that plaintiffs will now be permitted to seek documentation, correspondence, video, and agency testimony to paint a clearer picture of how ICE relies on racial profiling and other unlawful tactics to conduct mass arrests.

"We have known for some time now that ICE takes constitutional and legal shortcuts to indiscriminately arrest people who are in the wrong place at the wrong time," said Mark Fleming, associate director of litigation at the National Immigrant Justice Center. "With this ruling we finally are able to peel back the onion to reveal the scope and depth of ICE's illegal enforcement operations."

Margarito Castañon Nava was among about 120 individuals swept up in the 2018 operation and detained in ICE custody at McHenry County Jail for weeks without seeing an immigration judge. During the arrests, ICE officers violated the Immigration and Nationality Act and Fourth Amendment of the U.S. Constitution by relying on racial

profiling to conduct pretextual traffic stops, make warrantless arrests, and forcibly fingerprint dozens of Hispanic residents.

The lawsuit also represents two Chicago-based immigrant rights groups, the Illinois Coalition for Immigrant and Refugee Rights and Organized Communities Against Deportations, which were forced to significantly expand and restructure their programming and operations in response to the ICE arrests, in order to support impacted families and educate community members about their rights.

The U.S. government had attempted to have the lawsuit thrown out, arguing that the district court did not have jurisdiction over removal proceedings. But the court disagreed, finding that the conduct at the center of the lawsuit occurred before Mr. Castañon Nava and other plaintiffs were placed in immigration proceedings. The district court, the ruling says, could be the only opportunity for people who ultimately are not placed in removal proceedings following ICE operations — including potentially some U.S. citizens — to challenge ICE's tactics.

## RELATED DOCUMENTS

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Castanon Nava Order denying MTD.PDF (<https://immigrantjustice.org/sites/default/files/content-type/press-release/documents/2020-02/Castanon%20Nava%20Order%20denying%20MTD.PDF>)

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- 🏠 111 W. Jackson Blvd., Suite 800, Chicago, IL 60604

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