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Final Settlement Regarding ICE Warrantless Arrests And Vehicle Stops: Overview Of Settlement Requirements And Remedies

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Final Settlement Regarding ICE Warrantless Arrests and Vehicle Stops: Overview of Settlement Requirements and Remedies

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This page was last updated on January 17, 2025.

Castañon Nava et al. v. Dep't of Homeland Security et al., No. 18-cv-3757-RRP

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

2022 Settlement Limiting ICE'S Authority to Make Warrantless Arrests in Place Until May 2025: Class Members in Illinois, Indiana, Wisconsin, Kansas, Kentucky, and Missouri may be eligible for release if detained following a warrantless arrest or during a vehicle stop.

**REFER POTENTIAL SETTLEMENT
VIOLATIONS TO CLASS COUNSEL
(/Referral-Form-Castanon-Nava-
Settlement-Violations)**

Recording: Using The Castañon Nava Settlement To Protect Immigrant Communities

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(/) Using the Castañon Nava Settlement to Protect Immigrant Communities



View the Powerpoint slides (/sites/default/files/content-type/page/documents/2025-01/Castanon-Nava_training_slides_2025-01-16-english.pdf) from this presentation.

Settlement & Case Background

In May 2018, persons arrested by ICE and impacted organizations, including the Illinois Coalition for Immigrant and Refugee Rights (ICIRR) and Organized Communities Against Deportation (OCAD), challenged ICE's widespread, indiscriminate immigration sweeps in the Chicagoland area, which resulted in the collateral arrest of hundreds of individuals through warrantless arrests and pre-textual vehicle stops. In the case, *Castañon Nava et al. v. Dep't of Homeland Security et al.*, No. 18-cv-3757 (N.D. Ill.) (/court_cases/castanon-nava-et-al-v-dhs-et-al), Plaintiffs argued that ICE failed to comply with immigration law and the constitution in carrying out these arrests.

After the U.S. District Court for the Northern District of Illinois denied the government's motion to dismiss, the parties negotiated a settlement, which was approved on February 8, 2022.

The settlement has significant implications, within the Chicago Field Office and nationwide, given certain policy changes and documentation required under the settlement. The settlement remains in effect until May 2025. If an individual is arrested in a manner that violates the settlement in the Chicago Area of Responsibility—which includes in Illinois, Indiana, Wisconsin, Kansas, Kentucky, and Missouri— they may be able to seek individual remedies—including immediate release from detention.

The terms of the settlement are described below.

SETTLEMENT AGREEMENT: DURATION

The settlement took effect on May 13, 2022, and is in place until May 13, 2025.

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SETTLEMENT AGREEMENT: WHAT DOES IT DO?

Under the agreement, ICE was required to issue a **nationwide policy** (/sites/default/files/content-type/page/documents/2025-01/Nava_Settlement_ICE_Warrantless_Arrest-Vehicle_Stop_Policy_2021.pdf) regarding warrantless arrests and vehicle stops, share that policy with all ICE officers, and train them on its requirements. Under the policy, ICE **must** document the facts and circumstances surrounding a warrantless arrest or vehicle stop in the individual's arresting documentation, called an I-213, including:

1. The fact the noncitizen was arrested without an administrative warrant;
2. The location of the arrest (e.g., place of business, residence, vehicle, or a public area);
3. If arrested at a business, whether the individual is an employee of the business; if arrested at a residence, whether the person resides at that place of residence;
4. Ties to the community, if known at the time of arrest, including family, home, or employment;
5. The specific, particularized facts supporting the conclusion that the individual was likely to escape before a warrant could be obtained; and
6. A statement of how the ICE officers identified themselves as ICE and "state[d] that the person is under arrest and the reason for the arrest."

With respect to vehicle stops, ICE must also document specific facts that formed the basis for its reasonable suspicion that a person in the vehicle did not have legal status.

The settlement also requires ICE to submit documentation to counsel confirming compliance with warrantless arrests in the Chicagoland area.

SETTLEMENT AGREEMENT: WHO IS COVERED?

A person is a "class member" covered by the settlement agreement if they have been arrested, or are arrested in the future, without a warrant within the jurisdiction of the ICE Chicago Field Office, consisting of Illinois, Indiana, Wisconsin, Missouri, Kentucky, and Kansas. While certain terms of the agreement apply nationwide, such as the training and documentation requirements described above, only class members are eligible for individual remedies through the settlement itself.

Individuals in that region who are subject to arrests that violate the agreement and policy may be eligible for release or refund of bond money. In the event of a violation, a class member must be released from ICE custody as soon as practicable, without paying a bond or being subject to conditions of release, if they are arrested contrary to the terms of the policy or settlement agreement.

OUTREACH FOR VIOLATIONS [State \(/donate?utm_content=topbutton-homepage\)](/donate?utm_content=topbutton-homepage)

NIJC created a fact sheet in English (/sites/default/files/content-type/page/documents/2025-01/CastanonNava_Screening_Form-FINAL_ENGLISH_01-09-2025.pdf) and Spanish (/sites/default/files/content-type/page/documents/2025-01/CastanonNava_Screening_Form-FINAL_SPANISH_01-09-2025.pdf) that contains the most relevant information from this page. The fact sheet also contains a referral form for individuals and community members to report violations. NIJC can receive information about violations in two ways: you can follow **this link (/NavaSettlement/referralform)** and answer the questions asked to the extent you know them, or you can print out the form attached to the fact sheet and send the completed version to litigation@immigrantjustice.org (mailto:litigation@immigrantjustice.org) with the subject line "Warrantless Arrest."

For individuals outside of the Chicago Area of Responsibility: NIJC still encourages reporting of possible violations of the national policy. Learning of additional violations will inform efforts to raise these claims in other regions of the country.

RELATED DOCUMENTS

↓ **Final settlement agreement (/sites/default/files/content-type/page/documents/2022-02/Castanon-Nava_Final-Settlement-Agreement_Feb2022.pdf)**

(946.61 KB)

Castanon-Nava_Final-Settlement-Agreement_Feb2022.pdf

(https://immigrantjustice.org/sites/default/files/content-type/page/documents/2022-02/Castanon-Nava_Final-Settlement-Agreement_Feb2022.pdf)

↓ **ICE Warrantless Arrest & Vehicle Stop Policy Under Nava Settlement (/sites/default/files/content-type/page/documents/2025-01/Nava_Settlement_ICE_Warrantless_Arrest-Vehicle_Stop_Policy_2021.pdf)**

(201.78 KB)

Nava_Settlement_ICE_Warrantless_Arrest-Vehicle_Stop_Policy_2021.pdf

(https://immigrantjustice.org/sites/default/files/content-type/page/documents/2025-01/Nava_Settlement_ICE_Warrantless_Arrest-Vehicle_Stop_Policy_2021.pdf)

↓ **Fact Sheet and Settlement Violation Referral Form (English) (/sites/default/files/content-type/page/documents/2025-01/CastanonNava_Screening_Form-FINAL_ENGLISH_01-09-2025.pdf)**

(271.81 KB)

CastanonNava_Screening_Form-FINAL_ENGLISH_01-09-2025.pdf

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[Hoja informativa y formulario de remisión: sobre violaciones del acuerdo \(español\) \(/sites/default/files/content-type/page/documents/2025-01/CastanonNava_Screening_Form-FINAL_SPANISH_01-14-2025_0.pdf\)](#)
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[Powerpoint slides from Nava settlement training \(English\) \(/sites/default/files/content-type/page/documents/2025-01/Castanon-Nava_training_slides_2025-01-16-english.pdf\)](#)

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