

NATIONAL
IMMIGRANT
JUSTICE CENTER



ICIRR

ILLINOIS COALITION
FOR IMMIGRANT AND
REFUGEE RIGHTS

O CAD

ACLU

Illinois

ICE Requirements for Conducting Warrantless Arrests and Vehicle Stops:

Implementing the Castañon-Nava Settlement Agreement

January 16, 2025

Welcome & Training Overview

Keren Zwick, National Immigrant Justice Center

Training Overview

- 1 • Background of *Castañon Nava* litigation and why we're here now.
- 2 • Key requirements under the policy when ICE conducts warrantless civil immigration arrests, including arrests resulting from vehicle stops
- 3 • Required documentation of warrantless arrests on an individual's I-213, including documentation regarding vehicle stops
- 4 • Remedies available to *Castañon Nava* class members through the settlement if ICE officers violate the new Policy
- 5 • Practice hypotheticals and discussion about making referrals.

Case History

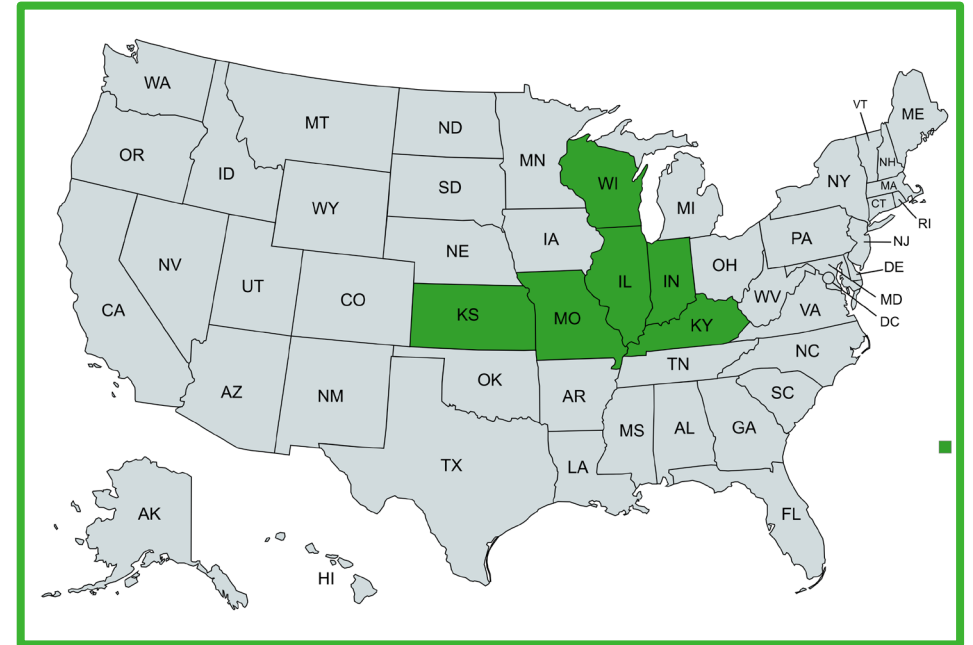
- On May 29, 2018, five noncitizens and two immigrant-rights organizations (ICIRR & OCAD) filed a class action lawsuit with Winston & Strawn LLP challenging warrantless arrests during ICE enforcement operations, including traffic stops.
- Among other things, the plaintiffs alleged that ICE had a practice of making warrantless arrests, including during vehicle stops, without first conducting the individualized flight risk analysis required by 8 U.S.C. § 1357(a)(2).
- On November 30, 2021, the parties signed a settlement agreement, which sets out discrete terms and conditions. The court approved the agreement on February 8, 2022.

Case History (cont'd)

- In May 2022, as part of the settlement, ICE issued a new nationwide policy on Warrantless Arrests and Vehicle Stops
- The Policy sets forth the underlying laws, policies, and documentation requirements applicable to all warrantless arrests for civil immigration violations, including arrests resulting from a vehicle stop.
- The Policy and Settlement are effective until May 13, 2025.

Case History (cont'd)

- If ICE violate the Policy, class members may obtain certain remedies, including release from detention and/or return of bond.
- ICE officers who commit violations may be subject to additional training or other corrective measures.
- Settlement Class covers Chicago Field Office Area of Responsibility: Illinois, Indiana, Wisconsin, Kentucky, Kansas, and Missouri.





English ▾

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Case Resources

<https://immigrantjustice.org/NavaSettlement>

Español

This page was last updated on January 9, 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.

CLICK HERE TO REFER POTENTIAL SETTLEMENT VIOLATIONS TO CLASS COUNSEL

[Click here to register for a virtual information session about this settlement on January 16, 2025](#)

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.), Plaintiffs

RELATED DOCUMENTS

↓ Final settlement agreement (946.61 KB)

Castanon-Nava_Final-Settlement-Agreement_Feb2022.pdf

↓ ICE Warrantless Arrest & Vehicle Stop Policy Under Nava Settlement (201.78 KB)

Nava_Settlement_ICE_Warrantless_Arrest-Vehicle_Stop_Policy_2021.pdf

↓ Fact Sheet and Settlement Violation Referral Form (English) (271.81 KB)

CastanonNava_Screening_Form-FINAL_ENGLISH_01-09-2025.pdf

↓ Hoja informativa y formulario de referencia sobre violaciones del acuerdo (español) (272.8 KB)

National Policy Requirements

Mark Fleming, National Immigrant Justice Center

Nationwide Warrantless Arrest Policy

Case: 1:18-cv-03757 Document #: 155-1 Filed: 02/07/22 Page 18 of 28 PageID #:1563
FINAL DRAFT (11/23/21)

APPENDIX A

Broadcast Statement of Policy

This Broadcast states the underlying laws and policies applicable to all arrests effected under 8 U.S.C. § 1357(a)(2) / INA § 287(a)(2) and is to be interpreted consistent with all implementing regulations, as well as any DHS or ICE policies or memoranda governing immigration enforcement priorities and any additional requirements such policies or memoranda may impose. This Broadcast is not a taking of any action to enforce the immigration laws.

A. Warrantless Arrests

Under 8 U.S.C. § 1357(a)(2) / INA § 287(a)(2), Immigration and Customs Enforcement (“ICE”) Officers may conduct warrantless arrests if there is “reasonable belief” that the individual to be arrested is [present] in the United States in violation of any [U.S. immigration law] and probable cause that the individual is likely to escape before a warrant can be obtained for [the] arrest.” The “reason to believe” standard requires ICE Officers to have probable cause that an individual is in the United States in violation of U.S. immigration laws and probable cause that the individual is likely to escape before a warrant can be obtained for the arrest.

In considering “likelihood of escape,” an ICE Officer must consider the totality of circumstances known to the officer before making the arrest. While there is no exhaustive list of factors that should be considered in determining whether an individual is “likely to escape before a warrant can be obtained” under 8 U.S.C. § 1357(a) / INA § 287(a), factors relevant to the determination may include the ICE Officer’s ability to determine the individual’s identity,

viewed singly; rather, they must be considered as a whole. However, mere presence within the United States is not sufficient to establish probable cause. ICE Officers must also consider the individual’s immigration status and any applicable regulations.
Castañon Nava, et al. v. Department of Homeland Security, et al.
1: 18-cv-03757 (NDIL)
Settlement Agreement Page 17 of 19

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FINAL DRAFT (11/23/21)

United States in violation of U.S. immigration law is not, by itself, sufficient to conclude that an alien is likely to escape before a warrant for arrest can be obtained.

When conducting enforcement actions, ICE Officers shall, at the time of arrest or as soon as it is practical and safe to do so, identify themselves as immigration officers in accordance with 8 C.F.R. § 287.8(c)(2)(iii).

After having made an arrest under 8 U.S.C. § 1357(a)(2) / INA § 287(a)(2), an ICE Officer must document the facts and circumstances surrounding that warrantless arrest in the narrative section of the alien’s I-213 as soon as practicable. This documentation must include: (1) that the

individual was arrested; (2) the date, time, and location of the arrest; (3) the immigration status of the individual; (4) the officer’s name, title, and agency; (5) the officer’s identification number; and (6) a statement of how “at the time of arrest, the designated immigration officer [did], as soon as it [wa]s practical and safe to do so, identify himself or herself as an immigration officer who is authorized to execute an arrest; and state[d] that the person is under arrest and the reason for the arrest.”

B. Vehicle Stops

The policy above applies to all warrantless arrests under 8 U.S.C. § 1357 (a) (2) / INA § 287(a)(2), including warrantless arrests resulting from vehicle stops.

regulations.
Castañon Nava, et al. v. Department of Homeland Security, et al.
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FINAL DRAFT (11/23/21)

ICE Officers may stop a vehicle to enforce civil immigration laws only if they are aware of specific, articulable facts that reasonably warrant suspicion that the vehicle contains an alien(s) who may be illegally in the country.

As soon as practicable after making an arrest under 8 U.S.C. § 1357(a)(2) / INA § 287(a)(2) pursuant to a vehicle stop, in addition to the documentation requirements for warrantless arrests described above, the ICE Officer also must document the facts and circumstances surrounding the vehicle stop that resulted in a warrantless arrest in the narrative section of the alien’s I-213. This documentation shall include the specific, articulable facts that formed the basis for the ICE Officer’s suspicion that an alien in the vehicle stopped was present within the United States in violation of U.S. immigration law.

Castañon Nava, et al. v. Department of Homeland Security, et al.
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Access this Policy at NIJC’s Website:
immigrantjustice.org/NavaSettlement

Policy is for WarrantLESS Arrests – Arrests WITH A Warrant NOT COVERED

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
the pendency of ongoing removal proceedings against the subject;
the failure to establish admissibility subsequent to deferred inspection;
biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served on _____

on _____ (Name of Alien)

notice were read to him or her in the _____ language. (Language)

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

WARRANT OF REMOVAL/DEPORTATION

File No: _____

Date: _____

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien)

who entered the United States at _____ on _____ (Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
a designated official
the Board of Immigration Appeals
a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

(Signature of immigration officer)

(Title of immigration officer)

(Date and office location)

ICE Administrative Arrest Warrants (I-200 or I-205)

This is a judicial search warrant. It DOES authorize agents to enter your home.

UNITED STATES DISTRICT COURT - Issued by a COURT.

for the Eastern District of California

In the Matter of the Search of (Briefly describe the property to be searched or identify the person by name and address) 540 Oak Avenue Davis, California 95616

Case No.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer 2:11-SW-0161EFB

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the EASTERN District of CALIFORNIA SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

Read attachments to make sure they are regarding YOU and YOUR address, not someone else's.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be searched) SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property. Date for warrant, not to exceed 14 days

YOU ARE COMMANDED to execute this warrant on or before 5-9-2011 (not to exceed 14 days)

in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) For days (not to exceed 30) until, the facts justifying, the later specific date of

Date and time issued: 4-25-2011 at 10:00 AM Signed by a JUDGE.

City and state: SACRAMENTO CALIFORNIA EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE



** If ICE shows up with any of these warrants (regardless of type), the National Policy does not apply **

Probable Cause Requirements for Warrantless ICE Arrests

The Policy and statute requires ICE officers to establish that:

- 1) There is **probable cause** that an individual is in the United States in violation of U.S. immigration laws *and*
- 2) That there is **probable cause** that the individual is likely to escape before a warrant can be obtained for the arrest.

**** Probable cause** requires a “reasonable” ground for these conclusions; the Policy addresses certain factors that might be sufficient to provide officers with the required “reasonable belief” that the two factors are met ******

Timing and Scope of Probable Cause Requirements When Making Warrantless Arrests

- The ICE officer must conduct this determination at the time of the warrantless arrest.
- The analysis is required for *all* warrantless arrests, whether the individual is the target of the enforcement operation or a person arrested as a “**collateral arrest**” for the intended target.
- ICE officers must comply with these requirements even if they subsequently issue an administrative warrant during booking and processing.



The Required “Likely to Escape” Probable Cause Analysis

- To determine whether an individual is “likely to escape before a warrant can be obtained” the ICE officer must consider the totality of circumstances.
 - No Single Factor
 - Must Consider Circumstances Holistically
 - No Precise “List” of Factors

The Required “Likely to Escape” Probable Cause Analysis

Some examples of relevant factors include:

- The ICE officer’s ability to determine the individual’s identity;
- Knowledge of that individual’s prior escapes or evasions of immigration authorities;
- Attempts at fleeing from an ICE officer;
- **Ties to the community (such as a family, home, or employment) or lack thereof;**
- Other specific circumstances that weigh in favor or against a probable cause that the subject is likely to abscond before a warrant could be obtained.

The Required “Likely to Escape” Probable Cause Analysis

- Mere presence within the United States in violation of U.S. immigration law is **not sufficient** to conclude that a noncitizen is likely to escape before a warrant for arrest can be obtained.
- Whether an individual has a known residence, immediate family members with whom they live or care for, or employment in the community are all relevant factors for whether there is probable cause that the person might escape before an arrest warrant could be obtained.

The Required “Likely to Escape” Probable Cause Analysis

- Under the Policy, if the ICE officer determines that the noncitizen IS NOT likely to escape before (s)he may obtain a warrant, the ICE officer cannot make the warrantless arrest. In those circumstances, ICE must first obtain a warrant before the individual can be arrested.
- If the ICE officer determines that the noncitizen IS likely to escape before (s)he may obtain a warrant, under the Policy, the ICE officer must state that the person is under arrest by ICE, the reason for arrest, and then document the basis for that decision in the Form I-213.

“Likely to Escape” Analysis & I-213 Documentation

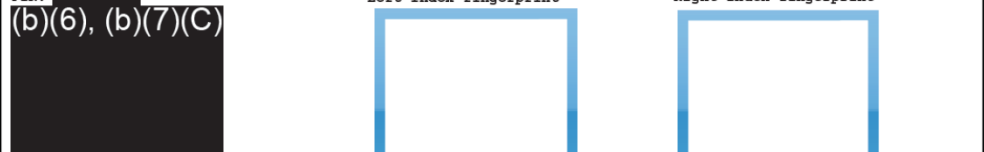
- After making a warrantless arrest, under the Policy, an ICE officer must document the facts and circumstances surrounding that warrantless arrest in the narrative section of the noncitizen’s Form I-213.
- ICE Officers must complete the write-up as soon as practicable after the arrest to ensure that the documentation accurately reflects the determination to make the warrantless arrest.
- Information learned post-arrest relevant to custody determination must be documented separately.
- The subsequent issuance of an administrative warrant does not relieve the ICE officer from completing the documentation requirements for a warrantless arrest.

Family Name (CAPS) (b) (6), (b) (7)(C)		First	Middle
Country of Citizenship MEXICO	Passport Number and Country of Issue (b) (7)(E)	File Number (b) (6), (b) (7)(C)	
U.S. Address (b) (6), (b) (7)(C) WASHINGTON, WASHINGTON,			
Date, Place, Time, and Manner of Last Entry 03/05/2020 23:58, SEA, AIR		Passenger Boarded at See Narrative	
Number, Street, City, Province (State) and Country of Permanent Residence (b) (6), (b) (7)(C), COLIMA, 28979, MEXICO			
Date of Birth (b) (6), (b) (7)(C)	Age: 20	Date of Action 03/05/2020	Location Code SEA/SEA
City, Province (State) and Country of Birth MEXICO	AR <input checked="" type="checkbox"/>	Form : (Type and No) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>	
NIV Issuing Post and NIV Number	Social Security Account Name		
Date Visa Issued	Social Security Number		

Sex M	Hair BRO	Eyes BRO	Complexion OLV
Height 65	Weight 141	Occupation	
Scars and Marks (b) (7)(E)			
Method of Location/Apprehension ISP NA			
At/Near SEA	Date/Time 03/05/2020 00:07	By (b) (6), (b) (7)(C)	
Status at Entry	Status When Found		
Length of Time Illegally in U.S.			

Immigration Record NEGATIVE	Criminal Record None Known
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)	Number and Nationality of Minor Children None
Father's Name, Nationality, and Address, if Known (b) (6), (b) (7)(C) NATIONALITY: MEXICO	Mother's Present and Maiden Names, Nationality, and Address, if Known (b) (6), (b) (7)(C) NATIONALITY: MEXICO
Momies Due/Property in U.S. Not in Immediate Possession None Claimed	Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Systems Checks See Narrative Charge Code Word(s) See Narrative
Name and Address of (Last)(Current) U.S. Employer	Type of Employment Salary Hr

Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)



Subject Health Status

Current Criminal Charges
03/05/2020 - 8 USC 1182 - ALIEN INADMISSIBILITY UNDER SECTION 212

Current Administrative Charges
... (CONTINUED ON I-831)

Alien has been advised of communication privileges _____ (Date/Initials) _____ (Signature and Title of Immigration Officer)

Distribution:

A-FILE

Received: (Subject and Documents) (Report of Interview)

Officer: **(b) (6), (b) (7)(C)**

on: **March 5, 2020** (time)

Disposition: **Expedited Removal (I-860)**

Examine Officer: **(b) (6), (b) (7)(C)**

Alien's Name (b) (6), (b) (7)(C)	File Number (b) (6), (b) (7)(C)	Date 03/05/2020
Event No: (b) (7)(E)		
03/05/2020 - 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA		
Previous Criminal History Subject has no criminal history		
BOARDED AT GUADALAJARA		
Records Checked (b) (7)(E)		
SECTION CODES 904		
null: On March 4, 2020, (b) (6), (b) (7)(C) , DOB (b) (6), (b) (7)(C) , a citizen of Mexico, arrived at Seattle-Tacoma International Airport aboard Volaris Airlines, flight (b) (6), (b) (7)(C) from Guadalajara, Mexico. (b) (6), (b) (7)(C) presented a valid Mexican passport # (b) (6), (b) (7)(C) , Border Crossing Card (b) (6), (b) (7)(C) , and his customs declaration CBP Form 6059B to the primary officer. (b) (6), (b) (7)(C) told the primary officer that he was coming to visit for 2 to 3 months for vacation. Due to the length of time of his last visit and that (b) (6), (b) (7)(C) was visiting his uncle who has a moving company, felt that (b) (6), (b) (7)(C) warranted further inspection concerning his admissibility, and referred (b) (6), (b) (7)(C) to passport control secondary.		
interviewed (b) (6), (b) (7)(C) to find what his CBPO (b) (6), (b) (7)(C) performed systems checks 2 month trip in 2019 to the United States. friend and this friend stated he may stay (b) (6), (b) (7)(C) if it made sense that a working age male would spend so much time in the US on vacation when he should be out working, (b) (6), (b) (7)(C) then stated he was coming to work here in the United States.		
CBPO (b) (6), (b) (7)(C) placed (b) (6), (b) (7)(C) under oath and in voluntary statement (b) (6), (b) (7)(C) admitted that he was coming to work in the United States on this trip and had worked at a (b) (6), (b) (7)(C) in Puyallup, Washington on his previous 4 1/2 month trip to the United States.		
DISPOSITION: (b) (6), (b) (7)(C) was inadmissible to the United States pursuant to Section 212(a)(7)(A)(i)(I) of the INA, as amended; (b) (6), (b) (7)(C) was unable to overcome the presumption of being an intended immigrant without proper documents. Supervisory CBPO (SCBPO) (b) (6), (b) (7)(C) was notified of the ongoing inspection. SCBPO (b) (6), (b) (7)(C) informed Watch Commander		
Signature (b) (6), (b) (7)(C)	Title CBPO	

SAMPLE I-213 & I-831 Continuation Page

I-213 Documentation: 6 Required Facts

1. the noncitizen was arrested without a warrant
2. the location of the arrest (e.g., place of business, residence, vehicle, or a public area)
3. whether the noncitizen is an employee of the business, if arrested at a place of business, or whether the noncitizen is a resident of the residence, if arrested at a residential location
4. the noncitizen's 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 noncitizen was likely to escape before a warrant could be obtained
6. a statement of how “at the time of arrest, the immigration officer [did], as soon as it [was] practical and safe to do so, identif[ied] himself or herself as an immigration officer who is authorized to execute an arrest; and state[d] that the person is under arrest and the reason for the arrest.

“Likely to Escape” Analysis for Vehicle Stops

- The required “likely to escape” determination under the Policy applies to all warrantless arrests, including those resulting from vehicle stops.
- The Policy advises ICE officers that they lack authority to enforce state or local vehicle and traffic laws.
- Under the Policy, ICE officers are prohibited from stating to a driver or occupant that a vehicle stop is related to a vehicle or traffic violation.

Vehicle Stops (Cont'd)

- All vehicle stops to enforce civil immigration laws require **specific, articulable facts** that reasonably warrant suspicion that the vehicle contains a noncitizen who may be illegally in the United States.
- Factors that may warrant reasonable suspicion to make a vehicle stop near or at the border may not be the same that would warrant reasonable suspicion in the interior of the United States.
- Factors that may satisfy reasonable suspicion in the interior should be more specific to a suspected individual rather than factors related to a vehicle, the appearance of its occupants, or location of the encounter.

Additional I-213 Documentation Required for Vehicle Stops

- Under the Policy, in addition to the documentation requirements for warrantless arrests, ICE officers must document the facts and circumstances surrounding a vehicle stop that resulted in a warrantless arrest in the narrative section of the Form I-213.
- Specifically, the ICE officer must document: specific, articulable facts **prior to the stop** that formed the basis for the ICE officer's reasonable suspicion that a noncitizen in the vehicle stopped was present within the United States in violation of U.S. immigration law.

Class Member Remedies Under the Settlement

- Individuals arrested without a warrant within the ICE Chicago Field Office (IL, IN, KS, KY, MO, WI) may be entitled to release (or return of bond) if the ICE officer violated any aspect of the new Policy.

For example: If an ICE officer fails to document in the I-213 the “likely to escape” analysis or basis for a vehicle stop, that is grounds for possible release even if the officer had probable cause.

- Officers that violate the Policy will be subject to remedial measures to ensure future compliance.
- There are also potential additional remedies for class members for repeated violations.

Fact Sheet & Screening Referral Form

**The *Castañon Nava* Settlement Agreement:
Screening and Referring Individuals ICE Arrests Without a Warrant or During a Vehicle Stop**

This overview provides instructions on how to screen and refer individuals arrested by immigration officials for a potential violation of the settlement agreement from the first Trump Administration in a case called *Castañon Nava et al. v. Dep't of Homeland Security et al.*, No. 18-cv-3757 (N.D. Ill.).

In that case, community organizations and impacted individuals challenged ICE's practice of conducting warrantless arrests and vehicle stops. In general terms, a warrantless arrest in this context refers to an action taken by immigration officials—without written documentation supporting the action—to arrest a person whom they believe to be unlawfully present in the United States.

As part of the settlement, ICE issued a nationwide policy setting forth requirements for making

**Referral Form:
Individuals Detained by ICE Pursuant to a Warrantless Arrest or Vehicle Stop**

ARRESTED PERSON'S NAME: _____

A NUMBER: _____

DATE OF BIRTH: _____

COUNTRY OF ORIGIN: _____

**Formulario de remisión:
Individuos Detenidos por el ICE Tras Una Detención Sin Orden Judicial o Una Parada de Vehículo**

PERSONA DETENIDA: _____

ACMINETO: _____

GEN: _____

ACTUAL: _____

PERSONA DE CONTACTO de un familiar o amigo de la persona detenida: _____

¿Dónde (ciudad y estado) ocurrió la detención por ICE? _____

**Access these documents in English and Spanish at NIJC's Website:
immigrantjustice.org/NavaSettlement**

can contact NIJC. Information about nationwide violations will help us consider ways to defend national policy and may protect the impacted individual.

This document: (I) summarizes the new requirements for making a warrantless arrest or vehicle stop; (II) explains how to challenge violations; and (III) provides a path for referring individuals to NIJC.

I. REQUIREMENTS FOR WARRANTLESS ARRESTS & VEHICLE STOPS

The nationwide policy limits when ICE may make a warrantless arrest under immigration laws. In order to justify a warrantless arrest immigration officials must have "probable cause" (meaning reasonable belief) that an individual is "likely to escape" before an arrest warrant can be obtained. The policy requires ICE to consider specific factors before making an arrest, including (a) the officer's ability to determine the individual's identity; (b) knowledge of prior escapes or evasions of immigration authorities; (c) attempts to flee to avoid being discovered by immigration; and (d) ties to the community, such as a family, home, or employment.

In addition, ICE may only make a vehicle stop if it has "reasonable suspicion"—a standard that is lower than a reasonable belief but that still requires the officer to point to specific facts—that a particular person inside the vehicle does not have lawful immigration status. When making a vehicle

Where (physically), was the person arrested by ICE? (e.g., home, work, vehicle, public area): _____

DESCRIPTION OF ARREST OR VEHICLE STOP (e.g., summary of any questioning; whether ICE was wearing a uniform and identified themselves; whether ICE asked for consent to question and explained that the person was under arrest; any use of force or intimidation): _____

COMMUNITY TIES (e.g., family members that the person lives with or cares for; length of residence in the United States; home ownership or rental; employment history): _____

Please email the completed form and the I-215 and/or any supporting documents if available to the National Immigrant Justice Center (NIJC) at litigation@heartlandalliance.org, with the title "Warrantless Arrest" in the subject line.

EN EL ARRESTO O DE LA DETENCIÓN DEL VEHÍCULO (por ejemplo, resumen de interrogatorio o diálogo entre el ICE y la persona; si el ICE llevaba uniforme y placa y se identificó; si el consentimiento para el interrogatorio y explicó que la persona estaba detenida; cualquier uso de intimidación): _____

COMUNITARIOS (por ejemplo, familiares directos con los que la persona vive o a los que cuida; dirección en la comunidad; propiedad o alquiler de la vivienda; historia de empleo, etc.): _____

Envíe por correo electrónico el formulario completado y la I-215 y/o cualquier documento de apoyo si está disponible al Centro Nacional de Justicia para Inmigrantes (NIJC) por a litigation@heartlandalliance.org, con el título "Detención sin orden" en el asunto.



English ▾

Donate

Online Referral Process - Demonstration

<https://immigrantjustice.org/NavaSettlement>

Español

This page was last updated on January 9, 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.

CLICK HERE TO REFER POTENTIAL SETTLEMENT VIOLATIONS TO CLASS COUNSEL

[Click here to register for a virtual information session about this settlement on January 16, 2025](#)

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.), Plaintiffs

RELATED DOCUMENTS

↓ Final settlement agreement

(946.61 KB)

Castanon-Nava_Final-Settlement-Agreement_Feb2022.pdf

↓ ICE Warrantless Arrest & Vehicle Stop Policy Under Nava Settlement

(201.78 KB)

Nava_Settlement_ICE_Warrantless_Arrest-Vehicle_Stop_Policy_2021.pdf

↓ Fact Sheet and Settlement Violation Referral Form (English)

(271.81 KB)

CastanonNava_Screening_Form-FINAL_ENGLISH_01-09-2025.pdf

↓ Hoja informativa y formulario de referencia sobre violaciones del acuerdo (español)

(272.8 KB)

Practice Hypotheticals

Xanat Sobrevilla, Organized Communities Against Deportations

Hypothetical 1: Home Encounter

Juan is a Mexican man who has lived in the United States for more than a decade. He is single but his four siblings all live in the United States, including his youngest sister who is a U.S. citizen. Juan lives in a home in Cicero, Illinois, with 5 other men, all of whom are Latino. He does not know if these men have immigration status, and he has not shared any information with them about his own immigration status, which is undocumented.

Three police vehicles arrive at the home that Juan shares with his roommates. The vehicles are unmarked, black SUVs. Six officers wearing bullet proof vests come to the door to the home and ask to come inside to ask a few questions that would assist the officers' investigation into recent break-ins in the neighborhood. The officers' vests say "POLICE" on them, but do not say ICE. The officers are wearing shirts that indicate that they work with Immigration (Department of Homeland Security), but that shirt is covered by the vest. One of Juan's roommates lets the officers come inside.

Hypothetical 1: Home Encounter

After rounding up all the people in the living room, one of the officers asks to speak to Felipe, who is one of Juan's roommates. Felipe is not home at the time, so Juan tells the officers that Felipe is not there. The officers then insist that each person in the living room tell them their name and provide photo identification to the officers. Juan produces his Illinois driver's license, which he qualifies for even though he is undocumented. At least one person produced a matricula. The officers ask no further questions, and neither Juan nor his roommates provide any additional information.

After inspecting Juan and his roommates' identification, the officers arrest everyone in the home and take them into custody without saying anything further.

Hypothetical 1: Home Encounter

- **Question:** Does this action violate the policy?
- **Question:** Does the answer to that question change if Felipe is home?
- **Question:** If Felipe were home and the officers only arrested him (on the basis that he has a prior removal order) would that have been a settlement violation?

Hypothetical 2: Workplace Encounter

Christina works at a large food processing plant in Kansas. She is one of hundreds of workers over multiple shifts. When she applied for the job, she provided a fake social security number. Christina knows that there are many immigrants working at the processing plant and that many of them provided fake documents or made-up social security numbers to get hired.

On March 31, 2025, dozens of immigration vehicles arrive at the plant. On that same day, Christina was training a brand-new employee, Alex, who is working his very first shift. Alex shares with Christina that, like her, he is undocumented.

The officers who show up at the plant appear to have documents authorizing the arrest of many employees, including people who are not working that shift. They do not, however, have any documents that name Alex, likely because they created their documents before he started.

Officers arrest Christina, Alex, and everyone else in the facility without asking them any questions apart from their names.

Hypothetical 2: Workplace Encounter

- **Question:** Was this a warrantless arrest of Christina? What about Alex?
- **Question:** Was it a Nava policy violation for ICE to arrest Christina? What about Alex?
- **Question:** Does the answer change if the officers speak directly to each person they're arresting and gather information from them?

Hypothetical 3: Vehicle Encounter

Jorge owns a pickup truck that he uses for work and personally. Jorge is from El Salvador and has a removal order from a hearing he missed in 2005. In 2022, Jorge was stopped by police for a driving violation in the truck that he still owns. He was briefly taken into custody but then released and ordered to pay a fine, which he did.

Though the pickup truck is registered to Jorge, he routinely loans it to his cousin Sergio, who is undocumented. Sergio is two years younger than Jorge.

On March 2, 2025, Sergio is driving Felipe's truck with his girlfriend Maria. They are running errands, when Sergio gets pulled over after passing through an intersection near a local grocery store. The car that pulls Sergio over is unmarked, and the officers are wearing vests that say police but that do not mention ICE. Another car pulls in front of the truck, blocking Sergio and Maria in; that car is also not marked.

Hypothetical 3: Vehicle Encounter

Two officers approach the truck. One says that they stopped the car because a tail-light was not working. That same officer asks to see identification for both Sergio and Maria. Sergio provides his Illinois temporary driver's license but refuses to answer any questions. Maria—who has a pending U-Visa case—refuses to share her documentation because she believes the officer has no basis to inquire about her identity. She also refuses to answer any questions.

The officers take both Sergio and Maria into custody.

Hypothetical 3: Vehicle Encounter

- **Question:** Was it permissible for ICE officers to pull over the car?
- **Question:** Was it permissible for the officers to take Sergio and Maria into custody?
- **Question:** If either Sergio or Maria had volunteered additional information about themselves in response to questions, would it have been permissible for the officers to use that information to take one or both of them into custody?

Thank you!!

Contact Information for Violations of the Policy:

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<https://immigrantjustice.org/NavaSettlement/referralform>