

On October 7, 2025, a district court judge in the Northern District of Illinois issued an order extending the consent decree in *Castañon Nava*, and on November 13, 2025, the court ordered interim relief in the form of release on alternatives to detention for likely class members. The next day, the Department of Homeland Security (DHS) appealed and sought an emergency stay of both decisions. The Seventh Circuit issued an order on December 11, 2025, granting in part and denying in part DHS's stay request. Briefing and oral argument on the merits of the appeal at the Seventh Circuit were completed on February 3, 2026. We are awaiting the Seventh Circuit's decision on the merits.

Meanwhile, because the Seventh Circuit did not stay individualized adjudications of warrantless arrests in violation of the decree, the parties continue to review and litigate those cases in the district court. Additionally, although the district court only extended the decree until February 2, 2026, the district court held that the decree remains in force while any motions for repeated, material violations remain pending. Currently, we have three such motions pending, meaning the decree will remain in full force until the district judge rules on those and any other pending motions to enforce for repeated, material violations. Additionally, the district judge ruled in a [February 17 order](#) that the court will retain limited jurisdiction to adjudicate individual violations that occurred during the effective period of the decree, after it expires.

Finally, the district judge ruled from the bench during a February 13 hearing that ICE's [new warrantless arrest policy](#), announced in January 2026 in an agency-wide memorandum, violates the decree. The district court ordered DHS to recirculate the decree's [Broadcast Statement of Policy](#) nationwide to all ICE officers no later than February 18, with an instruction that it remains in effect as the ICE policy governing warrantless arrests while the decree is in force.

What is the status of the consent decree?

The Seventh Circuit **DENIED** DHS's request to stay the October 7 extension of the consent decree to February 2, 2026. The court ruled that DHS was likely to lose on this claim. The Seventh Circuit also ruled that DHS's vast expansion of mandatory detention under 8 U.S.C. § 1225(b)(2)(A) is likely unlawful and will not prevent release for individuals who suffered violations of the decree. However, the Seventh Circuit **GRANTED** DHS's request to stay the application of the decree to those who were arrested pursuant to an I-200 administrative warrant issued in the field.

Additionally, the district court ruled that the decree remains in full force pending the resolution of any motions to enforce for repeated, material violations. Because plaintiffs have three such pending motions, **the decree did not expire on February 2, and remains in full force** until the district court fully resolves any pending motions to enforce for repeated, material violations.

The date the district judge resolves all pending motions for repeated, material violations will mark the end of the effective period of the decree. Any arrests prior to that end date will be covered by the decree, and any arrests after the end date will not be covered. However, after the end date, defendants will continue to produce records of arrests that occurred during the effective period until they certify that they have completed all productions. Defendants' certification will trigger a sunset period of 30 days, in which time the parties must resolve any final motions to enforce for individual violations.

What does this mean?

- DHS must continue to produce the arrest records for all class members arrested during the effective period of the decree, which remains in full force today. DHS has produced, and plaintiffs have reviewed, records for several hundred warrantless arrests, but there are still many records outstanding.
- The parties are conducting individualized reviews of these cases and raising disputes to the district court. Individuals will be eligible for release if their arrest was warrantless and in violation of the terms of the consent decree. Based on productions thus far, NIJC and ACLU-IL have reason to believe that many arrests were violations. If an individual was arrested without a warrant within the six-state ICE Chicago Field Office, we should be able to determine whether the arrest was a violation, and if so, seek release.
- If the person was arrested pursuant to an invalid I-200 warrant issued in field, we may still nonetheless be able to argue for that person's release, but doing so will be more complicated. In the longer term, we are hopeful the Seventh Circuit will reconsider its decision regarding individuals arrested pursuant to an invalid warrant.
- There is no pre-determined end date to the effective period of the decree. The decree will cease to apply on the date the district judge fully resolves any remaining motions to enforce for repeated, material violations. There are currently three such motions pending.
- After the decree's end date, the parties will be able to continue to conduct individualized reviews and resolve violations for a limited period. That period will end 30 days after defendants certify that they have produced all relevant arrests to plaintiffs.

What is the status of the individual assessments of eligibility for release from detention?

We are actively engaged in individual assessments and motions to enforce in the district court on behalf of hundreds of class members. The assessments are based on records the government has produced so far, but there are many records still outstanding, and assessments will continue as plaintiffs receive new records. Defendants have conceded many violations and released class members under the decree. Where disputes remain, we have sought the court's intervention and have obtained release by court order. We are awaiting the court's decision on dozens more disputed cases and hope to secure more releases.

Individuals who are released under the decree should be released *without any conditions or bond*. Recently, we learned that defendants were releasing people subject to ICE check-ins, or on parole, in violation of the decree which requires release without conditions. We raised this issue to the district court in a motion to enforce. On February 13, the court ruled that these conditions violated the decree and ordered defendants to certify on February 20, 2026, that they have removed any such conditions of release. **If you are aware of any class member after February 20, 2026, who remains released subject to conditions such as ICE check-ins or ATDs, or was released on parole instead of on their own recognizance, please let us know by emailing litigation@immigrantjustice.org.**

The district court also ordered on February 13 that DHS must give class counsel 12-hours notice of an anticipated release so we can attempt to facilitate safe releases and transportation back to the Chicagoland area.

Is there anything to do to get someone released sooner?

While we will work as quickly as possible to get class members released, if a class member has a viable petition for a writ of habeas corpus (e.g., unlawfully subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A)) we continue to encourage that route to potential release, and the Seventh Circuit's decision provides additional support that such detention is unlawful. People are welcome to reach out to NIJC's Illinois Habeas Project at the email below for support on such a filing.

If you have obtained the Form I-213 "Record of Deportable/Inadmissible Alien" for an individual whose arrest may have violated the *Nava* consent decree, please forward the Form I-213 and any other records to us at litigation@immigrantjustice.org and we will try to prioritize that case for individual adjudication.

What is the status of the November 13 ATD order?

DHS's request to stay the November 13 order to release people on bond with Alternatives to Detention (ATD) (i.e., the list of 615 people) was **LARGELY GRANTED**. The Seventh Circuit ruled that those people cannot be released before there has been a determination that they were unlawfully arrested.

What does this mean?

- The Seventh Circuit preliminarily concluded that providing interim relief to potential class members was beyond the district court's authority under the consent decree and so they paused the November 13 order. Now a class member can only be released after it is determined whether the individual's arrest violated the consent decree.
- Because the "615 list" was in the context of this interim relief, inclusion on that list does not mean an individual will ultimately be eligible for relief under the decree.

What is the best way to report consent decree violations?

A person is a "class member" covered by the consent decree if they have been arrested without a warrant within the jurisdiction of the ICE Chicago Field Office, consisting of Illinois, Indiana, Wisconsin, Missouri, Kentucky, and Kansas. The location of the arrest determines class membership; it does not matter where the person is currently detained. Individuals arrested in that region whose arrests violate the decree's warrantless arrest policy may be eligible for release without conditions or refund of bond money. Please note that if a person was arrested pursuant to an invalid I-200 warrant, we may still be able to argue for their release, however doing so is more complicated than a case where no warrant was ever issued.

Please continue to report violations to the Family Support Network (FSN) hotline at 855-435-7693, or via NIJC's *Castañon Nava* [online referral form](#).

For other litigation and habeas-related questions, email litigation@immigrantjustice.org.