Quick Guide to Release from Immigration Detention for SIJS Youth[1]

Jan. 13, 2025

Less than a year into the second Trump administration, we have seen a drastic expansion of immigration enforcement and detention, with new agency policies reversing decades of precedent to conclude that all noncitizens in removal proceedings who were not "admitted" into the United States are subject to mandatory, no-bond detention. These policies harm noncitizens indiscriminately regardless of their longstanding ties to the United States or entitlement to humanitarian protections under U.S. law.

Young people approved for Special Immigrant Juvenile Status (SIJS), including those previously processed by the U.S. government as unaccompanied children, are among those harmed by the new mandatory detention policies. The National Immigration Project and the End SIJS Backlog Coalition have seen a dramatic rise in detentions of SIJS beneficiaries 18 years of age or older. These detentions often occur after an unlawful arrest lacking probable cause, and in spite of the youth's lack of criminal history and, in many cases, prior release from custody as an unaccompanied child. For SIJS beneficiaries, who must wait for years in a visa backlog until they are eligible to apply for permanent resident status,[2] detention often means swift removal, and removal cuts off their access to permanent status in the United States—the core purpose of the SIJS statute. Thus, securing SIJS beneficiaries' release from immigration detention is essential to protect their ability to fulfill the congressional purpose behind SIJS—to remain safely in the United States until they are able to seek permanent resident status. Given the administration's new mandatory detention policies, often the only meaningful avenue to release for these young people is through filing a habeas petition in federal court.

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[1] Publication of the National Immigration Project, 2026. This practice advisory is released under a Creative Commons Attribution 4.0 International License (CC BY 4.0). The authors of this resource are Rebecca Scholtz and Ellie Norton, National Immigration Project Senior Staff Attorneys. The authors would like to thank the following individuals for their thoughtful contributions to this resource: Dalia Castillo-Granados, Director, Children's Immigration Law Academy; Rachel Davidson, Director, End SIJS Backlog Coalition; Anthony Enriquez, Vice President, U.S. Advocacy and Litigation, Robert & Ethel Kennedy Human Rights Center; Sarah Gillman, Director of Strategic U.S. Litigation, Robert & Ethel Kennedy Human Rights Center; Michelle N. Méndez, National Immigration Project Director of Legal Resources and Training; Kel White, Associate Director, Public Education & Training, Acacia Center for Justice; as well as courageous SIJS youth and attorneys fighting for their freedom across the United States. This resource is not a substitute for independent legal advice provided by legal counsel familiar with a client's case.

[2] Although an approved SIJS petition creates a basis to apply for adjustment of status, there is an annual limit on visas available to SIJS beneficiaries. Since 2016, the number of SIJS beneficiaries has surpassed the supply of available visas, creating a backlog of what the authors estimate is now more than 180,000 SIJS beneficiaries waiting to apply for a green card. For more on the SIJS backlog, see the End SIJS Backlog Coalition's 2023 report.

This resource is intended as a "quick guide" to help attorneys identify potential habeas arguments and strategies for securing SIJS clients' release from immigration detention. It does not comprehensively describe such arguments and strategies but is rather intended as a starting point, providing links to other resources where available. It is intended for those representing SIJS beneficiaries who are 18 years of age or older; it does not cover special protections that apply to minors in detention.

The resource contains the following components:

- Part I: Immigration Detention Statutes and Current Agency Mandatory Detention Policies
- Part II: Potential Habeas Claims for SIJS Beneficiaries
- Part III: List of General Habeas Resources
- Part IV: List of Further Resources on Defending SIJS Youth
- Appendix: List of Recent Class Actions Challenging "Mandatory" Detention

I. Immigration Detention Statutes and Current Agency Mandatory Detention Policies

A. Detention Statutes

Four main statutes authorize immigration detention of noncitizens,[3] only the first of which provides the opportunity for a bond hearing before an immigration judge (IJ):

- 8 U.S.C. § 1226(a) (general discretionary detention statute for noncitizens in removal proceedings; **provides right to an IJ bond hearing**)
- 8 U.S.C. § 1226(c) (covers noncitizens with certain criminal history who are in removal proceedings; **no IJ bond hearing**)
    - A discussion of § 1226(c) is beyond scope of this resource. For more, see for example the National Immigration Project's practice advisory on the Laken Riley Act amendments to this statute.
- 8 U.S.C. § 1225(b) (covers detention of noncitizens subjected to expedited removal and those apprehended while arriving in the United States and placed into removal proceedings; **no IJ bond hearing**), and
- 8 U.S.C. § 1231(a) (covers detention of noncitizens with administratively final removal orders; **no IJ bond hearing**).

For noncitizens in pending removal proceedings who lack criminal history triggering mandatory detention under 8 U.S.C. § 1226(c), it is critical to determine if their detention is governed by 8 U.S.C. § 1226(a) (meaning they are eligible for release on an IJ bond) or 8 U.S.C. § 1225(b)

[3] For in-depth descriptions of these detention authorities, see for example Part III of the National Immigration Project's Guide to Obtaining Release from Immigration Detention (last updated May 2024), and American Immigration Counsel's practice advisory on Detention Under INA § 235(b) (focused on the latter statute).

(meaning the IJ has no authority to grant a bond). Part I.B below discusses current agency policies on this question and Part I.C and the Appendix describe recent litigation on the issue.

B. Recent Agency Policies on the Scope of Mandatory Detention Under 8 U.S.C. § 1225(b)(2)(A)

Until 2025, the prevailing agency view was that noncitizens in removal proceedings were detained under 8 U.S.C. § 1226 unless their case started out in expedited removal proceedings under 8 U.S.C. § 1225(b)(1), *see* *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019), or they were apprehended upon entering the United States as an "arriving alien"[4] at a port of entry, *see* 8 C.F.R. § 1003.19(h)(2)(i)(B). In other words, people in removal proceedings who entered the United States without inspection were eligible for an IJ bond hearing under 8 U.S.C. § 1226(a) unless they had disqualifying criminal history triggering 8 U.S.C. § 1226(c) or their case had begun in expedited removal proceedings.

In 2025, three agency policies—which are inconsistent with the statute and the agency's own regulations—upended decades of precedent:

- In *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), the Board of Immigration Appeals (BIA) held that a noncitizen in removal proceedings whom the Department of Homeland Security (DHS) had apprehended shortly after she entered the United States without inspection was subject to detention under 8 U.S.C. § 1225(b)(2)(A) rather than 8 U.S.C. § 1226(a) and was thus not eligible for bond. Ms. Q. Li had been released on parole under 8 U.S.C. § 1182(d)(5)(A) by DHS at the border but then detained several years later at an Immigration and Customs Enforcement (ICE) check-in.
- In July 2025, ICE issued a policy asserting that any noncitizen who has not been admitted to the United States (including all those who entered without inspection) is detained under 8 U.S.C. § 1225(b) and ineligible for bond.
- In *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the BIA essentially adopted ICE's position, ruling that only those noncitizens in removal proceedings who have been admitted to the United States are detained under 8 U.S.C. § 1226 and thus eligible for bond; those not admitted, according to the BIA, are detained under 8 U.S.C. § 1225(b)(2)(A).

Takeaway: The vast majority of SIJS beneficiaries entered the United States without inspection (or, for a smaller number, as "arriving aliens") and thus, according to the agency's current policies, are subject to mandatory, no-bond detention. They will likely need to file a habeas petition to secure release.

- **BUT**: if a SIJS beneficiary in removal proceedings was admitted to the United States, for example on a temporary visa, they are eligible for a bond hearing and in fact may not be

[4] Regulations define an "arriving" noncitizen as an "applicant for admission coming or attempting to come into the United States at a port-of-entry, or [a noncitizen] seeking transit through the United States at a port-of-entry, or [a noncitizen] interdicted in international or United States waters and brought into the United States by any means, whether or not to a designated port-of-entry, and regardless of the means of transport." 8 CFR § 1.2. The regulations further state that "[a]n arriving [noncitizen] remains an arriving [noncitizen] even if paroled pursuant to section 212(d)(5) of the Act, and even after any such parole is terminated or revoked." *Id.*

subject to removal at all because of 8 U.S.C. § 1227(c). Contact rebecca@nipnlg.org for resources in this situation.

C. Litigation Challenging the Agency's New Policies on Mandatory Detention

There has been a flurry of litigation in response to these unlawful mandatory detention policies. Hundreds of noncitizens have filed individual habeas petitions challenging their no-bond detention, with overwhelming success. The vast majority of courts have agreed that, based on a plain reading of the statutes, 8 U.S.C. § 1226 covers those whom ICE detains for removal proceedings while they are already residing in the United States, whereas 8 U.S.C. § 1225(b)(2)(A) governs detention only of those noncitizens who are detained for removal proceedings while "seeking admission" at the nation's borders. **Here** is a frequently updated tracker describing such cases, organized by jurisdiction.

Advocates have also brought class action litigation to challenge the policies, several of which have resulted in declaratory judgments ruling that certain classes of individuals are not subject to detention under 8 U.S.C. § 1225(b)(2)(A). Those class actions are described briefly in the Appendix. Attorneys should assess whether their SIJS clients are members of any of these proposed or certified classes and closely monitor case statuses and guidance from class counsel as to recommended courses of action. In light of pushback from IJs in following these declaratory judgments, individual habeas actions may still be necessary.

II. Habeas Claims for SIJS Beneficiaries

This section briefly describes common claims that SIJS beneficiaries have made in habeas petitions in recent months. It is intended as a quick starting point and is in no way comprehensive as to all potential claims that might be brought. This resource does not cover the nuts and bolts aspects of filing and litigating a habeas petition; those are important topics discussed in other materials, some of which are linked below in Part III. Though beyond the scope of this resource, the authors encourage attorneys filing habeas petitions for SIJS beneficiaries to consider strategies including:

- Filing under pseudonym to protect the client's identity or asking the judge to only publish the client's first name and last initial pursuant to guidance regarding privacy concerns in immigration cases by the Committee on Court Administration and Case Management of the Judicial Conference of the United States, *see, e.g.*, *Veronica V.O. v. Noem*, No. 1:25-cv-01796-TLN-JDP, 2025 WL 3755748, at *1 n.1 (E.D. Cal. Dec. 29, 2025).
- Filing the habeas quickly upon detention with a request for a temporary restraining order (TRO) prohibiting ICE from transferring the client out of the district. (ICE often quickly transfers noncitizens after detention to locations far away from their home, such as Texas or Louisiana. Without a TRO, if ICE moves a client outside of the district where the habeas petition is pending, typically the habeas court retains jurisdiction over the case but the client will be far away.). To do this effectively, it may be wise to have a detention plan prepared in advance for non-detained clients so that, if the client is detained, the habeas can be quickly filed before any transfer.

- Seeking through the habeas petition the client's release on an expedited basis, such as through an order to show cause, a TRO, or a preliminary injunction. (Consult local counsel regarding most effective practices.)
- Seeking relief beyond just a "normal" IJ bond hearing in which the noncitizen bears the burden to prove they are not a danger or a flight risk. The relief sought might be outright release, a bond hearing where DHS bears the burden of proof, or a bond hearing before the district court. A "normal" IJ bond hearing may not be adequate relief, given that:
    - The BIA has issued numerous recent decisions making it more difficult for noncitizens to meet their burden in IJ bond hearings;
    - Many IJs are setting bond at unreasonably high amounts;
    - Some IJs are refusing to hold bond hearings even after orders from a district court; and
    - DHS is regularly appealing bond grants and invoking an unconstitutional regulation automatically staying the IJ's decision while DHS's appeal is pending.

We invite attorneys litigating habeas petitions on behalf of SIJS beneficiaries and those previously processed as unaccompanied children to join an informal strategy group that meets monthly; contact Rebecca Scholtz to request to join, rebecca@nipnlg.org.

A. Habeas Claims for SIJS Beneficiaries in Removal Proceedings

There are several common habeas claims for those SIJS beneficiaries currently in removal proceedings. As used here, "currently in removal proceedings" means those against whom ICE is just now commencing removal proceedings after a recent detention as well as those who were already in removal proceedings at the time of the recent ICE detention. It also covers those who were ordered removed by an IJ but have a direct appeal of that removal order pending with the BIA.

Common habeas claims for SIJS beneficiaries in removal proceedings include:

- **Claim that detention falls under 1226 because not currently seeking admission**. SIJS beneficiaries may make a statutory claim that their detention falls under 8 U.S.C. § 1226, not 8 U.S.C. § 1225(b)(2)(A), and thus they are entitled to a bond hearing or release (unless they have criminal history triggering 8 U.S.C. § 1226(c)). The main statutory arguments that are being successfully made across the country have not rested on an individual's status as a SIJS beneficiary. Instead, they have been premised on the fact that the recent ICE arrest did not happen at the border as the noncitizen was "seeking admission" but rather after they were already residing in the United States. See the *Maldonado Bautista* practice advisory for further information, including guidance for asserting class membership via an individual habeas petition.
- **Claim that detention falls under 1226 because of SIJS grant**. Some courts have concluded that a young person's status as a SIJS beneficiary necessarily means they are detained under 8 U.S.C. § 1226 rather than 8 U.S.C. § 1225(b)(2)(A). Several courts have reasoned that SIJS beneficiaries' physical presence in and substantial ties to the United States necessarily establish that SIJS youth in removal proceedings are detained under § 1226 rather than § 1226. *See, e.g.*, *Rodriguez v. Perry*, 747 F. Supp. 3d 911 (E.D. Va.

2024); *Del Cid Del Cid v. Bondi*, No. 3:25-cv-00304, 2025 WL 2985150 (W.D. Pa. Oct. 23, 2025).
    - For an example of this argument, see the template habeas petition available in the National Immigration Project Member Portal.
- **Claim that detention falls under 1226 because of previous detention and release as an unaccompanied child.** Some courts have recognized the separate statutory authority that governs the detention and release of unaccompanied children and found this to be another reason why any subsequent adult detention by ICE while the noncitizen is residing in the United States is governed 8 U.S.C. § 1226 rather than 8 U.S.C. § 1225(b)(2)(A). *See, e.g.*, *Andres Salvador v. Bondi*, No. 2:25-cv-07946-MRA-MAA, 2025 WL 2995055, at *7 (C.D. Cal. Sept. 2, 2025).
    - For an example of this argument, see the template habeas petition available in the National Immigration Project Member Portal.
- **Due process challenge based on prior release to a sponsor as an unaccompanied child.** For those detained after entering the United States as unaccompanied children and then released to a sponsor, many courts have found that arbitrary re-detention without pre-deprivation process violates the person's procedural due process rights and have ordered release or a bond hearing. Courts apply the three-factor balancing test found in *Mathews v. Eldridge*, 424 U.S. 319 (1976). *See, e.g.*, *Garcia Domingo v. Castro*, No. 1:25-cv-00979-DHU-GJF, --- F. Supp. 3d ---, 2025 WL 2941217, at *3-4 (D.N.M. Oct. 15, 2025).
    - For an example of this claim, see the template habeas petition available in the National Immigration Project Member Portal.
- ***Garcia-Ramirez* violation for those re-detained by ICE after having been previously released by ICE upon transfer from ORR custody on their 18th birthday**. For those who entered the United States as unaccompanied children and were released after age-ing out of ORR custody upon reaching the age of 18 (rather than released to a sponsor while still a minor), a federal court order prevents ICE from re-detaining them absent materially changed circumstances. *See* Order Granting Motion to Enforce, *Garcia-Ramirez v. ICE*, No. 1:18-cv-00508-RC (D.D.C. Dec. 12, 2025). Practitioners are encouraged to reach out to class counsel in this scenario, by emailing Clearinghouse@immcouncil.org and litigation@immigrantjustice.org.
- **Due process challenge based on prior release on recognizance or parole.** For those who entered the United States without inspection while accompanied or over the age of 18 and who were apprehended by DHS but released under an order of release on recognizance, or released on parole, many courts have ordered release based on a similar arbitrary re-detention procedural due process claim. *See, e.g.*, *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475 (S.D.N.Y. 2025) (ordering release of noncitizen re-detained after previous release on recognizance); *Mata Velasquez v. Kurzdorfer*, 794 F. Supp. 3d 128 (W.D.N.Y. 2025) (ordering release of noncitizen detained by ICE nearly a year after having entered the United States on parole); *Lara Urriola v. LaRose*, No. 25-cv-3556, 2025 WL 3764126 (S.D. Cal. Dec. 30, 2025) (order release of youth with pending SIJS who had previously been released on recognizance).

- **Due process challenge based on SIJS deferred action**. Those SIJS beneficiaries with deferred action[5] may make a due process challenge to their continued detention. See for example claims I and IV of this habeas petition[6] brought on behalf of a recipient of Deferred Action for Childhood Arrivals, which resulted in *Santiago v. Noem*, No. EP-25-cv-361-KC, 2025 WL 2792588 (W.D. Tex. Oct. 2, 2025), a favorable decision on procedural due process grounds.
    - For an example of this claim, see the template habeas petition available in the National Immigration Project Member Portal.

B. Habeas Claims for SIJS Beneficiaries with Final Removal Orders

For those SIJS beneficiaries with a final removal order who are detained under 8 U.S.C. § 1231(a)(6), potential claims include the following:

- **Due process challenge based on SIJS deferred action.** SIJS beneficiaries with deferred action may bring a claim that their continued detention violates due process and 8 U.S.C. § 1231(a)(6), since there is no legitimate purpose to their continued detention and no likelihood of removal in the reasonably foreseeable future. See for example claim I in this habeas petition[7] brought on behalf of a SIJS beneficiary with deferred action, which resulted in this favorable decision from the Western District of Louisiana.
    - For an example of this claim, see the template habeas petition available in the National Immigration Project Member Portal.
- **Due process challenge based on *J.O.P.* class membership**. Similarly, if a SIJS beneficiary is a *J.O.P.* class member and thus may not be removed while their asylum application is pending with USCIS, they can make a similar claim that their continued detention violates due process and 8 U.S.C. § 1231(a)(6).
    - *J.O.P.* class members are those who, on or before February 24, 2025: were determined to be an unaccompanied child; filed an asylum application with USCIS; on the date they filed the asylum application with USCIS, were 18 years of age or older or had a parent or legal guardian in the United States available to provide care and physical custody; and have not received an adjudication from USCIS on the merits of their asylum application.
- **Challenges to detention based on SIJS approval**. More challenging habeas arguments can be made on behalf of SIJS beneficiaries with final removal orders who lack deferred action. Attorneys can argue that Congress did not intend for SIJS beneficiaries to be removed merely because they are awaiting a visa, and that their continued detention thus violates due process. Here is an example of a recently filed habeas petition for a SIJS beneficiary with a final removal order who lacked deferred action (and here is an amicus

[5] In 2022, U.S. Citizenship and Immigration Services (USCIS) instituted a policy of considering all noncitizens granted SIJS for a four-year renewable grant of deferred action while they waited in the visa backlog to apply for lawful permanent resident status. Although USCIS rescinded this policy in June 2025, this rescission has been stayed by a federal court in *A.C.R. v. Noem*, a lawsuit challenging the unlawful rescission. For further information, see FAQs on the impact of the court's stay decision.

[6] Habeas counsel for this young person were attorneys from Benoit Legal, Islas Law Firm, Novo Legal, Singleton Schreiber, and National Immigration Project.

[7] Habeas counsel for this young person were attorneys from Robert & Ethel Kennedy Human Rights Center, ACLU Foundation of Louisiana, and National Immigration Project.

brief filed in the case).[8] As of the filing of this publication there has not been a final decision in this case, but the youth was released while the case is pending. While habeas petitions for SIJS beneficiaries in this situation run up against difficult jurisdiction-stripping statutes, during the first Trump administration several courts concluded that those jurisdiction-stripping statutes violated the Constitution's Suspension Clause when applied to SIJS beneficiaries. *Osorio-Martinez v. Att'y Gen. United States of Am.*, 893 F.3d 153, 177-78 (3d Cir. 2018); *Joshua M. v. Barr*, 439 F. Supp. 3d 632, 674-77 (E.D. Va. 2020). Here is a link to a collection of amicus briefs filed in cases, including *Joshua M.*, regarding the removability of SIJS beneficiaries (found under Protecting Immigrant Children with SIJS from Deportation).

The National Immigration Project regularly updates this outline of habeas decisions involving SIJS youth and those previously processed as unaccompanied children.

III. List of Habeas Resources

Below is a list of general habeas resources (not specific to SIJS beneficiaries), including practice advisories, case trackers, sample filings, and recorded webinars:

- National Immigration Litigation Alliance Practice Advisory, Habeas Corpus Petitions (Jan. 2025)
- Links to federal district court habeas packets in each jurisdiction (compiled by habeasdockets.org)
- Tracker of habeas decisions on 1225/1226
- Habeasdockets.org (searchable database of habeas cases)
- Acacia Habeas Bridge Project Practitioner Hub (various sample filings)
- National Immigration Habeas Institute
- Immigration Habeas Library - Northeast Region
- Habeas 101 Webinar Recording (Dec. 16, 2025)
- Habeas Training YouTube Series: A Fireside Chat with 2 Guys & a Dog (2025)

IV. List of Further Resources on Defending SIJS Youth

The below list includes more in-depth resources for defending SIJS youth (as well as those who entered the United States as unaccompanied children) in various procedural postures:

- Quick Guide: Defending SIJS Clients in Removal Proceedings (Apr. 2025)
- Template motion to terminate, and alternatively administratively close or continue, for an approved SIJS beneficiary (making argument that Congress intended for SIJS youth to remain safely in the United States while they await the opportunity to seek adjustment of status)
    - Available after logging into Children's Immigration Law Academy account here (free) and/or in the National Immigration Project Member Portal here (members only)
- Email guidance circulated on November 17, 2025 regarding *Matter of Cahuec Tzalam*, 29 I&N Dec. 300 (BIA 2025), a new BIA precedent on SIJS and administrative closure

[8] Habeas counsel for this young person are attorneys from the New York Civil Liberties Union Foundation and the Door's Legal Services Center.

- Practice Alert: Termination of the SIJS Deferred Action Policy (updated Nov. 17, 2025)
- Frequently Asked Questions: The Impact of the Court's Stay Order in *A.C.R. v. Noem* (Dec. 1, 2025)
- Practice Advisory: Navigating the Removal Proceedings of *J.O.P.* Class Members and Other Asylum Seekers with Prior Unaccompanied Child Determinations (updated Nov. 17, 2025)
- Legal Defense Plans for Unaccompanied Child Clients with Removal Orders
- Fifteen Steps for Addressing Orders of Removal Issued by an Immigration Judge
- Expedited Removal and Unaccompanied Children: an FAQ (Nov. 21, 2025)
- If you are a National Immigration Project member and have case-specific questions, you can submit a member technical assistance request through the member portal.

V. Conclusion

In this time of aggressive and indiscriminate immigration enforcement, habeas is a crucial tool to enforce the rights of SIJS beneficiaries to remain safely in the United States to await the chance to obtain permanent residence. Beyond individual habeas litigation, we encourage practitioners to join the End SIJS Backlog Coalition to become part of a community of impacted youth and allied advocates fighting to protect SIJS youth's rights and to stay informed about the most recent developments, including in the *A.C.R.* litigation challenging the termination of the SIJS Deferred Action Policy.

To assist the End SIJS Backlog Coalition in tracking the systemic violation of SIJS beneficiaries' rights and developing responses, please consider completing the Coalition's surveys to:

- (1) report any termination of a SIJS deferred action grant here
- (2) report ICE enforcement against SIJS youth here
- (3) report immigration court outcomes (positive or negative) related to SIJS youth here, and
- (4) report a deferred action decision (granting or denying) issued on or after November 19, 2025 here.

APPENDIX: List of Recent Class Challenges to "Mandatory" Detention of Noncitizens in Removal Proceedings

I. *Maldonado Bautista v. Noem* (C.D. Cal.) | Nationwide Class

- **Certified class**: All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time DHS makes an initial custody determination.
- **Status**: In November 2025, the court entered a declaratory judgment concluding that class members are detained under § 1226(a) and thus entitled to a bond hearing. In the wake of the decision, IJs continued to follow *Yajure Hurtado* and find class members ineligible for bond; the court then issued a final judgment on December 18, 2025, making clear that all class members are entitled to benefit from the declaratory judgment confirming that they are subject to detention under § 1226(a), and therefore entitled to a bond hearing. The court also vacated ICE's unlawful July 2025 policy and, while it did not vacate the BIA's decision in *Yajure Hurtado*, it did indicate that "*Yajure Hurtado* is no longer controlling; the legal conclusion underlying the decision is no longer tenable." The agency has appealed this judgment.
- **Read a practice advisory on *Maldonado Bautista*, which links to a template habeas petition, here.**

II. *Rodriguez Vazquez v. Bostock* (W.D. Wash.) | Regional Class

- **Certified class**: All noncitizens without lawful status detained at the Northwest ICE Processing Center who (1) have entered or will enter the United States without inspection, (2) are not apprehended upon arrival, (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the noncitizen is scheduled for or requests a bond hearing.
- **Status**: Court issued a classwide declaratory judgment on September 30, 2025.

III. *Guerrero Orellana v. Moniz* (D. Mass.) | Regional Class

- **Certified class:** All people who are arrested or detained in Massachusetts, or are detained in a geographical area over which, as of September 22, 2025, an Immigration Court located in Massachusetts is the administrative control court, or who are otherwise subject to the jurisdiction of an Immigration Court located in Massachusetts, where:
    - (a) the person is not in any Expedited Removal process under 8 U.S.C. § 1225(b)(1), does not have an Expedited Removal order under 8 U.S.C. § 1225(b)(1), and is not currently in proceedings before an immigration judge due to having been found to have a credible fear of persecution under 8 U.S.C. § 1225(b)(1)(B)(ii);
    - (b) for the person's most recent entry into the United States, the government has not alleged that the person was admitted into the United States and has not alleged that person was paroled into the United States pursuant to 8 U.S.C. § 1182(d)(5)(A) at the time of entry;
    - (c) the person does not meet the criteria for mandatory detention pursuant to 8 U.S.C. § 1226(c);

    - (d) the person is not subject to post-final order detention under 8 U.S.C. § 1231; and
    - (e) the person is not a person whose most recent arrest occurred at the border while they were arriving in the United States and has been continuously detained thereafter.
- **Status**: On December 19, 2025, the district court issued a partial final judgment declaring that members of the class are not subject to detention under 8 U.S.C. § 1225(b)(2) and are entitled to access to a bond hearing under 8 U.S.C. § 1226(a). The court also clarified that class members remain subject to the order notwithstanding any change in location, detention facility, or venue of removal proceedings.

IV. *Mendoza Gutierrez v. Baltasar* (D. Colo.) | Regional Class

- **Certified class**: All people who are arrested or detained by Respondents in Colorado pending a decision on whether they are to be removed from the United States based on alleged violations of the Immigration and Nationality Act, or who are otherwise subject to the jurisdiction of an Immigration Court located in Colorado, where:
    - (a) For the person's most recent entry into the United States, the government has not alleged that the person was admitted into the United States;
    - (b) For the person's most recent entry into the United States, the person was not paroled into the United States pursuant to 8 U.S.C. § 1182(d)(5)(A) at the time of entry;
    - (c) The person is not a person whose most recent arrest occurred at the border while they were arriving in the United States; and,
    - (d) The person is being detained based on Respondents' assertion that they are subject to 8 U.S.C. § 1225(b)(2)(A).
- **Status**: Pending.

V. *Lopez Sarmiento v. Perry* (E.D. Va.) | Regional Proposed Class

- **Proposed Unaccompanied Minors Class (not certified)**: All noncitizens who are or will be held in civil immigration detention within the area of responsibility of WAS ICE who have entered or will enter the United States, are or were designated as unaccompanied minors, and are or will be denied consideration for release under 8 U.S.C. § 1226(a) based on Respondents' mandatory detention policy.
- **Proposed SIJS Class (not certified)**: All noncitizens who are or will be held in civil immigration detention within the area of responsibility of WAS ICE who have entered or will enter the United States, have or will have obtained SIJS status at the time of detention, and are or will be denied consideration for release under 8 U.S.C. § 1226(a) based on Respondents' mandatory detention policy.
- **Status**: Pending; classes had not been certified as of this resource's publication.