

Center for Constitutional Rights

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://ccrjustice.org/home/what-we-do/our-cases/aguilar-et-al-v-immigration-and-customs-enforcement-ice-et-al>

Policy Issue Resources

The case was settled on April 4, 2013, requiring new national policies governing the conduct of immigration agents during raids; \$1 million in damages and fees for 22 plaintiffs; and immigration benefits for several of our clients.

LatinoJustice PRLDEF and Winston & Strawn

Adriana Leon (Aguilar), Andres Leon, Elena Leon, Erika Gabriela Garcia-Leon, Carson Aguilar, Nelly Amaya, Elder Bonilla, Sonia Bonilla, Peggy De la Rosa-Delgado, Gonzalo Escalante, Anthony Jimenez, Bryan Jimenez, Christopher Jimenez, William Lazaro, Juan Jose Mijangos, Mario Patzan DeLeon, Victor Pineda-Morales, Yoni Revolorio, Diana Rodriguez, Tarcis Sapon-Diaz, Beatriz Velasquez and Dalia Velazquez

Aguilar, et al. v. Immigration and Customs Enforcement (ICE), et al. was a federal class-action lawsuit filed on behalf of 22 Latino men, women and children -- citizens, lawful permanent residents and others -- who in 2006 and 2007 had their homes raided by armed immigration agents in the pre-dawn hours, without court warrants or other legal justification. The lawsuit argued that ICE's policy governing the conduct of officers during these raids was a violation of the Fourth and Fifth Amendments. The case named as defendants dozens of individual immigration agents and their supervisors, including former DHS Secretary Michael Chertoff and former ICE Director Julie Myers, and ICE itself.

The lead plaintiff, Adriana Aguilar, had been sleeping in the East Hampton home she shared with her parents, siblings and children all of whom are U.S. citizens when ICE agents pounded on the doors, demanded entry, and swept through home, pulling the covers off the bed she slept in and terrorizing her children. Family members asked to see a warrant; ICE did not show one.

"My family will never forget that night. My son, who was just four years old, was crying in fear of gunmen in his home at four in the morning. We asked them to show a warrant or any other authority they had for being inside our home. They ignored us." Adriana Leon (Aguilar)

Another plaintiff, Beatriz Velasquez, was just 12 years old in 2007 when ICE agents surrounded her home in Long Island, pounded on the doors and windows, and burst in after falsely telling her that "someone was dying upstairs." Although ICE had deported the purported target of the raid on Beatriz's home two years before, ICE surrounded and raided the home again.

"That was the scariest day of my life. My little sister and I were terrified. They wouldn't explain to my mother what was going on, and they stormed through the house like an army." Beatriz Velasquez

These and other raids in New York State followed a similar pattern: multiple teams of heavily armed agents would surround a home in the pre-dawn hours, and pound on the doors and windows, demanding or forcing entry. Once inside, ICE teams swept through the homes, corralled all those present in a central location and interrogated residents about their immigration status. ICE did not possess judicial warrants for these operations. Although purportedly seeking specific targets, ICE did little to no background research to determine whether targets actually occupied the homes, even raiding the home of a family of Latino citizens twice in an effort to find a man unknown to the family. Latinos, including U.S. citizens, lawful permanent residents, and very young children, bore the brunt of these practices.

The raids were among hundreds conducted nationwide following a policy under which teams of immigration agents were ordered to increase their quota of arrests of people with outstanding deportation orders by 800 percent over the course of one year. The teams were permitted to count toward that quota so-called "collaterals" undocumented immigrants ICE happened to encounter during raids.

From the outset of the litigation, ICE conceded lacking warrants or exigent circumstances to justify entering or searching homes, but claimed to have obtained consent to enter and search during these operations. Depositions and discovery, however, revealed not only that ICE agents conducted so-called consensual home raids in a manner that violated decades of Supreme Court precedent requiring valid, duress-free but also targeted and arrested Latinos without any reasonable suspicion of wrongdoing.

The case was settled on April 4, 2013, requiring a new national policy governing the conduct of immigration agents during raids; \$1 million in damages and fees; and immigration benefits for several of our clients. The new policy requires ICE agents to seek consent to enter or search a private residence in a language understood by the resident whenever feasible; to have Spanish-speaking officers available to seek such consent when the target is from a Spanish-speaking country; to seek consent to enter the outside areas of homes where there is a reasonable expectation of privacy, such as a backyard; and to train agents in the law prohibiting so-called protective sweeps without an articulable suspicion of danger.

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