



Updates on *Garcia Ramirez* Class Action

Practice Alert¹

April 10, 2026

The *Garcia Ramirez v. Immigration and Customs Enforcement (ICE)* class action challenged ICE's routine practice during the first Trump administration of detaining unaccompanied immigrant youth who turned 18 in Office of Refugee Resettlement (ORR) custody instead of considering the least restrictive setting as required by the Trafficking Victims Protection Reauthorization Act (TVPRA), *see* 8 U.S.C. § 1232(c)(2)(B). In September 2021, a federal district court entered [a permanent injunction](#) prohibiting ICE from continuing to violate the statute in this manner.²

The second Trump administration implemented two new policies that violated the *Garcia Ramirez* injunction:

First, on October 1, 2025, ICE secretly issued a [new policy](#) to subject age-outs to mandatory detention under 8 U.S.C. § 1225(b)(2) and release them only if they met the standard for parole at 8 U.S.C. § 1182(d)(5).

Second, ICE began re-detaining young people who had previously been released after aging out of ORR custody without any change in circumstances regarding their flight risk or danger to the community.

On December 12, 2025, in response to class counsel's motion to enforce, the court enjoined both policies. *Garcia Ramirez v. ICE*, 812 F. Supp. 3d 86 (D.D.C. 2025).

This practice pointer provides a brief overview of the *Garcia Ramirez* permanent injunction, the district court's December 2025 order on the motion to enforce, and class counsel's ongoing role in ensuring compliance with both orders.

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² For more detailed information about the 2021 permanent injunction, please see the [Frequently Asked Questions](#).

Who is a *Garcia Ramirez* Class Member?

A *Garcia Ramirez* class member is:

- (1) A former unaccompanied child
- (2) Who turned 18 while still in ORR custody (often referred to as an “age-out”) and
- (3) Who is or will be detained by ICE after being transferred by ORR and
- (4) As to whom ICE did not consider placement in the least restrictive setting available, including alternatives to detention programs, as required by 8 U.S.C. § 1232(c)(2)(B).

Garcia Ramirez v. ICE, 338 F. Supp. 3d 1, 50 (D.D.C. 2018).

As discussed below, a former unaccompanied child who turned 18 while still in ORR custody and who ICE initially released but then subsequently re-detained without any material change in the statutory risk factors is a class member.

Overview of *Garcia Ramirez v. ICE* Permanent Injunction

In July 2020, following more than two years of litigation culminating in an 18-day bench trial, the court ruled that ICE’s failure to consider less restrictive settings before transferring unaccompanied immigrant youth who turn 18 in ORR custody to ICE detention violates amendments to the TVPRA, codified at 8 U.S.C. § 1232(c)(2)(B). *Garcia Ramirez v. ICE*, 471 F. Supp. 3d 88 (D.D.C. 2020). Section 1232(c)(2)(B) states:

If a[n] [unaccompanied] minor [in ORR custody] reaches 18 years of age and is transferred to the custody of the Secretary of Homeland Security, the Secretary *shall consider placement in the least restrictive setting available* after taking into account the [noncitizen’s] danger to self, danger to the community, and risk of flight. Such [noncitizens] *shall be eligible to participate in alternative to detention programs*, utilizing a continuum of alternatives based on the [noncitizen’s] need for supervision, which may include placement of the [noncitizen] with an individual or an organizational sponsor, or in a supervised group home.

In its ruling, the district court found that the U.S. government routinely and systematically failed to adhere to the statutory requirements. Among other violations, ICE was failing to identify available sponsors, relying on improper factors to find unaccompanied children to be flight risks, and declining to make teenagers eligible for alternatives to detention if ICE determined the child presented a potential flight risk or danger.

In September 2021, the court issued a permanent injunction barring ICE from violating § 1232(c)(2)(B) as described in the court’s accompanying opinion. In addition, as part of the permanent injunction, for five years—until September 20, 2026—ICE must:

- Re-train its officers and revise its policies and handbook on how to make custody determinations when youth in ORR custody turn 18;
- Document its custody decisions on an “Age-Out Review Worksheet” (AORW); and
- Provide Age-Out Review Worksheets and monthly reports to class counsel.

December 2025 Order Enforcing the Permanent Injunction

Two new policies implemented under the second Trump administration violated the *Garcia Ramirez* permanent injunction and § 1232(c)(2)(B).

October 1, 2025 Mandatory Detention Policy

On October 1, 2025, ICE secretly issued a [new policy](#) to subject class members to mandatory detention under 8 U.S.C. § 1225(b)(2) and release them only if they met the unrelated standard for parole at 8 U.S.C. § 1182(d)(5). In response, class counsel filed [an emergency motion for a temporary restraining order](#), which the court [granted](#) on October 4, blocking implementation of the new policy.

On December 12, 2025, the court granted Plaintiffs' subsequent [motion to enforce](#). *Garcia Ramirez v. ICE*, 812 F. Supp. 3d 86 (D.D.C. 2025). In granting the motion, the court held that the October 1 policy deprived class members of the consideration required under the statute and failed to make them eligible for alternatives detention programs. *Id.* at 100-03. The court entered an [order](#) enjoining ICE from implementing the October 1 policy and ordering the release of any class members unlawfully detained under the policy.

Re-Arrest and Detention Policy

Beginning in the summer of 2025, ICE began implementing a policy of unlawfully arresting and re-detaining age-out teenagers when they attended their scheduled ICE check-ins—despite a lack of materially changed circumstances. Plaintiffs also sought to block this policy and any re-detention of age-outs absent a material change relating to danger and flight risk in their motion to enforce.

In its December 12 opinion, the court held that redetaining class members without any change regarding their statutory risk factors violates § 1232(c)(2)(B) and the *Garcia Ramirez* permanent injunction because “it nullifies a compliant placement decision by making a subsequent, non-compliant placement decision.” *Id.* at 106. The court entered an [order](#):

- declaring the re-detention policy unlawful
- ordering ICE to release any class members who has been re-arrested and detained, absenting materially changed circumstances regarding the class member's statutory risk factors under § 1232(c)(2)(B), including specific class members identified by Plaintiffs' counsel
- ordering ICE to produce information on an ongoing basis to class counsel concerning any age-outs who have been re-arrested and detained since July 2025 because of ICE's re-detention policy.

Since the court order, according to their own accounting, ICE has re-arrested, detained, and subsequently released at least 30 class members.

Ongoing Monitoring and Compliance

On or about the 15th of each month, the government continues to provide class counsel the AORWs and supporting material for all unaccompanied children who aged-out of ORR custody the previous month. That material is subject to a protective order. Since Fiscal Year 2021 through the first half of Fiscal Year 2026, ICE has released over 95% of unaccompanied children who turn 18 in ORR custody.

In addition, following the court's December 2025 order, ICE began providing class counsel with spreadsheets containing information regarding re-detained age-outs, including a brief summary of the alleged changed circumstances ICE maintains should justify the continued detention of any age-out. These spreadsheets, which ICE has provided on or about the 20th of each month, are also subject to a protective order.

On March 25, 2026, class counsel [filed a motion](#) to clarify and enforce the court's December 2025 order. In that motion, Plaintiffs ask that the court clarify and instruct ICE that (a) ICE's reliance on de minimis infractions and random encounters with immigration officers do not constitute materially changed circumstances regarding the statutory risk factors under § 1232(c)(2)(B); (b) the information ICE must provide to class counsel must include all supporting documents ICE relies on to justify a re-detention; and (c) ICE must promptly release all class members it detains absent materially changed circumstances, in no case longer than 48 hours after re-arrest. In addition, Plaintiffs asked the court to enforce its December 12 Order by ordering the release of identified class members for whom ICE has failed to establish the required change in circumstances.

As of the date of this practice alert, that motion remains pending.

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If you believe ICE has re-detained someone who previously aged out of ORR custody absent materially changed circumstances relating to dangerousness or flight risk, contact class counsel for assistance at clearinghouse@immcouncil.org and litigation@immigrantjustice.org. Practitioners may also consider filing a petition for habeas corpus³ in district court that raises statutory and due process claims based on ICE's re-detention of an age-out.

³ There are many resources for practitioners seeking to file habeas petitions on behalf of noncitizens in immigration custody. *See, e.g.*, National Immigration Litigation Alliance, *Habeas Corpus Petitions* (Jan. 15, 2025), <https://immigrationlitigation.org/new-practice-advisory-habeas-corpus-petitions/>; American Immigration Council, *Detention under INA § 235(b): The Statutory Scheme and Strategies for Release* (Sept. 2025), <https://www.americanimmigrationcouncil.org/practice-advisory/ina-235b-detention-practice-advisory/>; Kennedy Human Rights Center, *Practice Advisory: Seeking Release from Immigration Detention in the Fifth Circuit After Buenrostro-Mendez v. Bondi* (Feb. 12, 2026), <https://kennedyhumanrights.org/report/practice-advisory-seeking-release-from-immigration-detention-in-the-fifth-circuit-after-buenrostro-mendez-v-bondi/>; National Immigration Project, *Quick Guide to Release from Immigration Detention for SIJS Youth* (Jan. 13, 2026), <https://nipnlg.org/work/resources/quick-guide-release-immigration-detention-sijs-youth>.