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LDAD Urges Federal Appeals Court to Uphold Restrictions on Warrantless Immigration Arrests in Washington, D.C.

Lawyers Defending American Democracy (LDAD) has filed an amicus curiae brief in the U.S. Court of Appeals for the D.C. Circuit supporting a federal district court's order restricting warrantless civil immigration arrests in Washington, D.C. The case, *Molina v. Department of Homeland Security*, challenges a federal immigration enforcement policy that permits warrantless arrests.

Federal law permits immigration officers to make warrantless civil arrests only under limited circumstances. The district court issued a preliminary injunction prohibiting such arrests in Washington, D.C., without an individualized determination that these requirements have been met. The government has appealed that ruling.

LDAD's brief, filed at the request of counsel for plaintiff CASA, Inc., a nonprofit membership organization serving immigrant communities, focuses on CASA's legal standing to challenge the policy. The brief argues that the government's warrantless arrest practices directly interfere with CASA's ability to provide its core essential health, employment, legal, and social services and that the arrests have forced CASA to divert resources from these core programs to provide emergency detention-related assistance, increased its operating costs, and jeopardized its funding.

Drawing on Supreme Court precedent, LDAD notes that CASA has standing because the government's actions have directly interfered with its core activities and impaired its ability to provide services to its members. The brief urges the appeals court to recognize CASA's standing and uphold the preliminary injunction.

LDAD co-founder and Board member Gershon (“Gary”) Ratner stated, “Federal law only allows defendants to make a civil arrest of a noncitizen without a warrant under narrow conditions that have not been met. Congress imposed these clear limits on warrantless immigration arrests to protect individuals against unlawful detention, and those safeguards are not optional. The government cannot disregard them simply because obtaining a warrant may be inconvenient. Depriving people of their liberty without complying with the law cannot be allowed.”

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Lawyers Defending American Democracy (LDAD) is a nonpartisan 501(c)(3) organization composed of attorneys, law professors, former judges, and former government officials dedicated to preserving the rule of law, constitutional democracy, and the independence of the legal profession. LDAD's work includes filing amicus briefs, authoring Calls to Action, presenting public education programs, and encouraging lawyers and the public to speak out against threats to the rule of law and our democratic institutions. LDAD's nationwide Meeting the Moment

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initiative mobilizes lawyers across the country to engage with their communities in defense of constitutional democracy. For more information, visit ***www.ldad.org***