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## INTRODUCTION

In the past year, Defendants have clandestinely created and implemented new illegal policies that directly contradict this Court’s permanent injunction. In adopting these policies, Defendants have fundamentally altered their custody determination process for class members; arbitrarily rearrested and detained class members, thereby revoking statutorily-compliant placement decisions; and subjected scores of class members to unnecessary and harmful detention in violation of 8 U.S.C. § 1232(c)(2)(B). These significant and intentional violations have caused untold harm to the young immigrants that make up the class in this case, all of whom are protected by the Trafficking Victims Protection Reauthorization Act. They have also led to this Court granting a temporary restraining order, two motions to enforce, and a motion to clarify and enforce in part. Defendants’ noncompliance is substantial and warrants an extension of this Court’s order imposing specific obligations on Defendants and maintaining jurisdiction over enforcement for five years—which, absent modification, will expire on September 21, 2026. A limited temporal extension of that order is necessary to compel Defendants to conform their conduct with the requirements of the injunction and Section 1232(c)(2)(B). Plaintiffs therefore submit this motion under Federal Rule of Civil Procedure 60(b) to request that the Court modify its order and extend the Court’s jurisdiction and enforcement over this matter by three years.

In support of this motion, Plaintiffs rely on the incorporated memorandum of law and accompanying declaration, as well as the exhibits attached to the concurrently filed sealed motion for leave to file under seal.<sup>1</sup> A proposed order is attached.

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<sup>1</sup> Consistent with Local Rule 7(m), Plaintiffs’ counsel sought Defendants’ position on the instant motion on July 21, and were informed on July 28 by counsel for Defendants that Defendants do not yet have a position.

## BACKGROUND

### A. Initial Procedural History

Plaintiffs filed this lawsuit in March 2018, ECF 1, challenging Immigration and Customs Enforcement’s (ICE) failure to follow the Trafficking Victims Protection Reauthorization Act (TVPRA), which requires ICE to consider placement in the least restrictive setting available for 18-year-olds “aging out” of the custody of the Office of Refugee Resettlement (ORR). *See* 8 U.S.C. § 1232(c)(2)(B). The Court issued a preliminary injunction in April 2018, *Ramirez v. U.S. ICE*, 310 F. Supp. 3d 7 (D.D.C. 2018), and in August 2018 certified the class, *Ramirez v. U.S. ICE*, 338 F. Supp. 3d 1, 50 (D.D.C. 2018).

Following an eighteen-day bench trial that included dozens of witnesses and hundreds of exhibits, on July 2, 2020, the Court issued findings of facts and conclusions of law concerning ICE’s liability. *Ramirez v. U.S. ICE*, 471 F. Supp. 3d 88, 175 (D.D.C. 2020); *judgment entered*, 568 F. Supp. 3d 10 (D.D.C. 2021). The Court held that ICE had failed to meet the requirements of 8 U.S.C. § 1232(c)(2)(B) and that such failures violated the Administrative Procedure Act (APA). *Id.* at 191; 5 U.S.C. § 706(1)–(2). Specifically, ICE failed to consider the “least restrictive setting available” for each teenager aging out of ORR custody, identify alternative placements, and make each teenager eligible for alternatives to detention. *Ramirez*, 471 F. Supp. 3d at 191; *see also* § 1232(c)(2)(B).

On September 21, 2021, the Court entered final judgment against Defendants and issued a permanent injunction ordering that “Defendants are permanently enjoined from violating 8 U.S.C. § 1232(c)(2)(B) by repeating the violations and failures to comply described in the Court’s July 2, 2020 Decision.” Permanent Injunction (“Perm. Inj.”), ECF 368 at 2; *see Ramirez v. U.S. ICE*, 568 F. Supp. 3d 10 (D.D.C. 2021). In addition, the Court ordered seven “specific

obligations” to ensure compliance with the permanent injunction. Perm. Inj. §§ I-VIII, ECF 368 at 2-7; Permanent Injunction Addendum (“Inj. Add.”), ECF 378. The Court subsequently clarified that while Defendants are “permanently enjoined” from similar violations of § 1232(c)(2)(B), the specified oversight mechanisms would expire five years after entry of judgment. Inj. Add., ECF 378. The Court retained jurisdiction for a period of five years. Perm. Inj. § IX, ECF 368 at 7-8.

On January 7, 2022, Defendants appealed the Court’s final judgment. Notice of Appeal, ECF 383. However, following a settlement agreement with Plaintiffs, ECF 402, Defendants dismissed their appeal, ECF 404.

### **B. Purpose and Scope of the Permanent Injunction**

Plaintiffs brought suit in March 2018 in response to evidence that “ICE [was] routinely and systemically failing to comply with the requirements of Section 1232(c)(2)(B).” Compl. ¶ 5, ECF 1 at 2. At the time, ICE was detaining 75 percent of age-outs nationally. Expert Demonstrative, ECF 260-1 at 33. Following the lengthy bench trial, the Court confirmed these systemic failures. Among other failings, the Court found that ICE officers were: “consistently failing” to identify available custodial settings and to determine which were the least restrictive, *Ramirez*, 471 F. Supp. 3d at 191; improperly engaged in “sequential decisionmaking,” where they considered the least restrictive placement and alternatives to detention *only* for those class members who were not considered a flight risk or danger, *id.* at 126, 128, 175-76; and left with “unbridled discretion to make age-out custody determinations,” they did so “in ways that [did] not comply with the agency’s statutory obligations,” *id.* at 191.

To remedy these violations, the Court determined that “limited injunctive relief [was] appropriate.” *Ramirez*, 568 F. Supp. 3d at 19. The Court reached this conclusion based on ICE’s

breach of its statutory duties, *id.* at 26, its demonstrated “recalcitrance and resistance to the fulfillment of [those] legal duties” during the litigation, *id.* at 27, and the “major hardship posed by prolonged detention” that class members suffer when ICE fails to comply with the law, *id.* at 28-29.

The Court ordered injunctive relief in two parts. First, the Court “permanently enjoined Defendants from violating 8 U.S.C. § 1232(c)(2)(B) by repeating the violations and failures to comply described in the Court’s July 2, 2020 Decision.” Inj. Add., ECF 378 at 1; Perm. Inj. ECF 368 at 2. That injunction has no end date—it is “permanent.” *Id.*

Second, the Court “specified a list of actions” in Sections I through VIII, “intended to prevent Defendants’ further violations of, and help ensure their compliance with, Section 1232(c)(2)(B) going forward.” Inj. Add., ECF 378 at 1; Perm. Inj. ECF 368 at 2-3. These enumerated oversight mechanisms, however, will—absent modification—expire five years from entry of judgment, on September 21, 2026. Inj. Add. X, ECF 378 at 2. They include requirements that ICE:

Section I: Make age-out placement determinations in accordance with the Court’s July 2, 2020 decision and the parties’ agreed upon training materials.

Section II: Compile, update, and share a nationwide list of organizational sponsors that currently accept age-outs.

Section III: Complete and upload Age Out Release Worksheets (AORWs) to SharePoint by the assigned Field Office Juvenile Coordinator (FOJC) within 24 hours after each custody determination, along with all documents considered or relied upon to make the determination.

Section IV: Provide training using agreed-upon training materials.

Section V: Update the FOJC Handbook with agreed-upon language.

Section VI: Provide periodic reporting to Plaintiffs on a monthly basis, to include spreadsheets containing information for all age-outs, all AORWs, and all supporting documentation.

Perm. Inj. §§ I-VI, ECF 368 at 3-7. In addition, the Court granted Plaintiffs’ counsel authority to monitor ICE’s compliance through their monthly reports and any other information reasonably related to ICE’s compliance, make suggestions and recommendations to ICE, and raise any concerns regarding ICE’s compliance with the Court. Perm. Inj. § VII, ECF 368 at 7.

Finally, the Court retained jurisdiction for five years “to enforce and resolve any disputes concerning the terms of, and Defendants’ compliance with, this Order or with 8 U.S.C. § 1232(c)(2)(B).” Perm. Inj. § IX, ECF 368 at 7-8. That five-year period ends on September 21, 2026. *Id.*

### **C. Defendants’ Recent Violations of the Injunction**

For four years, Defendants substantially complied with the Court’s order, consistently releasing over 98 percent of all unaccompanied children rather than detaining them in ICE custody. Age-Out Data FY 2020-September 2025, ECF 417-6.<sup>2</sup> In mid-2025, however, Defendants implemented two new policies that would have rendered meaningless the protections of the Court’s permanent injunction—policies this Court has already determined violated the Court’s order.

#### **1. October 1, 2025 Mandatory Detention Policy**

On October 1, 2025, without notice to the Court or Plaintiffs’ counsel, Defendants secretly issued new guidance, “effective immediately,” fundamentally altering the age-out custody determination such that, once again, virtually all age-outs would be detained when they turned 18. *See Updated Procedure for Custody Determinations of Age-Out Cases*, ECF 421-1. Under this new approach, all age-outs who were not admitted to the United States would be

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<sup>2</sup> Although Defendants designated this data confidential under the Protective Order, *see* ECF 63, Defendants consented to its filing on the public docket.

detained unless they met an entirely new standard under 8 U.S.C. § 1182(d)(5). *Id.* Plaintiffs’ counsel discovered the policy not from Defendants, but from advocates representing class members, and were forced to file a motion for a temporary restraining order (TRO) in the early hours of Saturday, October 4. Motion for TRO, ECF 413. Later that same morning, the Court held an emergency hearing and entered a TRO barring implementation of the new policy. TRO, ECF 414. Defendants subsequently released five 18-year-old class members who ICE had detained under this new policy. Winger Decl. ¶ 25, ECF 417-1.

On December 12, 2025, the Court granted Plaintiffs’ subsequent motion to enforce the permanent injunction and enjoined ICE from implementing the October 1 policy. Order, ECF 435. In the Court’s accompanying memorandum opinion, the Court explained that the October 1 policy violated Section 1232(c)(2)(B) because it “fail[ed] to make all age-outs eligible for alternatives to detention” and it led to “age-out placements that [did] not result from the risk-factor analysis that Section 1232(c)(2)(B) requires.” *Ramirez v. U.S. ICE*, 812 F. Supp. 3d 86, 100–03 (D.D.C. 2025). The Court rejected ICE’s defense of their new policy, noting that they repeated arguments the Court had addressed and dismissed five years earlier. *See id.* at 104-105.

## 2. Arbitrary Re-Detention Policy

In the months leading up the October 1 guidance, ICE began re-arresting and detaining age-outs despite no material change in circumstances—sometimes at their first check-in with ICE. *Id.* at 105-06. Plaintiffs once again learned about this practice not from Defendants, but from legal services providers. *See* Mot. for TRO at 4, ECF 413. ICE defended this new policy by claiming that the moment a young person is released from custody, they lose all protection under Section 1232(c)(2)(B), such that they can be promptly and baselessly re-detained without violating the statute. *Ramirez*, 812 F. Supp. 3d at 106.

As with the October 1 policy, the Court found the arbitrary re-detention policy violated the permanent injunction and granted Plaintiffs' motion to enforce. *Id.* at 105-09. The Court explained, citing heavily from its 2020 findings of fact and conclusions of law, that "ICE is not relieved of its obligations to follow Section 1232(c)(2)(B) at the end of the day on the age-out's eighteenth birthday," such that "if ICE nullifies a compliant placement decision by making a subsequent, non-compliant placement decision, it is as if the age-out never received the proper assessment that was required in the first place." *Id.* at 106 (cleaned up). Defendants position, the Court observed, would lead to an "absurd result" that would "permit Defendants to unilaterally limit Congress's protections for age-outs to mere days." *Id.* at 107. The Court ordered ICE to "release any individual class member who has been re-arrested and detained, absent materially changed circumstances regarding the class member's statutory risk factors under § 1232(c)(2)(B)" and to provide Plaintiffs' counsel with information on an ongoing basis concerning any age-outs who are re-detained. Order at 2, ECF 435.

Despite the Court's clear orders, ICE has continued to violate the Court's permanent injunction and subsequent order enforcing that injunction. In total, Plaintiffs have filed three enforcement motions "in the span of months, and each has been prompted by Defendants' continued noncompliance." July 6 Mem. Op. at 2, ECF 469. The Court found that ICE continued to re-detain age-outs for de minimis infractions, delayed the release of unlawfully re-detained class members, and failed to provide class counsel with sufficient documentation related to alleged changed circumstances justifying re-detention. *See Ramirez v. U.S. ICE*, No. CV 18-508 (RC), 2026 WL 1557609, at \*5-11 (D.D.C. June 2, 2026).

On June 2, the Court granted in large part Plaintiffs' second motion to enforce and clarify. *Id.* The Court issued an order: (1) clarifying that changed circumstances are only "material" if

they establish an age-out “now presents a danger to themselves, a danger to the community, or a risk of flight”; (2) ordering ICE to “promptly” release any class member unlawfully detained; (3) ordering ICE to provide class counsel with all the documents ICE relies on to re-detain former age-outs so counsel can better ensure their compliance; and (4) ordering ICE to release fifteen unlawfully re-detained class members. Order, June 2, 2026, ECF 455.

On July 6, the Court granted Plaintiffs’ third motion to enforce and ordered the release of two more class members. July 6 Mem. Op., ECF 469. As to one class member, the Court found that missing a single ICE check-in and failing to obtain a passport did not establish flight risk where ICE arrested him while he was attending his immigration court hearing. *Id.* at 6-11. As to the second class member, the court held that ICE’s decision to re-arrest him was arbitrary and capricious because it “relied on the mere existence of a misdemeanor conviction without considering the underlying circumstances of the offense, including its nature, severity, or whether it demonstrated any ongoing danger to the community.” *Id.* at 11-16.

All told, the Court has been forced to intervene and order the release of thirty unlawfully detained class members since December 2025. And Plaintiffs continue to identify instances of noncompliance. *See* Supplemental Declaration of Suchita Mathur (“Supp. Mathur Decl.”) ¶¶ 5-13.

#### **D. Defendants’ Campaign Against Unaccompanied Children**

Defendants’ current persistent noncompliance with the Court’s injunction is unsurprising and is expected to continue, given their ongoing campaign to detain and rapidly remove young people who entered the United States as unaccompanied children. For those who remain minors in government custody, Defendants have tried to secretly expel them in the middle of the night. *See L.G.M.L. v. Noem*, 800 F. Supp. 3d 100, 109 (D.D.C. 2025). Those plans having been

thwarted by court order, Defendants have aggressively pursued removal and voluntary departure orders for children in their care—ICE data shows “unaccompanied minors living in the U.S. are being detained and removed at about three times the rate they were during the last time President Donald Trump was in office.”<sup>3</sup> ICE is prolonging children’s time in federal custody by partnering with ORR to arrest vetted sponsors who come forward to care for them.<sup>4</sup> And with respect to those unaccompanied children who were released from ORR custody before they turned 18—and therefore not protected by these Court’s orders—ICE has been re-detaining them at record pace, often for no reason at all. *See, e.g., Sandoval v. Rokosky*, No. CV 25-17229 (SDW), 2025 WL 3204746, at \*1 (D.N.J. Nov. 17, 2025) (then-18-year-old former unaccompanied child detained at ICE check-in told by officer “that ICE is going down a list of all unaccompanied children who have turned 18 and entered without inspection in order to detain them”); *Campos-Flores v. Bondi*, No. 3:25-cv-797, 2025 WL 3461551, at \*1-2 (E.D. Va. Dec. 2, 2025) (20-year-old former UC with Special Immigrant Juvenile Status (SIJS) arrested while doing landscaping work on the National Mall); *De Leon Hernandez v. Bondi*, No. 25-CV-1384, 2025 WL 3217037, at \*1 (W.D. La. Nov. 18, 2025) (former UC with SIJS and deferred action arrested on his way to work); *see also Garro-Pinchi v. Noem*, 813 F. Supp. 3d 973, 1020 (N.D. Cal. 2025) (concluding that Plaintiffs had established the existence of a re-detention policy beginning in May 2025 in which ICE “began re-detaining released noncitizens on a large scale” without any determination of changed circumstances). Defendants’ treatment of unaccompanied children and young people

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<sup>3</sup> Mica Rosenberg & Jeff Ernsthausen, *These Immigrant Kids Were Once Protected. Under Trump, Their Deportations Have Tripled*, ProPublica (July 6, 2026, 6:00 AM), <https://www.propublica.org/article/unaccompanied-minors-deportations-elder-chavez>.

<sup>4</sup> Uriel J. García & Alex Nguyen, *ICE is arresting relatives who come forward to take custody of migrant children in federal shelters*, The Texas Tribune (July 21, 2026, 5:00 AM), <https://www.texastribune.org/2026/07/21/texas-immigrant-children-sponsor-ice-detention-orr-shelters/>.

who do not benefit from this Court’s orders foreshadows how they will treat class members absent extension of the oversight mechanisms in this case.

### LEGAL STANDARD

When an injunction has been entered as a final judgment, “courts may afford relief from an injunction, including modification,” under Federal Rule of Civil Procedure 60(b)(5) “where prospective application of the order is ‘no longer equitable.’” *Gov’t of Manitoba v. Zinke*, 849 F.3d 1111, 1117 (D.D.C. 2017) (quoting Fed. R. Civ. Proc. 60(b)(5)). The party seeking modification bears the burden of proving a “‘significant change either in factual conditions or in law’” to warrant revision of the order. *Id.* (quoting *Rufo v. Inmates of Suffolk Cnty. Jail*, 502 U.S. 367, 384 (1992)). “Under well established law, substantial violation of a court order constitutes a significant change in factual circumstances.” *Kelly v. Wengler*, 822 F.3d 1085, 1098 (9th Cir. 2016) (collecting cases). Modification of the order should both be “suitably tailored to the changed circumstance[s]”, and in the public interest. *Zinke*, 849 F.3d at 1117, 1122 (quoting *Rufo*, 502 U.S. at 383); *accord Am. Council of Blind v. Mnuchin*, 396 F. Supp. 3d 147, 177 (D.D.C. 2019), *aff’d*, 977 F.3d 1 (D.C. Cir. 2020).

As the D.C. Circuit has recognized, plaintiffs “seeking to enforce the terms of [an] injunction” may also seek relief under Rule 60(b). *Salazar ex rel. Salazar v. D.C.*, 896 F.3d 489, 498 (D.C. Cir. 2018) (citing *United States v. W. Elec. Co.*, 46 F.3d 1198, 1202 (D.C. Cir. 1995)). “A district court must retain the authority to prevent evasion and ensure effectuation of the order it entered.” *Id.*<sup>5</sup>

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<sup>5</sup> The D.C. Circuit has recognized that the standards for modification of a final order under a court’s “[inherent] equitable authority” and Rule 60(b) are “substantially the same.” *Pigford v. Johanns*, 416 F.3d 12, 16 (D.C. Cir. 2005). Plaintiffs here rely on the Rule 60(b)(5); but in demonstrating a “significant change in the circumstances” since the permanent injunction was

## ARGUMENT

The permanent injunction entered by this Court prohibits Defendants from violating Section 1232(c)(2)(B). Perm. Inj., ECF 368 at 2. Through this motion, Plaintiffs seek a three-year extension only of the “specific obligations,” Inj. Add., ECF 378 at 2, imposed by the Court to “prevent Defendants’ further violations of, and help ensure their compliance with [the statute] going forward.” Perm. Inj., ECF 368 at 3.<sup>6</sup> These provisions were “largely selected in the first instance by Defendants,” *id.*, and modifying the Court’s judgment to extend them for an additional three years is necessary to ensure Defendants’ recent violations do not continue and go unchecked, thereby harming class members and the public interest.

### **I. DEFENDANTS’ VIOLATIONS ARE SIGNIFICANT CHANGED FACTUAL CIRCUMSTANCES WARRANTING EXTENSION OF THE COURT’S ENFORCEMENT AND OVERSIGHT MECHANISMS.**

Plaintiffs easily establish significant changed factual circumstances justifying modification based on Defendants’ repeated violations of the permanent injunction beginning in 2025. *See Zinke*, 849 F.3d at 1117. As many courts have recognized, “[t]he failure of substantial compliance with the terms of a [court order] can qualify as a significant change in circumstances that would justify the decree’s temporal extension.” *Labor/Cnty. Strategy Ctr. v. L.A. Cnty. Metro. Transp. Auth.*, 564 F.3d 1115, 1120-21 (9th Cir. 2009); *accord Castañon-Nava v. U.S. Dep’t Homeland Sec.*, 175 F.4th 828, 840 (7th Cir. 2026) (finding district court did not abuse its discretion in extending consent decree to address ICE’s noncompliance); *see also Duvall v.*

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entered, they also establish that the “sound exercise of judicial discretion” would favor modification. *Id.* (quoting *Env’t Def. Fund, Inc. v. Costle*, 636 F.2d 1229, 1240 (D.C. Cir. 1980)).

<sup>6</sup> The Court’s orders clarifying and enforcing Sections I through VIII of the permanent injunction—ECF 435 and ECF 455—should likewise be extended by an additional three years. Where the Court has enforced the prohibition on repeating violations of § 1232(c)(2)(B), *see* Inj. Add., ECF 378 at 1; Perm. Inj., ECF 368 at 2, those enforcement orders, like the underlying permanent injunction, have no end point.

*Moore*, Civ. No. MJM-94-2541, 2024 WL 4529261, at \*6 (D. Md. Oct. 18, 2024) (“In institutional reform litigation, modification of a consent decree to extend the period of enforcement may be justified by a significant and unanticipated degree of noncompliance with its terms.”). Here, as this Court has recently held—three times over—Defendants have failed to comply with the permanent injunction and § 1232(c)(2)(B) in various ways in the past year. Those violations of the Court’s order have been significant, and the Court’s correction “help[ed] to prevent the executive branch from ignoring congressional directives.” *Ramirez*, 568 F. Supp. 3d at 23 (quoting *Women’s Equity Action League v. Cavazos*, 879 F.2d 880, 886 (D.C. Cir. 1989)).

As this Court noted earlier this month, “Defendants’ continued noncompliance” with the permanent injunction has thrice caused Plaintiffs to seek enforcement of this Court’s orders since October 2025. July 6 Mem. Op. at 1-2, ECF 469. Each time, this Court has “conclude[d] that Defendants have failed to comply with the Court’s orders.” *Id.*; *Ramirez*, 2026 WL 1557609 at \*12; *Ramirez*, 812 F. Supp. 3d at 89, 98-109.

First, and most significantly, in 2025, Defendants issued and began to implement two novel policies and practices that violated the permanent injunction and § 1232(c)(2)(B). *See Ramirez*, 812 F. Supp. 3d at 100-02, 105-09. The October 1, 2025 Guidance, which Plaintiffs’ counsel learned of after class members were wrongfully detained by ICE, *see* TRO, ECF 413, impacted the vast majority of class members, as it created a new custody determination procedure for all age-outs who had not been admitted. *See* 812 F. Supp. 3d at 98. That new procedure supplanted the statutorily mandated “consideration” and placement decision-making at the heart of this Court’s prior orders. *Id.* at 100-03, 105; *Ramirez*, 568 F. Supp. 3d at 20. Additionally, several months before issuing the October 1 policy, Defendants began a new

practice of arbitrarily re-arresting age-outs without cause, often detaining them at their first scheduled ICE check-ins despite no material change in their circumstances. *See Ramirez*, 812 F. Supp. 3d at 105-06. Such re-detentions nullified prior “compliant placement decision[s] by making a subsequent, non-compliant placement decision.” *Id.* at 106. Defendants’ practice strips class members of “the protections that Congress intended age-outs in ICE custody to receive.” *Id.* at 107. While this Court enjoined Defendants from “re-arresting and detaining age-outs absent a material change in their circumstances,” *id.* at 112, ICE continues to re-arrest class members, as recently as this month.

Despite the clear instruction in 2021 that Defendants must “make all Age-Out placement determinations in accordance with the findings and conclusions in the Court’s July 2, 2020 Decision and the training materials previously agreed upon by the parties,” Perm. Inj. § I, ECF 368 at 3, four years later, ICE dramatically and illegally altered its policies by “failing to make all age-outs eligible to participate in alternative detention programs,” making placement decisions based on factors unrelated to § 1232(c)(2)(B), and arbitrarily revoking release determinations that complied with the TVPRA. *Ramirez*, 812 F. Supp. 3d at 105, 107-08. Full implementation of the October 1 Guidance and the re-detention policy—which would have occurred absent this Court’s intervention—would have led to the needless and harmful detention of numerous class members who in fact were determined *not* to pose any risk of flight or danger under the correct statute. *See id.* at 103, 109.

Notably, Defendants created and implemented both these policies clandestinely, with no prior notice to class counsel, who are tasked with “monitoring Defendants’ compliance” with the Court’s order and § 1232(c)(2)(B), Perm. Inj. § VII, ECF 368 at 7, let alone the Court. That, standing alone, was improper: it is black letter law that if “there were extenuating circumstances

or if the decree was too burdensome in operation,” Defendants’ remedy was to “petition[] the District Court for a modification.” *McComb v. Jacksonville Paper Co.*, 336 U.S. 187, 192 (1949); *see also Ramirez*, 568 F. Supp. 3d at 36 n.11 (specifically reminding Defendants that should circumstances change, they “remain able to move for reconsideration”). Yet Defendants never sought modification of or relief from the Court’s order, and instead embarked upon new nation-wide policies that violated the injunction with the apparent hope that their noncompliance would go unnoticed.<sup>7</sup> *Ramirez*, 812 F. Supp. 3d at 111-12.

Second, even since this Court enjoined Defendants’ arbitrary re-detentions of class members, ICE has continued to arrest them absent materially changed circumstances. These ongoing violations have resulted in this Court, *inter alia*: ordering the release of 17 specified class members; requiring Defendants to produce all records relied upon to justify age-outs’ rearrest and detention; and clarifying that releases of wrongfully re-detained class members must be prompt. Order, June 2, 2026, ECF 455; Order, July 6, 2026, ECF 468.

And yet, Defendants’ already-documented violations are not even the full extent of their noncompliance with the Court’s orders. Defendants failed to initially comply with the Court’s orders in several instances. For example, in June 2026, Plaintiffs identified three class members on Defendants’ May 2026 re-arrest report (sent to Plaintiffs’ counsel on June 25, 2026), whom they believed ICE should have released under this Court’s orders as ICE failed to establish materially changed circumstances justifying their re-detention. *See Supp. Mathur Decl.* ¶¶ 6-7. On July 2, Defendants’ counsel stated that ICE agreed to release all three, indicating an agreement that they were class members; however, at that point, all three young people (all under

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<sup>7</sup> Defendants defended these illegal policies with arguments recycled from earlier stages of the litigation, several of which had already been rejected by this Court in orders that Defendants opted not to appeal. *See Ramirez*, 812 F. Supp. 3d at 99-100, 105-06.

the age of 21) had been wrongfully detained for at least six weeks. *Id.* ¶ 7. And while Defendants have made progress on “promptly” releasing re-detained class members they identify under the Court’s orders, they continue to hold some of them for prolonged periods of time before *sua sponte* releasing them. *See id.* ¶¶ 8, 10 (L.G.A., held [REDACTED] days; U.N.D.L.G., held [REDACTED] days). In another example, even where a class member was ordered released by this Court, ICE re-detained them eleven days after their court-ordered release with no apparent materially changed circumstances. *Id.* ¶¶ 14-17 (discussing H.M.A.’s re-detention purportedly for purposes of removal despite ICE failing to initially claim or later substantiate having travel documents or a specific imminent removal date).

Additionally, Plaintiffs’ earlier concern about the veracity of ICE’s allegations of changed circumstances justifying re-detention have been borne out by the records produced to Plaintiffs’ counsel following this Court’s June 2 Order. *See* Pls. Mot. to Clarify and Enf., ECF 442 at 19-20. In several instances, the documents produced by Defendants do not support, as a factual matter, the allegations in the spreadsheets listing the former age-outs ICE has rearrested each month since January 2026. *See, e.g.,* Supp. Mathur Decl. ¶¶ 12-13 (ICE justified re-detaining N.M.M. based on [REDACTED] but ICE records establish it was [REDACTED]; ICE justified re-detaining class member M.R.L. for his alleged [REDACTED], but ICE records contain [REDACTED]). In these cases, ICE had already removed M.R.L. and other impacted class members by the time Plaintiffs received the records revealing ICE’s misstatements of changed circumstances, *id.* ¶¶ 9, 11, further establishing the importance of prompt oversight and monitoring of Defendants’ compliance with the Court’s orders.

In sum, Defendants’ noncompliance with the injunction and this Court’s orders in the past year has been substantial. *See Castanon-Nava*, 175 F.4th at 840 (finding that where district court

cited multiple violations and official's statement that ICE would no longer comply with decree, it did not abuse its discretion in finding substantial noncompliance that constituted significant change in circumstances). This "past unlawful conduct is 'highly suggestive of the likelihood of future violations.'" *Ramirez*, 568 F. Supp. 3d at 31 (quoting *U.S. Dep't of Justice v. Daniel Chapter One*, 89 F. Supp. 3d 132, 143 (D.D.C. 2015)). And because these violations have also "thwart[ed] the [injunction's] purpose" of ensuring Defendants' compliance with the TVPRA, *Hudson v. Am. Fed'n of Gov't Emps.*, 281 F. Supp. 3d 11, 13 (D.D.C. 2017) (citation omitted), modification is necessary to ensure that Defendants continue to "adhere to the will of Congress." *Ramirez*, 568 F. Supp. 3d at 23 (citation omitted).

## **II. EXTENDING THE COURT'S OVERSIGHT AND ENFORCEMENT MECHANISMS FOR THREE YEARS IS SUITABLY TAILORED TO THE CHANGED CIRCUMSTANCES AND IN THE PUBLIC INTEREST.**

Plaintiffs' modest request—to extend by three years the oversight and enforcement requirements for the Court's injunction—is both suitably tailored to address ICE's repeated, ongoing noncompliance and in the public interest. *See Rufo*, 502 U.S. at 383-84. This Court has already determined that Defendants should be permanently barred from violating § 1232(c)(2)(B) by repeating their past violations. Perm. Inj. ECF 368 at 2. Modification of the order enabling monitoring and enforcement would "prevent evasion and ensure effectuation" of that injunction, and thus serve its "original intended result." *Salazar*, 896 F.3d at 498 (citation omitted). Extending these provisions for a shorter period than initially set by the Court, despite ongoing violations akin to the noncompliance that formed the basis for the Court's initial remedies order, is a narrowly tailored remedy that will protect class members from unlawful detention and the public's interest in the rule of law. *See Kelly*, 822 F.3d at 1097-98 (affirming

extension of decree, originally valid for two years, for an additional two years, where district court “doubted” defendants’ overall compliance).<sup>8</sup>

When entering the permanent injunction in this case, the Court rejected Defendants’ request that they be permitted to “self-enforce their own remedy for the widespread statutory violations identified by this Court.” *Ramirez*, 568 F. Supp. 3d at 24. The Court observed that this is not an ordinary APA case. Instead, “the bench trial brought to light disturbing and pervasive lapses in ICE’s statutory compliance.” *Id.* Thus, the Court found “that tailored injunctive relief . . . is both within its authority and necessary for the Court to ensure effective and lasting compliance with Section 1232(c)(2)(B).” *Id.* at 26. When crafting that tailored relief, the Court gave great weight to Defendants’ conduct during the litigation, which indicated that absent oversight, it would continue to violate the statute. *Id.* at 26-27.

Now, as then, “Defendants’ actions . . . further reinforce the necessity” of extension of the relevant relief. *Id.* at 26. Now, as then, ICE has ignored the importance of “the substance of its actual decision-making processes,” *id.* at 27, by secretly implementing the October 1 policy that made completing the AORW a mere box-checking exercise that did not control the ultimate placement determination for most age-outs, *Ramirez*, 812 F. Supp. 3d at 102, 105. Now, as then, ICE has “attempted to circumvent” its obligations, *Ramirez*, 568 F. Supp. 3d at 27, by vitiating previously compliant placement determinations absent any material change in circumstances,

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<sup>8</sup> A temporal extension is consistent with precedent from other courts. For example, in *Thompson v. U.S. Department of Housing & Urban Development*, the Fourth Circuit held that the defendants’ failure to fulfill their obligations constituted a “sufficient change of circumstance” justifying an extension of the district court’s jurisdiction over the matter. 404 F.3d 821, 827-29 (4th Cir. 2005); *see also David C. v. Leavitt*, 242 F.3d 1206, 1212-13 (10th Cir. 2001) (district court acted appropriately by “extending the term of the Agreement” to enable compliance); *United States v. Sec. of Hous. and Urban Dev.*, 239 F.3d 211, 217-18 (2d Cir. 2001) (citations omitted) (affirming district court’s extension where the defendant’s non-compliance rendered the decree “unworkable” and “detrimental to the public interest”).

*Ramirez*, 812 F. Supp. 3d at 106-08. Notably, the Court initially ordered oversight even though, at the time, Defendants had made “progress at demonstrating compliance.” *Ramirez*, 568 F. Supp. 3d at 32. In contrast, for the past year Defendants have *regressed*—repeatedly and frequently violating the Court’s orders after several years of compliance.

The specific obligations imposed by this Court, which Plaintiffs seek to extend for a limited period of time, were the result of a “restrained approach.” *Id.* at 23 (quoting *DL v. District of Columbia*, 860 F.3d 713, 730-32 (D.C. Cir. 2017)). While Plaintiffs sought “a detailed injunction mandating certain steps,” *Ramirez*, 568 F. Supp. 3d at 22, this Court instead “adopt[e]d the majority of Defendants’ [proposal], in effect largely granting their request,” *id.* at 35-36. In light of this narrowly tailored relief and the significant change in factual circumstances in the last year, allowing the relevant provisions to expire in September of this year would be inequitable. *See* Fed. R. Civ. P. 60(b)(5).

An extension of three years is also in the public interest. Eliminating oversight now, in the face of ICE’s persistent noncompliance, will encourage further violations of § 1232(c)(2)(B). *See Ramirez*, 568 F. Supp. 3d at 33 (finding that ICE’s previous violations raised a meaningful risk that “ICE would resume its wrongful behavior without an injunction”). “There is generally no public interest in the perpetuation of unlawful agency action. To the contrary, there is a substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations.” *League of Women Voters of United States v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016) (internal citations and quotation omitted).

Likewise, extending oversight is needed to protect class members from “the major hardship posed by needless prolonged detention.” *Ramirez*, 568 F. Supp. 3d at 28. The inherent harm from the unlawful loss of liberty is greatly exacerbated by the well-documented “cruel,

inhumane, unacceptable” conditions in Defendants’ custody, in which over 50 people have died under this administration.<sup>9</sup> Jamiles Lartey, *Bad Food. Poor Care. No Toilets. ICE Detention Misery Pushes Immigrants to ‘Voluntarily’ Depart*, The Marshall Project (May 30, 2026), <https://www.themarshallproject.org/2026/05/30/ice-trump-new-jersey-detention>; ICE, *Detainee Death Reporting*, <https://www.ice.gov/detain/detainee-death-reporting> (last updated July 22, 2026). Defendants are using these intolerable conditions to coerce more people to accept voluntary departures and removal orders. *See* Lartey, *supra*. The facts in this case highlight that reality: of the 15 class members the Court ordered released on June 2, 2026, *see* ECF 455, only three had not been deported or taken “voluntary” departure by the time of the order. June 17 Mathur Decl. ¶ 4, ECF 462-3. Of the remaining 26 potential class members mentioned in the Court’s June opinion, only five were still in ICE custody. *Id.* ¶ 5. Class member Y.Z.P.’s experience brings these numbers to life: he described the abysmal conditions in ICE detention and the difficulty of continuing to contest his removal proceedings from detention. Y.Z.P. Decl. ¶¶ 12-13, Ex. A, Sealed ECF 463. Class member A.T.L. explained: “It is terrible here. . . I am so afraid of being in this detention center forever. I want to feel safe and get out of here anyway I can.” A.T.L. Decl. ¶¶ 6-7, ECF 425.

Plaintiffs’ narrow request to extend by three years the Court’s tailored oversight and enforcement mechanisms in the face of Defendants’ ongoing and substantial noncompliance satisfies all the requirements of Rule 60(b)(5), especially when considered against the harm to

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<sup>9</sup> A recent analysis of official ICE records revealed that “[d]eaths in ICE custody have increased at a [disproportionate] rate,” while medical experts were concerned by possible “inadequate or delayed care” and “the high number of people who died by apparent suicide.” Hum. Rts. Watch & Physicians for Hum. Rts., *Dying in Detention: Rising Deaths in an Expanding US Immigration Detention System* 1, 3–4 (June 2026), <https://phr.org/wp-content/uploads/2026/06/PHR-HRW-Report-US-Deaths-ICE-detention-2026.pdf>.

class members and the public if those mechanisms are eliminated. *See Horne v. Flores*, 557 U.S. 433, 447 (2009) (once movant establishes “changed circumstances warrant relief . . . a court abuses its discretion when it refuses to modify an injunction in light of such changes”) (quotation omitted); *Rufo*, 502 U.S. at 384 (modification appropriate “when enforcement of the decree without modification would be detrimental to the public interest”).

### CONCLUSION

Six years ago, this Court painstakingly detailed Defendants’ widespread failures to follow § 1232(c)(2)(B)’s commands to consider the least restrictive setting available and to make alternatives to detention available to children aging out of ORR custody. *See Ramirez*, 471 F. Supp. 3d 88. Despite the Court’s admonitions, and the permanent injunction and remedial orders that followed, Defendants have once again engaged in significant violations of their statutory obligations and this Court’s orders. Accordingly, and as set forth in the attached proposed order, Plaintiffs ask that this Court extend the specific obligations on Defendants and its own jurisdiction to enforce and resolve disputes regarding Defendants’ compliance with Section 1232(c)(2)(B) for three years.

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