Trump’s lawless deportation machine: ICE actions ruled illegal 16,000 times

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Federal judges have ruled 16,000 times in the past year that actions by Immigration and Customs Enforcement (ICE) in detaining immigrants are illegal, according to a report published by Politico on Sunday.

Two-thirds of the rulings concern the same issue: the refusal of ICE to allow detained immigrants to seek release on bond. In a two-page memo issued July 8, 2025, ICE overturned a longstanding policy that immigrants arrested inside the United States for civil immigration violations were eligible to seek release on bond.

According to Politico:

> Every prior president applied mandatory detention without bond only to people apprehended soon after crossing the border or who were deemed to be dangerous, not for those who had built law-abiding lives—married U.S. citizens, had children, held jobs, paid taxes—since they arrived. ICE’s new memo erased that distinction.

Some 469 federal judges have found the new policy to be illegal, issuing more than 10,000 orders to release detained immigrants on bond, after the courts were flooded with suits filed on behalf of those imprisoned under savage conditions in detention camps run by ICE or private prison contractors like The GEO Group and CoreCivic. About 50 federal judges, nearly all appointed by Trump, have upheld the new policy.

The Trump administration has fought every single one of these cases, appealing them to circuit courts, which have split on the issue, virtually ensuring that the legality of the detention policy will ultimately be decided by the right wing-dominated Supreme Court, likely in the coming term.

In a statement to Politico, the Department of Justice declared, “This administration remains fully determined to carry out the president’s immigration priorities. … Legal challenges from activist judges will not deter the Department of Justice from enforcing the law and restoring order to our immigration system.”

The purpose of the ICE memo, issued by acting ICE Director Todd Lyons, was “to erase the due process rights of millions of immigrants who have resided in the U.S. for years, even those without criminal records and people who have attended all of their ICE check-ins or immigration court proceedings,” Politico reported. The news website’s report continued:

> The thousands of similar cases that have landed in federal court over the past year included: the mother of four U.S. citizen children, including a nursing 6-month-old; a father and owner of a roofing company who has lived in Minnesota since 2019 with no criminal record; a 22-year-old, pregnant Mexican woman who had lived in the U.S. since she was 6; and scores more like them.

Because ICE detainees must file habeas corpus petitions seeking release on bond in the federal court district where they are held, ICE has sought to block such suits by moving detainees without notice to other prisons in other states or even across the country, disrupting communication with attorneys and families.

Even when detainees overcame these obstacles and

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succeeded in winning court orders for their release, ICE has frequently delayed execution of the orders or outright defied them, deliberately prolonging detentions in an effort to coerce immigrants into "self-deporting." In Minnesota, where ICE and Customs and Border Protection (CBP) carried out mass repression of immigrants' rights protests, including the murder of Renée Nicole Good and Alex Pretti, Federal District Judge Patrick Schiltz, an appointee of Republican President George W. Bush, catalogued 90 court orders that ICE was defying.

Schiltz told Politico that threats of violence against judges have escalated following the denunciations of "activist judges" by Trump and other administration officials. "I've been a judge for 20 years now," he said. "We have never had a period of time when we are facing more threats to us, to our safety, to our families, to our staff. It is just an acrid, poisonous atmosphere out there."

The Trump administration escalated the campaign against immigrants last week in a series of actions. The Department of Homeland Security has revoked Temporary Protected Status (TPS) for more than 1 million immigrants who have been legally present in the United States for many years, in some cases for decades.

This includes 350,000 Haitians, 610,000 Venezuelans, 72,000 Hondurans and smaller numbers from Afghanistan, Cameroon, Nepal, Nicaragua, South Sudan, Syria and Yemen. Another 170,000 migrants from El Salvador are to lose TPS status in September and more than 100,000 from Ukraine in October.

On August 5, a federal judge issued a final ruling bringing the termination of TPS status into effect for Haitians, but ICE has not yet moved against them in large numbers, despite having their current addresses as part of the TPS program. This has led to howls from fascist Trump supporters. "The airplanes and the buses should have been ready," said Steve Bannon, a former Trump White House aide. "One hundred percent of the Haitians should have already left the country. It's unacceptable they're not."

Meanwhile, ICE is continuing to stonewall critics of the conditions under which detained immigrants are held. In response to a federal court ruling in the state of Washington that The GEO Group, the biggest private contractor for ICE, must allow state health inspectors access to its facility near Tacoma, ICE signed revised contracts with GEO that state and local laws "shall not apply" to detention facilities it operates for ICE in three other states.

Facilities run by ICE itself are not subject to state and local inspection, so another tactic for evading health inspections is for the private company to sell the prison to the government and then lease it back. Both The GEO Group and CoreCivic have sold multiple prisons to the Trump administration, which also allows them to book the revenue from the sale in the current year, while the lease payments will be made over a more extended period—in effect, a further subsidy for profit-making private companies from the federal treasury.

CoreCivic and The GEO Group reported a combined $1.4 billion in quarterly revenue for the second quarter of the year, not counting the $1.6 billion CoreCivic received from selling and leasing back four prisons.

The GEO Group has close ties to the Trump administration. Former company executive David Venturella is the acting director of ICE; White House border "czar" Tom Homan was a paid consultant for the company; and Pam Bondi, US attorney general until Trump fired her in the spring, was a lobbyist for GEO. Trump himself owns stock in both GEO and CoreCivic, all purchased after he began his second term in office. GEO's stock price has risen from $12 a share in August 2024 to more than $30 a share now.

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