The Courthouse Trap: Weaponized Confusion and Fear at the San Diego Immigration Court

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About the research center:

The Center for Comparative Immigration Studies (CCIS) was founded in 1999 and is an independent research unit based at UC San Diego. CCIS is a recognized institutional home for high quality academic scholarship and policy-oriented research on all aspects related to international migration. Centering (im)migrants and refugees in collaborative, community-accountable work, CCIS projects address the most pressing challenges of our time, from our home in the US-Mexico border region to migration systems around the globe.

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Executive Summary

In May 2025, Immigration and Customs Enforcement (ICE) agents began arresting immigrants in federal courthouses across the United States. Although the second Trump administration claimed to prioritize "criminal aliens" and people with removal or deportation orders, these arrests targeted immigrants and asylum seekers who were complying with the legal process.

Noncitizen respondents now faced a dilemma: follow the law and risk arrest at their hearing or not appear and risk forfeiting the case. In the courtroom itself, the Department of Homeland Security's new legal practices led to confusion that pushed people out of compliance and rendered them deportable. Taken together, these practices constituted a de facto denial of due process.

This report provides an analysis of detentions and changing procedure in the San Diego Immigration Court building from May 2025-January 2026, based on extensive fieldwork, testimony, and video evidence collected by civil society organizations. It documents the policy changes as well as the broader community's response.

Key Findings

• Between May 2025 and January 2026, volunteers documented 401 total arrests: 172 in the hallways outside of the courtrooms, 209 after ICE check-in appointments also inside the courthouse building, and 20 at the Intensive Supervision Appearance Program (ISAP) office located nearby. Beyond the numbers, volunteers observed ICE agents' disrespectful speech and dehumanizing interactions with migrants, as well as neglect of due process.

• The government used four bad faith tactics to circumvent precedent and established norms:

a) requesting case dismissal not to deprioritize a case, but to put a person into expedited removal proceedings; b) using the threat of arrest and detention to deter people from arriving for their court dates, leading to possible removal orders; c) demanding that migrants pay new fees while there was no web portal or other option, preventing cases from moving forward; d) unexpectedly re-opening old cases and sending notice to outdated addresses, leading to possible missed hearings and removal orders.

• While court observation is generally legally protected and the hallways of public buildings are open to the public, agents used citations and fines, detention, and other tactics to deter volunteers from accompanying migrants and documenting the unfolding events.

Introduction

In 2024, Donald Trump campaigned on a promise of mass deportation of undocumented immigrants and "criminals." In the earliest months of his second term, however, the administration struggled to identify and apprehend migrants with criminal records or removal orders. Under tremendous pressure to increase deportation numbers, the Department of Homeland Security (DHS) turned to broad raids on Home Depots and other worksites where immigrant day laborers gathered. It also focused on the immigration courts, where they could shoot fish in the proverbial barrel: not tracking people on the run but arresting people who were complying with the law. Highlighting this is not meant to vilify those who do have criminal records or who have avoided court, but to note the administration's hypocrisy.

In May of 2025, Immigration and Customs Enforcement (ICE) agents began detaining immigrants in federal courthouses across the United States. Videos of these detentions circulated on social media, and legal analysts decried the chaos, confusion, and mistreatment of people who had complied with the law. The border city of San Diego, California, has seen a disproportionate rate of courthouse detentions. San Diego is the 19th busiest immigration courthouse in the country[1] but ranked 4th as the city with the most courthouse arrests from May to July 2025.[2] In total, there were 401 arrests documented between May 23, 2025 and January 31, 2026. Less visible than the dramatic arrests were the migrants who did not appear because they feared separation from families, new detention centers like "Alligator Alcatraz," or deportation to an overseas prison. Yet by not coming to court, they forfeited their cases and became subject to in-absentia removal orders (ordered removed in their absence).

This report goes behind the numbers to analyze these events on the ground, as they unfolded in real-time. Each detention or in-absentia removal represents an individual or family who has had their lives upended. But beyond personal impact, the changes also represent a broader attack on due process and the rule of law. DHS has deployed bad faith legal strategies that reject precedent and basic fairness. At the same time, San Diego is home to diverse immigrant communities and supportive allies, and these attacks have not gone unchallenged.

Since May 23, 2025, San Diego community members have sustained an operation of solidarity and accompaniment to immigrants attending court hearings and ICE check-ins at the Edward J. Schwartz Federal Building. The rapid response soon turned into an organized effort with daily coverage of the courtrooms, the hallways where detentions took place, and the ICE office within the federal building. As part of the witnessing and solidarity work, community members have systematically documented arrests and

[1] See https://tracreports.org/phptools/immigration/ntanew/
[2] See https://josephgunther.me/assets/Gunther_Quantifying_Immigration_Court_Arrests_Oct_7.pdf

changes in court procedure. Volunteers were drawn from a wide range of backgrounds and political orientations.

Detention Resistance, an abolitionist collective that describes itself as "building self-determination for migrants and refugees, and other people who have been criminalized by the state," began to track DHS and ICE tactics in May 2025. They were soon joined by clergy from *Our Lady of Guadalupe*, a Jesuit church in the Barrio Logan neighborhood of San Diego. Leaders from other religious denominations teamed with the Jesuits to form *FAITH*, a non-partisan group collectively "bearing witness, building trust, and providing pastoral care" for migrants and their families. Other advocates, such as *Somos TIAS* from North County San Diego and military veterans with *Afghan Evac*, later sent volunteers to collaborate. The groups began trainings on proper conduct and coordinating volunteer sign-ups to ensure consistent coverage throughout the building.

We, the authors, are a subset of solidarity workers and professional social scientists who have analyzed the substantial video, photo, and written observational data gathered by volunteers. The government has not released statistics on courthouse detentions, but mathematician Joseph Gunther has devised a way to determine if detentions took place when a respondent attended a court date and therefore constructed a measure of courthouse detentions from public Executive Office for Immigration Review (EOIR) and ICE data. In collaboration with Gunther, we have found that our direct observations mirror the numerical data—that is, our dataset is not a minor sample but a nearly full survey of detentions that took place from May 2025-Feb 2026.[3]

In what follows, we describe the patterns we've seen and offer real-life examples of the way due process is denied and officials subvert the spirit of the law. This includes the *courtroom trap,* where migrants are put in a catch 22 of risking detention and expedited removal should they appear for their hearing, or an in-absentia removal order if they stay away from the court. Then we examine *weaponized confusion* and fear*,* as when migrants are told to pay an asylum fee when there is no operational payment portal, or people suddenly learn that a case closed for twenty years has been re-opened. Next, we offer field observations of detentions in the hallways, agent behavior, and how community members supported migrants. And finally, we analyze ICE check-in and the use of ankle-monitors or other surveillance technology.

Contrary to the Trump Administration's claim that enforcement has focused on the "worst of the worst", our finding is the opposite. Migrants who followed procedure and would have had compelling cases against deportation under previous regime's priority enforcement programs suddenly became most exposed to ICE arrest. Although the administration offers ostensible legal justifications for the practices, the bad faith renderings make a mockery of the law. Migrants and their allies confront de facto lawlessness not just in hidden sites of border enforcement and migrant incarceration, as

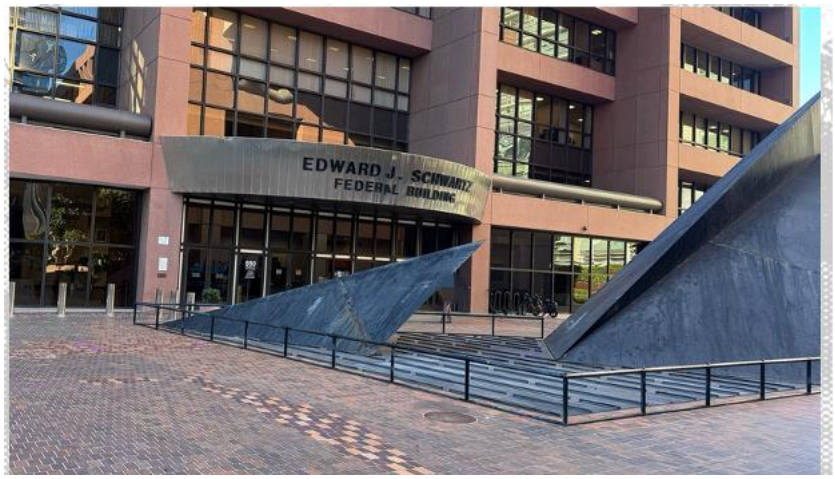
[3] Some of the earliest arrests were not observed and documented, as the volunteer observers and accompaniers were still organizing coverage of the building.

critics might expect, but also in federal courthouses that in theory represent the rule of law itself.

Higher courts have largely agreed and issued temporary pauses on some of these practices. But ICE and DHS pivoted: when told not to arrest people outside of the court they turned attention to people at ICE check-ins, either detaining or equipping them with ankle monitors for later tracking and detention. Again, the message sent is that those who follow the law make themselves vulnerable. Although the Department of Justice (DOJ) has since asserted that ICE had exceeded its legal authority with court detentions, this comes far too late. And rather than legal victory, DHS's true accomplishment may be fear, confusion, and convincing people to "voluntarily" give up their rights under threat. Therefore, we describe both the confusion and fear as weaponized: it operates not in the realm of law and fairness but scaring or tricking people into non-compliance.

Master Calendar Hearings at San Diego Immigration Court

Image 1. San Diego Edward J. Schwartz Federal Building.



The San Diego Immigration Court is located downtown at 880 Front Street. It is a large red building which also houses offices for federal agencies like the IRS and ICE. On any given day, arriving visitors present identification and go through a metal detector before being directed to the fourth floor, where they check in at an office with large television screens displaying the court docket. The docket lists migrants' A# ("alien number") and the courtroom where they will have their hearing. During the observation period a guard would commonly walk respondents through the long hall to their destination, past masked ICE agents and Detention Officers (DO's) standing across from volunteers from immigration advocacy and faith organizations.

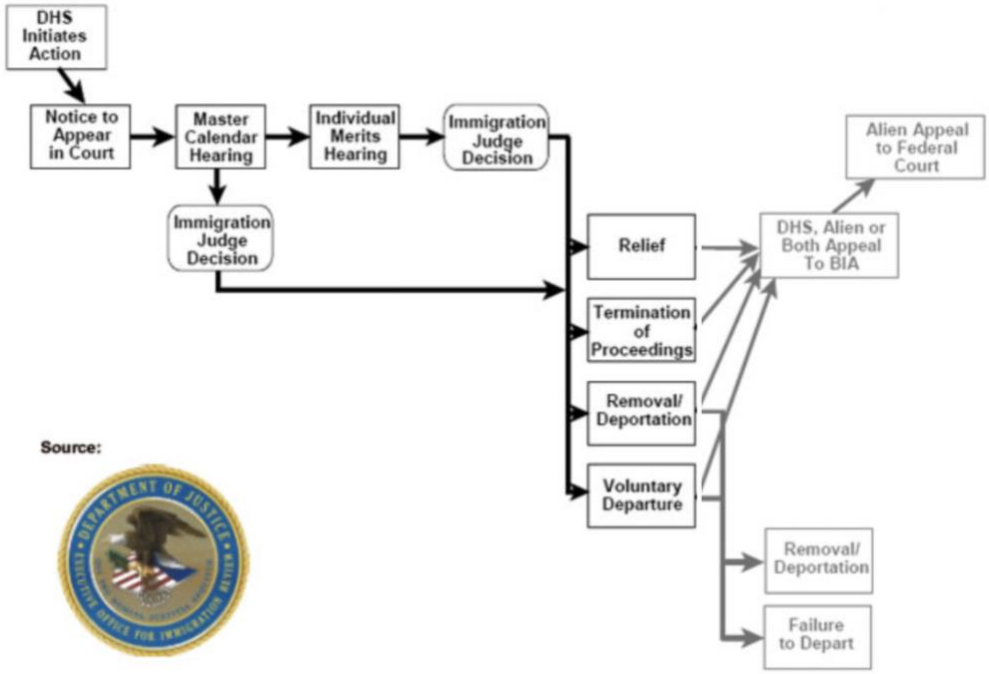
Most hearings would take place in the courtrooms on the fourth floor, and in a single courtroom on the first floor. Although the hallways, courtrooms, and the elevators are open to the public, other parts of the building were restricted and insulated from

public view and accountability. By 8:30 am courtrooms were often already full, with respondents, families, attorneys, volunteer observers, and the occasional journalist sitting in church-like wooden pews. A DHS attorney, the prosecutor who represents the government, would typically sit at a desk to the right, while to the left sits the respondent and attorney, if there is one. Generally, they begin with those who are represented by an attorney, only later turning to the pro-se (unrepresented) respondents. Unlike in criminal court, respondents are not guaranteed counsel, and many represent themselves despite inadequate translation or other barriers.

To better understand what is *supposed* to happen in a master calendar hearing, or what might have happened prior to May 2025, we next present a section of a DOJ flowchart. Migrants, whether they entered and began an asylum process recently or had been here for years, receive a Notice to Appear (NTA) in the mail that tells them when to come to court for a master calendar hearing. These initial master hearings are often used to review charges for removability, and request time to file for relief or find an attorney. They are also used to set the schedule for an eventual individual merits hearing, where the judge will make a final decision on their case.

We render some parts of the diagram opaque to focus attention on the initiation of action and then master calendar hearing to individual merits hearing components.

Figure 1. EIOR removal proceeding process.



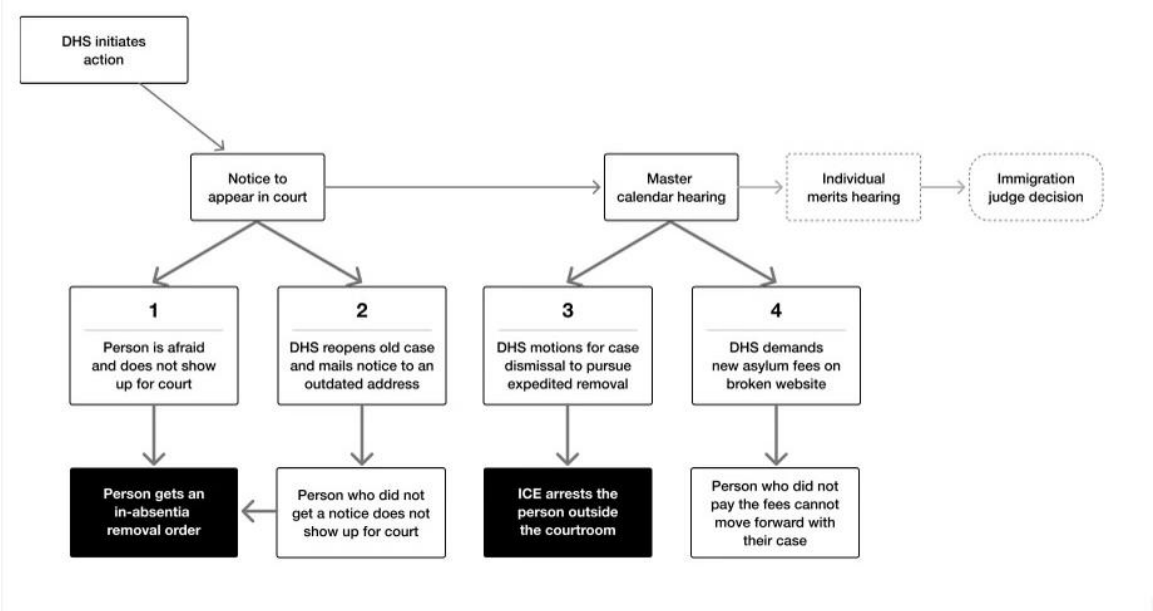
Source: Department of Justice, retrieved from Batara Immigration Law[4]

[4] Note that various legal references online describe this as a DOJ flowchart of the EOIR process, but it is not or is no longer on the DOJ website.

Attendance at master calendar hearings has always been critical, but it was often a waystation on the road to the more consequential individual merits hearing. The latter is where a person might present evidence to prove their eligibility for asylum or another legal immigration status.

Beginning in May 2025, however, the choice to attend or not attend a Master Calendar Hearing became a high stakes dilemma. The following is our update to the DOJ flowchart. It reveals four of the main new pathways that make the route to an individual merits hearing less feasible.

Figure 2. Observed removal proceeding process: fast track detention and deportation.



In the next section we use real examples to describe the courtroom trap (#1 and #3 in the flowchart). In the courthouse trap, non-citizens in immigration proceedings are at risk of unexpected detention if they come to court, but also risk of forfeiting their case if they do not.

The Courthouse Trap

Starting May 20, 2025, DHS attorneys began asking immigration judges to dismiss cases against noncitizens at their Master Calendar hearings. This confused many migrants and attorneys. In the past, dismissal had been a sign of *prosecutorial discretion* to ignore non-priority cases and conserve resources. This would generally allow people to continue their lives in the United States without immigration court proceedings.[5] In the

[5] See https://www.americanimmigrationcouncil.org/blog/ice-attorneys-case-dismissals-immigration-court-hearings-judges-grant/

new context, however, it introduced a technicality: now the noncitizen was not in any process at all, and ICE could detain them outside the courtroom and place them in *expedited removal* proceedings.

Expedited removal is a fast-track deportation process created by federal law in 1996, that allows immigration officials to quickly detain and deport or order certain noncitizens removed without a hearing before an immigration judge. Unlike regular removal proceedings, where a person can present a defense or seek relief, expedited removal is an administrative process controlled directly by immigration officers.[6] Historically, expedited removal was applied to people lacking proper entry documents or who sought entry using fraud or misrepresentation, and who were encountered at or near the land border within two weeks of their arrival, although it technically can be applied for up to two years after entry.

People subject to expedited removal are generally detained and deported quickly, often within a matter of hours or days. They typically have no access to a judge, limited ability to consult an attorney, and minimal time to gather evidence or prepare a case. A person can in theory ask for a Credible Fear Interview (an interview that screens whether a person has fear of persecution or torture if they return to their country), but it is often not granted in practice. An expedited removal order cannot normally be appealed through the usual immigration court or federal courts, leaving little recourse for the person being removed. Moreover, expedited removal carries a bar on reentering the United States for 5 years.

The following incident describes a real master calendar hearing where DHS requested a case dismissal for expedited removal. Although the judge offered the respondent and attorney a continuance, the man was still arrested.

'What Changed Circumstances?'[7]: Attempted Case Dismissal and Detention

A Vietnamese national informed the court that all evidence had been submitted. The DHS attorney moved to dismiss and requested expedited removal. The judge questioned the DHS attorney regarding what 'changed circumstances' justified the dismissal. The Vietnamese national's counsel asked for a 10- to 15-day continuance. The judge asked the DHS attorney whether DHS intended to detain the respondent once he and his attorney exited the courtroom, and DHS confirmed that it did. Regardless, the court ordered an in-person continuance for September 3 at 9:00 a.m. After the hearing concluded, ICE detained the respondent outside the courtroom, with the respondent's counsel accompanying him in the elevator.

[6] See https://www.justia.com/immigration/deportation-removal/orders-of-removal-in-absentia/
[7] We use double " marks for speech that was audio or video recorded, and use single ' to indicate quotations written down by volunteers in fieldnotes.

Note that DHS was operating with a legal argument to justify detention—namely, that case dismissal would allow ICE to place a person in expedited removal. Yet in the case of this Vietnamese man and in many cases observed, the judge disagreed with the dismissal and offered a continuance or time for appeal. In the end, ICE detained the person anyway, suggesting the flimsiness of the pretense to following the law or judges' authoritative guidance.

This leads to the second part of "The Courtroom Trap": if you fear showing up and risking detention, you may forfeit your case and be deported or ordered removed in your absence. Respondents are expected to show up to all court hearings. Presuming that they have been given proper notification through the mail, failure to show up typically results in a removal order *in-absentia,* or in their absence. This is a serious order that allows ICE officers to take a person into custody and deport them without them seeing a judge. It also makes the person ineligible for certain types of relief like cancellation of removal or the option of voluntary departure.

Many people expressed fear of coming to a courthouse that had hallways lined with ICE agents ready to detain them. This fear was heightened by reports that they might be sent to an infamous mega-prison in El Salvador or deported to countries which they had no connection to. At least some migrants explicitly stated fear or asked their attorneys to relay this to the court for sympathy, as in the following excerpt from a court observer's notes below. But this could have detrimental consequences, leading to a removal order back to the country they feared returning to.

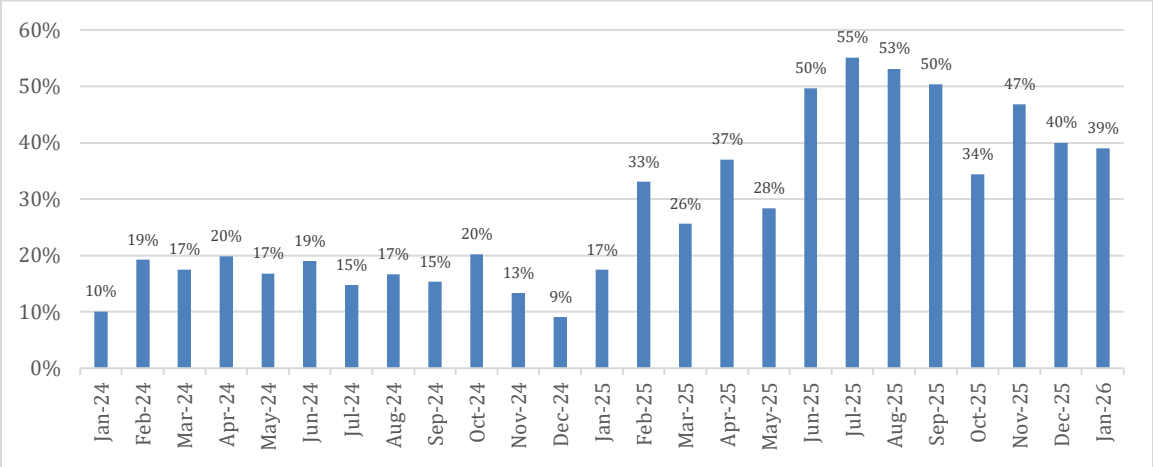
'He's too Scared': Fear of Arrest and In-Absentia Removal Orders

Respondent's Attorney: I tried to convince him [adult Haitian man], but he's too scared.
Judge: He knows about it [the court date], but claims fear to come to court? Why?
Respondent's Attorney: He's afraid he'll be detained.
Judge: Counsel, what would you like to do today?
Respondent's Attorney: This is my first time on the case, I'd ask for a reset to convince my client to come in.
Judge: What does the government think?
DHS Attorney: As established, he knows and chose not to come in. DHS moves to go forward *in absentia*.
[…]
Judge: The statute is very clear. He has notice, and removability established. Based on clear, convincing, and unequivocal evidence, I order removal to Haiti.

In this excerpt, the judge is in fact following the legal guidelines. Although volunteers observed various court actors expressing some degree of sympathy, "the statute is very clear", as this judge noted.

Soon volunteers began to observe court sessions where more than half of the respondents didn't show up to their hearings. The following graphs shows elevated in-absentia removal orders during the May 2025-January 2026 period.

Figure 3. Monthly percentage of in-absentia removal orders out of all case completions.



Source: EOIR data analyzed by mathematician Joseph Gunther.[8]

This spike in in-absentia removals mirrors larger trends in the country, which saw a nearly 40% increase in 2025 compared to 2024. Indeed, most such removal orders occur this way: out of 485,456 total removal orders issued in FY2025, around 306,500 (roughly 63%) were *in-absentia*.

On August 29th, a DC federal court decided in *Make the Road New York v. Noem* to pause the usage of expedited removal, which stopped detentions outside of the courtroom. Thus, the court hallway element of the trap ceased. Still, many migrants continued to miss court dates because of fear, leading to in-absentia removal even after the court decision.

Next, we consider pathways 2 and 4 of the flowchart: the weaponized confusion related to unpayable fees and unexpectedly re-opened cases.

Weaponized Confusion

Immigration proceedings are often confusing for everyday people, even those who are represented by attorneys. The rapid changes to policy under the second Trump Administration, however, has meant that even judges, DHS attorneys, and expert

[8] Gunther notes that some nonappearance may be due to court error in delivering notice or for other unknown reasons, so it should not be assumed that every *in absentia* removal orders stem from the fear analyzed here. That said, the spike across this time is indicative that the new enforcement efforts and courtroom trap were having an effect.

immigration attorneys are unsure of how things work. This confusion has also been weaponized against respondents, for even honest mistakes or blocked good faith efforts may lead them into non-compliance. We focus on two forms of weaponized confusion: new processing fees that nobody knows how to pay, and the reopening of old cases that many respondents legitimately do not learn about until it is too late.

With the passing of the One, Big, Beautiful Bill on July 4, 2025,[9] U.S. immigration agencies have introduced a new $100 annual fee for people with pending asylum applications. This fee did not exist before 2025. Asylum seekers with a case pending more than one year might be required to pay this fee. This includes an *Initial Application Fee* of $100 to file an asylum application (Form I-589). Before this change, asylum applications were free. Work permits now require an *Employment Authorization Fees* of $550, and renewing a work permit now costs typically $745–$795 depending on how you apply. Yet attorneys and respondents began complaining to the judges that the website for fee payment would not accept their money.

In the following incident, the immigration attorney, DHS attorney, and judge all state confusion about whether the fees are due or even payable.

'Am I Missing Something Here?': All Parties Confused About Fee Payment

A Mexican man in his 30s appears, represented by an attorney, with his wife and small kid sitting in the back. The judge notes an asylum application from July 2025 and asks the attorney if a fee is required. The attorney says, 'Honestly, I don't know how to pay it. I've asked colleagues and they don't know. Does the court have guidance?' The judge says 'no' and then turns to the DHS attorney, who also doesn't know what to do. The judge asks him, 'Does it need a payment?' The DHS responds, 'I leave that up to counsel' [the respondent's attorney].

The judge states, 'I'm resetting time for the process to work itself out.' He says he thinks he doesn't have jurisdiction until the fee is paid and wants to give time for them to gather documents, and for proof of fee payment, and the attorney seems incredulous. He asks, 'Am I missing something here?' The judge acknowledges that many others are having this problem, and he has not yet seen proof of fee payment from anyone.

Because the system for paying these new fees was still being implemented, some people worried their cases might be even rejected. In this case and others, the judge reset rather than hold the respondent and attorney responsible for failure to pay, but this potentially delays a person's asylum case indefinitely. However, on October 30, 2025 a federal judge temporarily paused the fee.[10]

[9] See Title X. Committee on the Judiciary, Subtitle A. Immigration and Law Enforcement Matters, Part I.

[10] Seehttps://asaptogether.org/media/32MIpbnKlPSgLRgmE6ALgr/2025.10.30_ASAP_v._USCIS_Memorandum_Opinion.pdf

The next form of weaponized confusion is re-calendaring of old cases where many respondents appeared not to know they had new hearings. Starting in early July 2025, the court observers began to see the re-opening of old cases that had been administratively closed years ago—in some cases, as much as 20 years before. These respondents had been living with the assumption that their case had been de-prioritized, and they had not been in contact with the court in years. Judges expressed frustration and at times questioned DHS attorneys as to why some of these de-prioritized cases were being re-opened. But what is of most consequence for respondents is that many of them had moved address, or their attorneys (to whom the letter might be delivered) had moved, retired, or passed away. In the following case, an attorney was in court to assist one client, and then learned that another client she represented had court that day.

'It Was Sent to My Old Address': Risk of In-Absentia Removal due to Mail Delivery

The judge asks the attorney about the respondent, who hasn't come. The respondent's attorney happened to be here for another case, she explains, and says she didn't know and so didn't inform the client. This was a very old case. The judge says the court indeed received return mail. The attorney says it was sent to her old address, which she thought she'd changed. The judge asks what she wants to do, and she says she thinks it should be put back in administrative closure.

The judge asks, "Do you not have a duty to update your address for the court?' The DHS attorney then says they will agree to a continuance, but not to an administrative closure, because it was sent to an on-file address properly. The judge says, 'I'm not inclined to administratively close, and the motion is denied. I see good cause for a continuance though.'

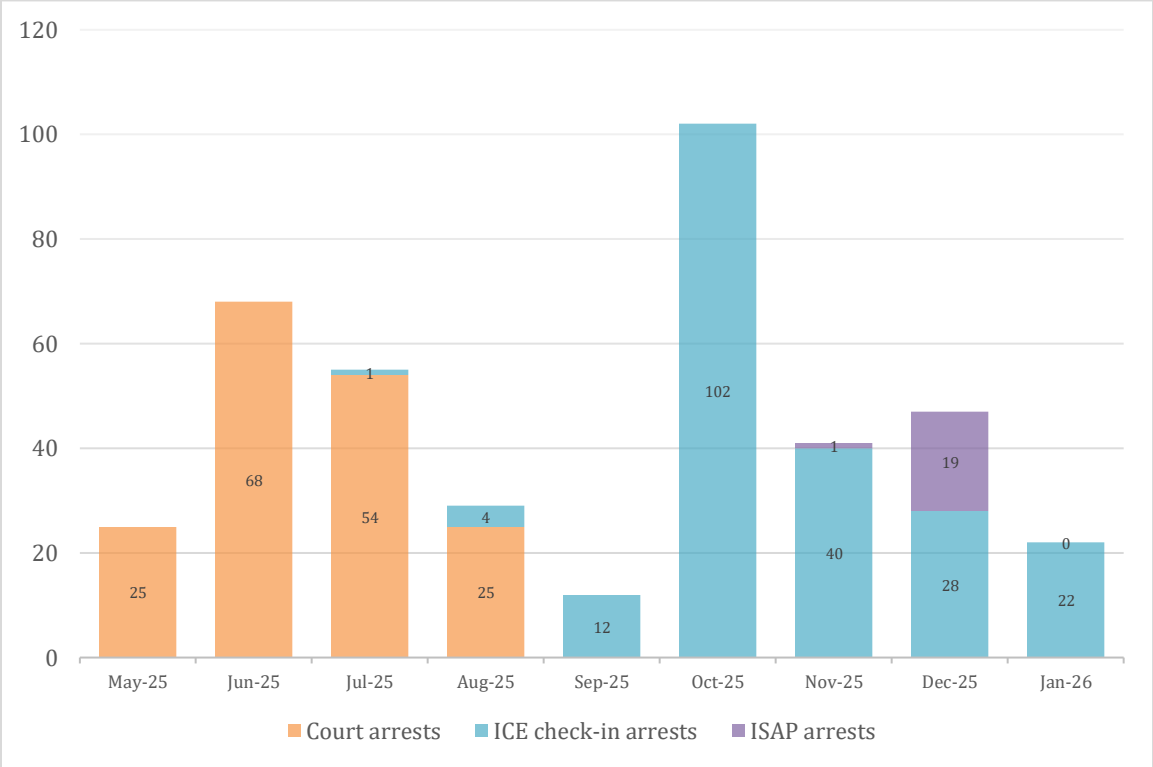
Because the attorney happened to show up and learn about the case, she could clarify that the letter had not been delivered. Thus, her client was able to get another chance to appear at court, but most respondents are not so fortunate. The in-absentia removals tied to confusion around case reopening are likely still happening.

Now we turn to what was taking place outside of the courtroom, including the detentions that created a media firestorm.

Witnessing and Documenting Detentions

Between May 23, 2025, and January 31, 2026, volunteers documented 401 total arrests: 172 court arrests, at 209 ICE check in, and 20 arrests at the Intensive Supervision Appearance Program (ISAP). ISAP where people receive surveillance technology like ankle monitors. Note that this data does not include arrests at United States Citizenship and Immigration Services (USCIS), ICE raids, or other settings like workplaces or residences.

Figure 4. Total documented arrests from May 2025 to January 2026.



Source: Detention Resistance and volunteers who documented detentions at San Diego Edward J. Schwartz Federal Building and ISAP office.

Readers may have seen or heard about such arrests on news or social media, but we also offer behind-the-scenes examples. First, we see how agents speak to attorneys and their clients, communicating not hatred so much as indifference to migrants. Second, we consider how community members bear witness and contest the morality of what is taking place. And third, we reveal how volunteers supported migrants when they knew detention was forthcoming.

In the following incident, an agent declares he will take at least one of an attorney's three clients but puts it on her to choose which one. The video is available on the Detention Resistance Instagram, with attorney and client faces blurred for privacy.[1]

Image 2. Filming Arrests at the Federal Building Elevator.

"I'll Take One, or I'll Take All": Agent Dehumanization of Migrants

An attorney stands next to her three clients in the hallway, explaining to a masked ICE agent that the wife in the couple has a health condition. The judge has given them 30 days "to respond to the motion to expedite removal" and the attorney states she hopes to do so. The agent responds that he understands, but "even with the court continuance" he will still make his arrest. Although there for everybody, the agent says, he only needs one. He tells the attorney, "I'm not picky. I'm giving you the option because I have to take one. If not, I'll take all." The attorney asks for clarification, "What would be the option?'" The agent chuckles and says, "I'll take one, or I'll take all."

The calm tone of the exchange belies the seriousness of the situation. Here the agent states that despite the judge's ordering a continuance, he will make his arrest. While he does not seem driven by animus—indeed, he is "not picky"— his statements dehumanize by treating migrants as interchangeable. Furthermore, this interchangeability contradicts the government's claim to specifically be targeting bad actors.

Allowing the attorney to select who will be detained might appear generous to some, but it soon becomes a threat and display of power. If she does not select one person for arrest, he says, he will detain everyone. What the agent treats with a shrug and laugh is a profound and difficult "*Sophie's Choice*"[11] for the attorney and her clients. Both loved ones and observers, on the other hand, made expressions of support that explicitly brought the moral stakes of such situations to the forefront.

[11] In the book and film "Sophie's Choice," a mother must choose one of her two children to save from a concentration camp or lose both.

In the following incident, a man is detained by ICE, handcuffed, and taken to the elevator that will bring him down to the basement holding area, while a family member and bystander highlight the injustice and man's humanity for all to hear.

'This is Not Right': Moral Claims of Family and Observers

A migrant is in handcuffs with his arms placed in front of him. The ICE agent takes him around the corner to the elevator and the man continues to look behind him slowing down. A woman is heard saying 'Babe! I love you' as she appears from around the corner. The woman quickly runs up and kisses the man in handcuffs. A person is overheard saying, 'This is not right. You are not a criminal.' The woman stays outside of the elevator and reaches her hand out as he goes into the elevator. She takes a step forward and says 'You're such a good person. You're so strong. You're so loving. You're so kind.'

Here the loved one and the bystander reframe the arrest not only for the respondent, but also the agents. Despite the handcuffs, they assert he is 'a good person' who does not deserve to be treated this way. In this way, observing detentions to document any possible due process violations also becomes a moral act of bearing witness and contesting the state's definition of the situation.

Filming and audio recording were not allowed in the courtroom or court waiting room, but volunteers' fieldnotes and messages allow us to report on what happened behind closed doors. In the following case, volunteers assisted a respondent who had asked for accompaniment. The following incident occurred after the court hearing, when it became clear the man would likely be detained. This specific courtroom has its own closed-door waiting room, so it allows the respondent a private opportunity to confer with volunteers before the detention in the hallway.

'Write It on Your Arm': Volunteers Help Migrants Prepare for Detention

The volunteers give the respondent, a Mexican man, a sharpie pen to write a family phone number and the contact information for an advocacy organization contact. They tell him to write it on his arm so he can call them from the detention center. They also tell him what they know about the process and call his wife, who is waiting around the corner with the grandchildren. ICE has been told by the court not to enter this area, but a masked agent enters and tells the respondent that 'everything is ok.' A volunteer says no, it's not ok, as the man was complying and ready to go, and ICE didn't need to barge in and interrupt his chance to talk with his family. The agent walks the respondent out, and once in the hall, other volunteers begin filming the detention. An observer calls out that the respondent is a father—how would the agents feel if they were separated from their families?

We observe volunteers moving beyond the moral observer role to the practical support of migrants before a detention. Although they cannot prevent the arrest, they assist him in his moment of confusion, contact his family, and prepare him as best they can. Other volunteers then attempt to push or shame the agents into empathy.

Yet many other detentions were carried out quietly. ICE agents quickly ushered people into an elevator before anyone could object and took them down to the basement holding area. It was common for volunteers to note down a few details about agent clothing, when handcuffs were or were not used, and any variation in detention practices.

ICE Check-In, Surveillance, and Obstruction of Accompaniment

Beginning in late August 2025, volunteers began seeing agents approach people outside the courtroom and issue call-in letters to go to the ICE office on the second floor. Later these call-in letters were mailed. On the second floor, some people were quietly detained at their ICE check-in. Others were instructed to go to the ISAP office and become subject to electronic surveillance through an ankle monitor or a GPS-tracking cell phone app. In total, the volunteers documented 229 detentions at ICE-check-ins and the ISAP appointments. As the detentions outside the courtrooms slowed in the late summer, ICE-Check ins became the primary place of arrest.

Many migrants with longer case histories were unprepared and shocked because they had been going to routine ICE check-in for years. Some were accustomed to using the automated "Compliance Assisted Reporting Terminals" (CART) machine outside the office, which allowed routine updates, document scanning, and receiving a receipt of compliance without speaking to agents. But during the observation period they were told the CART machine was not working and all were directed for in-person check-ins. Volunteers observed some migrants become fearful when they learned they could no longer use CART. And unlike court hearings where people did their best to bring legal counsel, even migrants with attorneys assumed they would at most have a short interview, and thus most attended the ICE check-ins alone.

Image 3. CART Machine for ICE Check-ins "Down/Closed"

This rendered people particularly vulnerable. In contrast to the courtrooms, where there is a public right to observation, the ICE office is private and shielded from view. Thus, volunteers were unable to document or accompany migrants into these closed-door appointments, even when migrants asked for this assistance. Instead, Detention Resistance volunteers stood at the elevators, ready to film in case an arrested person was taken from the ICE office to the basement, and FAITH volunteers stood praying in the hallways, or softly singing songs like "Amazing Grace." The volunteers filmed ICE agents rapidly taking people into the elevator, but generally had difficulty accessing background information. Thus, although more than half of the arrests took place at ICE check-ins, we know far less about the ostensible legal basis of each detention than during the courtroom arrest period.

Volunteers also observed immigrants being enrolled in the Intensive Supervision Appearance Program (ISAP), which is a federal program used by ICE to supervise individuals released from immigration detention while their cases are pending or after they receive a release order. It is part of ICE's "Alternatives to Detention" framework[12] which aims to monitor compliance with immigration requirements outside of detention. Respondents are surveilled through an ankle-monitor or a wristwatch that tracks their location. Advocates and lawyers doing similar work across the country have informed us that this use of ISAP in response to *Make the Road NYC* is uncommon, and seemingly a San Diego innovation. Volunteers and activists speculate it may be used to arrest people later or is a money-making scheme for the private companies conducting the surveillance, but the precise reasoning and consequences remain to be seen.

In the following, a volunteer recounts the religious accompaniment that FAITH offers to a terrified man at ISAP.

> *A man entered the waiting room and sat two rows ahead of us. Visibly shaking, the man sat and crossed himself. Noticing this religious sign, I asked if he wanted us to pray with him, which he immediately accepted. My fellow volunteer took out his Rosary. I asked the man his name and initiated the prayer in Spanish by offering it for his calm and safety. I did not remember the Rosary Mysteries, but my companion brought up the Rosary of Migration. We had only completed a decade and a half when the man was called to go past the door. And we left.*
>
> *Later, the man came to the plaza in front of the courthouse building to report that everything had gone well and to say: 'Thank you for praying for us.'*

This observation highlights the fear people can feel, even when they're told they are being placed under surveillance rather than arrested. Arrests were still possible, and some reported that the unknown created great anxiety. They also relayed gratitude for the mutual accompaniment.

[12] https://www.ice.gov/features/atd

Outside of ISAP, however, people still live under surveillance and deal with the impact of the ankle-monitor itself. As one Venezuelan man under monitoring said, it had led to stigma and mistreatment. When he was in the hospital, he believed the nurses viewed him like a dangerous criminal, despite him having no record. An employer told him they couldn't have workers with ankle monitors, as it would scare their customers. And he struggled to rent a room, as some landlords or subletters feared the surveillance his presence would bring upon other migrants in the household. Together, he said, this would make a person more likely to self-deport or give up their case.

The government has also attempted to deter public access to court hearings and the federal building by increasingly restricting volunteers. According to the EOIR's Fact Sheet dated February 2026, "Immigration court hearings are generally open to the public with limited exceptions, as specified by law." Yet court observations and accompaniment efforts have not been welcomed in the building. At its most aggressive, ICE accused a 71 year old Detention Resistance volunteer of shoving an agent, detained her, and held her in a room for eight hours. Witnesses contested ICE's accusation. But more generally, ICE and Federal Protective Service (FPS) officers staffing the building have set up roadblocks or invoked new rules to obstruct community oversight.

Volunteers reported being photographed by agents or pressed for identification beyond the standard ID needed to enter the building. These intimidation tactics not only create an environment of fear but have also been explicitly used by ICE agents to threaten volunteers with targeted surveillance and inclusion in a "database" of activists being monitored. ICE's bad faith identification requirements went further as a tactic to circumvent legal counsel. For instance, when ICE tried to arrest a man before his hearing, his attorney challenged it, and the agent asked the attorney to show his bar card. A bar card is not a requirement to be in the building or to represent someone before a judge. Yet, the ICE agent used his authority and discretion to hamper the normal routines of legal representation.

Over time, volunteers have been unexpectedly shut out of court rooms, ICE check-ins, hallways, and even public spaces outside the federal building. By closing access to these spaces, building workers and ICE agents block the public and its legal right to document abuses of authority and violations of the law. In November 2025, DHS endowed FPS with broader discretional power to issue new rules and criminalize people who do not comply. Then, signs titled "Notice Security Directive No Loitering" appeared in the Courthouse building.

Image 4. New Directives Against "Loitering"

In February 2026, at least 6 volunteers were harassed by building personnel alleging their documentation or religious accompaniment activities constituted loitering. When the volunteers contested this framing of their actions, they were briefly detained, put against the wall, then issued citations with vague charges such as "failure to comply w/official signs of prohibitory, regulatory, and directory nature + w/lawful direction and security personnel" (sic). These citations included a fine and a note stating that a notice to appear in court would be notified by mail.

Although some volunteers vowed to continue to monitor the hallways and accompany migrants, others expressed that they would rethink their presence due to these intimidation tactics. This has compromised the volunteers' capacity to document what is happening in the courtrooms and hallways of the federal building. For this reason, we have only presented data through January 2026.

Conclusion

Critics of US immigration policy and practice have long noted "rogue" enforcement behavior in border zones, private prisons, or on the streets. What makes the detentions at the courthouse and federal building remarkable is that this rogue behavior takes place in the very settings that are supposed to guarantee order and due process. Going beyond the numbers, we have illustrated the precise ways that fairness and rule of law were subverted by catch 22s and the weaponization of confusion.

Mass detention and deportation have been justified by the idea that authorities are apprehending "criminal aliens." Yet the fact that DHS and ICE focused their attention on people who were complying with their legal cases, or reviving cases against those who had been living here without incident, contradicts the idea of finding the "worst of the worst." Instead, it speaks to the administration's demand for high numbers of apprehensions and spectacle. We note this not to accept the government's rhetoric demonizing people with criminal records, but to show it is operating in bad faith.

Daily accompaniment has yielded some small wins, as when 12 clergy visited the federal immigration court and ICE agents temporarily appeared chastened. In other cases, volunteers have assisted families in navigating a relative's detention, or collaborated with attorneys to get individual migrants out on bond or *habeus corpus writs*. And the volunteers' documentation of detentions and court procedure may still prove consequential in future legal challenges.

In November 2025, the Center for Immigration Law and Policy at UCLA and the Center for Human Rights and Constitutional Law filed a class action lawsuit. It challenges the re-detentions at ICE check-ins or other ICE appointments of people whom DHS had previously released from custody and who were still in ongoing removal proceedings at the time of re-detention. The named plaintiffs in that case were released on a court order in December 2025, but motions for class certification and class-wide

preliminary relief are pending and are scheduled for argument on May 12, 2026.[13] The legal team is, in part, using observations and data collected by Detention Resistance volunteers to pursue this action.

As previously noted, higher courts have paused some of the Trump Administration's recent practices, and some people who have been detained have filed *habeas corpus writs* and been released. Furthermore, in a surprise announcement on March 26, 2026, the DOJ acknowledged that ICE's legal justification for courthouse arrests was built on erroneous information.[14] Although it is heartening that some authorities agree the basis of detention was legally dubious, this comes far too late. Volunteers have observed ICE agents simply pivot to new tactics for detention. Many people remain detained, and their lives have been upended. In addition to the vast economic and legal effort required to challenge these detentions, the psychological trauma and material losses —including lost jobs and housing arrangements— have gravely harmed families and communities.

For other migrants who were scared away from court and received in-absentia removals, the real "success" for the Trump Administration was forcing people into deportability. We don't know what percentage of people avoided court because of weaponized confusion and fear, but the nearly 40% increase in in absentia removals between FY2024 and FY2025 suggests these changes have been "effective" from the government's perspective. Whatever victories come later, much of the injustice cannot be undone, and it will have more broadly damaged trust in the legal system.

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[14] See https://www.npr.org/2026/03/26/nx-s1-5762691/doj-admits-ice-courthouse-arrests-relied-on-erroneous-information

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