

ICWC v. NOEM

Protecting Immigrant Survivors of Domestic Violence, Trafficking, & Other Crimes



The class action lawsuit, *Immigration Center for Women and Children et. al. v. Noem et. al. (ICWC v. Noem)*, challenges U.S. Immigration and Customs Enforcement ("ICE") policy guidance issued in early 2025, which allowed, for the first time in decades, the arrest, detention, and deportation of immigrant survivors as a routine matter. The lawsuit also challenges two unlawful practices that ICE implemented pursuant to this guidance:

- First, ICE's detention and deportation of noncitizen survivors of human trafficking and serious crime who were lawfully in the U.S. pursuant to a grant of "deferred action" – treating its enforcement actions as a de facto revocation of deferred action status without prior notice or an opportunity to be heard.
- Second, ICE's deportation of survivors of trafficking and serious crime who had pending petitions for the U and T visas – visas which Congress created specifically to protect survivors from deportation – without first conducting a statutorily mandated inquiry into whether they are *prima facie* eligible for those visas.

On May 20, 2026, the Court issued a preliminary relief order staying the 2025 Guidance and the challenged practices implemented pursuant to it.

Litigation Details

Case Details

Title: *ICWC v. Noem*

Filing Date: October 14, 2025

Case Type: National Class Action

Court: U.S. District Court, C.D. Cal.

Docket #: 2:25-cv-09848

Co-Counsel & Plaintiffs

Counsel: Center for Human Rights and Constitutional Law (CHRCL), Public Counsel, The Coalition for Humane Immigrant Rights (CHIRLA), & La Raza Centro Legal (LRCL),

Individual Plaintiffs: Several immigrant survivors with pending U visa, T visa, or VAWA petitions

Organizational Plaintiffs: Immigration Center for Women and Children (ICWC), California Collaborative for Immigrant Justice (CCIJ), LRCL, & CHIRLA

Issue

Whether ICE's practice of arresting, detaining, and deporting immigrant survivors of domestic abuse, human trafficking, and other serious crimes who have authorization to remain in the U.S. through a grant of deferred action, or who have pending petitions for U or T visas, violates immigration laws, the Administrative Procedures Act, and the due process rights of these survivors.

"They said that if I didn't go on my own, they would hunt me down and find me, and that I would be separated from my daughters, detained, and deported..."

Yessenia Ruano, trafficking survivor

ICWC v. NOEM

Protecting Immigrant
Survivors of Domestic Violence,
Trafficking, & Other Crimes



Preliminarily Certified Classes

Pending Petition Class

Challenges ICE's 2025 Policy Guidance that authorizes the routine detention and removal of U/T/VAWA petitioners.

All individuals with pending principal or derivative U visa petitions, T visa petitions, or VAWA self-petitions who ICE detains or seeks to detain for civil immigration enforcement

Deferred Action Class

Challenges ICE's policy of ignoring and unilaterally revoking deferred action conferred by USCIS based on a pending U or T visa.

All individuals to whom USCIS has granted deferred action based on a pending U or T visa petition and who, during the authorized period of deferred action, ICE detains, seeks to detain, or removed without providing notice and an opportunity to be heard regarding potential revocation of their deferred action status

Stay of Removal Class

Challenges ICE's policy of refusing to conduct or seek prima facie determinations for U or T petitioners who request stays of removal.

All individuals with a pending U or T visa petition who, since January 30, 2025, have been, are, or will be detained by ICE and who request or requested a stay of final removal order prior to enforcement of that removal order.

Practice Note

Individuals are automatically members of these classes if they meet the definition and they may be members of more than one class

ICWC v. NOEM

Protecting Immigrant
Survivors of Domestic Violence,
Trafficking, & Other Crimes



Preliminary Relief Order

Issued: May 20, 2026

- Pursuant to 5 U.S.C. § 705, the Court hereby **STAYS** the 2025 Guidance, including its rescission of prior policies. This stay applies in favor of All Individual Plaintiffs, the current and future clients of the Organizational Plaintiffs, and the members of all three Classes.
 - **Class Counsel Note:** *Reinstates 2021 ICE Directive 11005.3 & 2011 ICE Policy Statement 10076.1 that generally protected against detention & deportation*
- Pursuant to 5 U.S.C. § 705, the Court hereby **STAYS** the De Facto Revocation Policy, under which ICE does not honor grants of deferred action conferred by USCIS to individuals with pending petitions for U or T visas. This stay applies in favor of [named plaintiffs], the current and future clients of the Organizational Plaintiffs, and the members of the Deferred Action Class.
- Pursuant to 5 U.S.C. § 705, the Court hereby **STAYS** the Blind Removal Policy. This stay applies in favor of All Individual Plaintiffs, the current and future clients of the Organizational Plaintiffs, and the members of the Stay of Removal Class.
- Defendants [DHS] are preliminarily **ENJOINED** from preventing the re-entry of [named plaintiffs] to the United States in the same immigration status they had prior to their forced expulsion from the United States, and are further **ENJOINED** from removing [named plaintiffs] without a prima facie determination regarding their eligibility regarding the visas for which they applied.

Currently on Appeal to the Ninth Circuit

****District Court has denied the government's request to stay its May 20 Order pending appeal****

ICWC v. NOEM

Protecting Immigrant
Survivors of Domestic Violence,
Trafficking, & Other Crimes



Practice Advisory & Toolkit

Because the Court chose to “stay” policies rather than issue a classwide injunction, practitioners may need to enforce class members’ rights in the context of their clients’ individual cases. Class Counsel and the Organizational Plaintiffs have prepared the below practice advisory and toolkit to assist in this.

ICWC v. Noem Practice Advisory & Toolkit

- **Template Requests for Prosecutorial Discretion**
 - [Request for Petitioners with Deferred Action](#)
 - [Request for Petitioners without Deferred Action](#)
- **[Template Request for Stay of Removal](#)**
- **Template ICE Check-In Letters**
 - [Letter for Petitioners with Deferred Action](#)
 - [Letter for Petitioners without Deferred Action](#)
- **[Template Request for Release from ICE Custody](#)**
- **Habeas Petition Templates**
 - [Habeas Template for U Visa Petitioners with Deferred Action](#)
 - [Habeas Template for T Visa Petitioners with Deferred Action](#)

If you have questions about these materials or if the government raises issues not contemplated by these materials please reach out to the ICWC v. Noem litigation team at ICWC_ClassCounsel@centerforhumanrights.org.