UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

U.H.A., **K.A**, **H.D.**, **D. Doe**, **M. Doe**, on behalf of themselves and others similarly situated, *and* **THE ADVOCATES FOR HUMAN RIGHTS,**

Plaintiff-Petitioner and Plaintiffs,

v.

PAMELA BONDI, in her official capacity as Attorney General of the United States;
KRISTI NOEM, in her capacity as Secretary of the United States Department of Homeland Security;
TODD M. LYONS, in his official capacity as Acting Director of the United States Immigration and Customs Enforcement;
DAVID EASTERWOOD in his official capacity as Acting Director, St. Paul Field Office, U.S. Immigration and Customs Enforcement; *and*
JOSEPH B. EDLOW, in his official capacity as Director, U.S. Citizenship and Immigration Services,

Defendants-Respondents.

Case No. 0:26-cv-417-JRT-DLM

CLASS ACTION COMPLAINT & AMENDED PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. On Friday, January 9, 2026, the Department of Homeland Security (DHS) announced that it would be targeting for investigation up to 5,600 lawfully admitted refugees residing in Minnesota. On or around that date, DHS agents began banging on doors, following cars, and appearing at workplaces and schools of hundreds of lawfully present refugees through a campaign called "Operation Post-Admission Refugee Reverification and Integrity Strengthening" ("Operation PARRIS"). For two weeks, refugees in Minnesota have been subject to an official policy of warrantless and often violent seizures by DHS agents, and their family members and neighbors who have not yet been seized have been living in a state of pervasive fear.

2. The appearance of DHS officers is the beginning of a terrifying ordeal: Without warrants, agents have arrested more than one hundred refugees, including minor children. They have held some in detention facilities in Minnesota and flown many others to detention centers thousands of miles away in Texas. In these crowded facilities, refugees have limited or no contact with family members or counsel, and many have been subject to custodial interrogations about sensitive details concerning refugee applications they submitted years ago, typically without access to their own documents or opportunity to contact an attorney. At no point are these refugees told the reasons for their arrest or the purpose of the interrogations. Following the interrogations and days of detention, some refugees have been released into public spaces in Texas with no means of returning home

to Minnesota, in many cases without identification, phones, or money. Others remain imprisoned without any ongoing proceedings or stated reasons for their ongoing detention.

3. Operation PARRIS has set its sights on refugees who entered the United States lawfully and continue to be present lawfully but have not yet adjusted their status to lawful permanent resident ("LPR") (often referred to as "green card" status). They have not been charged with crimes or with any violations of immigration statutes that would subject them to removal proceedings. No statute authorizes these warrantless arrests, and ICE's own guidance states that there is no authority to detain refugees merely because they have not yet adjusted their status. Indeed, significant numbers of targeted refugees have already applied for adjustment of status, but United States Citizenship and Immigration Services ("USCIS") has refused to adjudicate their applications.

4. As recent memoranda from DHS and USCIS officials have made clear, the endgame of Operation PARRIS—and likely many other operations to come—is to use these baseless detentions and coercive interviews as fishing expeditions to trigger a mass termination of refugee status and/or to render refugees vulnerable to removal. This goal represents an egregious and unlawful betrayal of the promise made to refugees, pursuant to the Refugee Act of 1980 to offer safety, stability, and a path to a safe home.

5. The launch of Operation PARRIS comes in the wake of a year of the Trump Administration's devastating policy attacks on the United States Refugee Admissions Program as well as a consistent stream of racialized smears of refugees and immigrants from majority Black countries, majority Muslim countries, and Latin America. On his first

day in office, President Trump issued Executive Order 14163, barring the entry of all refugees, and in the months since has ordered entry bans for nationals of 39 countries in Africa, Asia, Latin America, and the Middle East. He has promised to "permanently pause migration from all Third World countries." The Somali community in Minnesota—many of whom originally came to the United States as refugees—has been singled out for particularly blatant attacks, with the President referring to them as "garbage."[1]

6. Operation PARRIS' policy of warrantless arrest, unauthorized detention, and coercive interrogation of refugees ("the Refugee Detention Policy") is unlawful. It flouts fundamental due process principles requiring an individualized determination of flight risk and danger to the community prior to detention, the Fourth Amendment's prohibition on warrantless seizure, and the Fifth Amendment's guarantees of Due Process and Equal Protection. The policy also cannot be reconciled with limitations on Defendants' statutory authority to arrest and detain noncitizens in lawful status without individualized suspicion that they have violated immigration laws and individualized findings that their detention is necessary based on flight risk and dangerousness concerns.

7. The Refugee Detention Policy also upends, without warning, Defendants' longstanding policy against arresting and detaining refugees awaiting adjudication of their green card applications. In suddenly changing course, DHS ignores that it has disavowed the legality of such a policy.

[1] Rachel Leingang, *Trump calls Somali immigrants 'garbage' as US reportedly targets Minnesota community*, THE GUARDIAN (Dec. 2, 2025), https://www.theguardian.com/us-news/2025/dec/02/trump-somali-immigrants-minnesota.

8. The Refugee Detention Policy is therefore contrary to law, arbitrary and capricious, and in disregard of statutorily required procedures in violation of the Administrative Procedure Act as well as the Fourth and Fifth Amendments.

9. Petitioner-Plaintiff U.H.A. and Plaintiffs K.A., H.D., D. Doe, and M. Doe, (together, "Named Plaintiffs") were lawfully admitted to the United States through the U.S. Refugee Admissions Program ("USRAP"), after undergoing painstaking vetting processes and waiting years for safe resettlement. They are not subject to any ground of removability under the Immigration and Nationality Act ("INA") and have never been deemed a danger or a flight risk, factors required to hold noncitizens in immigration detention. Yet they have been detained or are at imminent risk of detention because DHS has arbitrarily determined, without any rational basis or legal authority, to intimidate and terrorize the refugees of Minnesota who were admitted during the Biden Administration.

10. Plaintiff Advocates for Human Rights is a 501(c)(3) non-profit legal services organization with offices in Minneapolis, Minnesota who has devoted the last several weeks to responding to Operation PARRIS, including by developing a legal response, supporting detained refugee families, and representing detained refugees in habeas petitions.

11. Named Plaintiffs seek to represent a class of similarly situated refugees to set aside, enjoin and declare unlawful DHS's illegal, discriminatory, and cruel practice of warrantless arrest, unauthorized detention, and coercive interrogation. The class includes all refugees residing in the state of Minnesota who have not yet adjusted status and have

not been charged with any ground for removal under the INA. Like the majority of the Class, Named Plaintiffs are from countries in Africa, Asia, and Latin America.

12. Petitioner-Plaintiff U.H.A. also seeks his immediate release, to prevent his re-detention, and to represent a subclass of similarly situated refugees. The Subclass includes all members of the Class who are detained by ICE in Minnesota or who have been released from DHS custody and are at risk of re-detention.

13. Named Plaintiffs, the Class, the Detained Subclass, and Advocates for Human Rights ask the Court to enjoin, declare unlawful, and set aside the Refugee Detention Policy of warrantless arrest, unauthorized detention, and coercive interrogation because it violates the Fourth and Fifth Amendments of the United States Constitution, the Immigration and Nationality Act, and the Administrative Procedure Act.

14. Plaintiff-Petitioner and the Detained Subclass further ask the Court to exercise its habeas authority and to enjoin Defendants from detaining them, re-detaining them, transferring them out of district, and removing them without lawful basis in violation of the INA, the Fourth Amendment, and the Fifth Amendment.

PARTIES

Plaintiffs

15. Petitioner-Plaintiff U.H.A. has lived in the United States since 2024, when he was admitted to the United States as a refugee. He is a young adult who resides with his parents and siblings in Minnesota. He is lawfully present in the United States, has never been charged with or convicted of a crime, and has never been placed in removal

proceedings. Nonetheless, while he was driving to work on January 18, 2026, DHS officers stopped him without justification, ordered him out of his car, handcuffed him, and detained him. DHS officers did not present a warrant, nor did they ask him any questions about his family, community ties, employment, or other factors related to his likelihood of flight risk. He is currently detained by ICE in Minnesota and fears re-detention even if he is released.

16. Plaintiff K.A. is U.H.A.'s younger brother and has also lived in the United States since 2024, when he was admitted to the United States as a refugee. He is a young adult who resides with his parents and siblings in Minnesota. On January 17, 2026, his older brother U.H.A. left for work, with K. A. following close behind. While on the road, he saw that his brother's car had been stopped by a law enforcement vehicle and that his brother was being handcuffed. He drove to work and tried to call his brother to no avail. Although he has never been charged with or convicted of a crime, nor been placed in removal proceedings, he fears that he will be arrested next. He has not returned home to sleep for fear that ICE agents will arrest and detain him. Nor has he ventured out to attend his college classes or to buy groceries, for fear that ICE agents will follow him in his car and subject him to arrest and detention.

17. Plaintiff H.D. has lived in the United States with her family since 2024, when they were admitted to the United States as refugees. She and her family reside in Minnesota, and she submitted her application to become a lawful permanent resident in 2025. At midday on Thursday, January 15, while H.D. was not home, her sister heard a harsh knocking at the door of the family apartment. H.D.'s sister believed that the person

knocking was accompanied by DHS officers, and she did not open the door. ICE officers returned twice over the course of two days, but did not gain access. On January 18, a letter arrived for H.D., directing her to appear at ICE offices for an appointment. Hearing from friends and community advocates that others were getting arrested when they appeared for these appointments, H.D. asked a friend to appear on her behalf and ask to reschedule for the purpose of finding legal counsel. The ICE officers present rejected this request, and on Thursday, January 22, a lawyer representing H.D. went back to the ICE offices, again to try to reschedule. ICE officers refused to talk to the attorneys. H.D. is terrified that ICE will come after her or her family members and subject them to abrupt arrests and detention in Texas. She and her family have been afraid to leave their home.

18. Plaintiff D. Doe has lived in the United States with his wife and son since 2024, when he was admitted to the United States as a refugee. He lives in Minnesota. On January 11, at about noon, he was home with his family when a man in plain clothes knocked at the door. When D. Doe went to the door, the man said he had hit D. Doe's car. But the man did not accurately describe D. Doe's car, and D. Doe told the man he was mistaken. The man returned a few minutes later, this time describing the correct car. When D. Doe went outside to look, he was surrounded by armed men, who handcuffed him as his wife ran outside with his documents. No one showed a warrant. D. Doe was taken to a detention facility in Minnesota, and then flown in shackles to detention in Texas, where he was interrogated about his refugee application. On Saturday, January 17, along with several

others, he was released without his documents onto the streets outside a detention center in Houston, where he contacted his wife for help returning to Minnesota.

19. Plaintiff M. Doe has lived in the United States with her husband and son since 2024, when she was admitted to the United States as a refugee. She lives in Minnesota. On Saturday, January 11, her husband D. Doe was taken by armed agents as she screamed at agents, her son in her arms, to try to show them his lawful entry document. Fearful that the agents may return and try to arrest her, and separate her from her three-year-old son, she is staying with friends and afraid to go out.

Defendants

20. Respondent Pamela Bondi is named in her official capacity as the U.S. Attorney General. Attorney General Bondi is responsible for continuing a custody case against a noncitizen and as such is Petitioner-Plaintiff's legal custodian. She is involved in making policy directly impacting immigrants and refugees.

21. Respondent Kristi Noem is named in her official capacity as the Secretary of the United States Department of Homeland Security. DHS is a department of the executive branch of the U.S. government that is tasked with administering and enforcing the federal immigration laws. Secretary Noem is ultimately responsible for ICE's actions and policies. Secretary Noem is legally responsible for any effort to detain refugee plaintiffs and as such is Petitioner-Plaintiff's legal custodian.

22. Respondent Todd M. Lyons is named in his official capacity as the Acting Director of the United States Immigration and Customs Enforcement. ICE is the agency

within DHS that is specifically responsible for managing all aspects of the immigration enforcement process, including policies to effect arrests and to detain noncitizens for civil immigration enforcement. ICE is responsible for apprehension, incarceration, and removal of noncitizens from the United States, and directly oversees the operation of the detention centers in which petitioners and Subclass members are held. As such Acting Director Lyons is Petitioner-Plaintiff's legal custodian.

23. Respondent David Easterwood is named in his official capacity as the Acting Director for the ICE St. Paul Field Office. Director Easterwood is responsible for the enforcement of the immigration laws within this district, and for ensuring that ICE officials follow the agency's policies and procedures. He is the legal custodian of U.H.A.

24. Defendant Joseph B. Edlow is named in his official capacity as the Director of U.S. Citizenship and Immigration Services ("USCIS"). USCIS is responsible for adjudication of applications for immigration benefits, including applications for adjustment of status by refugees. USCIS is also responsible for the adjudication of terminations of refugee status pursuant to Section 207 of the INA, 8 U.S.C. § 1157(c)(4). Director Edlow is responsible for the development, finalization, and execution of USCIS policies.

JURISDICTION AND VENUE

25. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question), Article I, section 9, clause 2 of the United States Constitution (Suspension Clause), 5 U.S.C. §§ 701 *et seq*. (Administrative Procedure Act or "APA") and 28 U.S.C. § 2201 (Declaratory Judgment Act). This action further arises

under the Constitution of the United States and the (INA). Because this suit seeks relief other than money damages and challenges unlawful agency actions, the United States has waived sovereign immunity from this suit under the APA. 5 U.S.C. § 702.

26. Nothing in 8 U.S.C. § 1252 deprives this Court of jurisdiction.

27. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by DHS. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Jennings v. Rodriguez*, 138 S. Ct. 830, 839–41 (2018); *Nielsen v. Preap*, 139 S. Ct. 954, 961–63 (2019).

28. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Administrative Procedure Act, 5 U.S.C. §§ 701 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, the All Writs Act, 28 U.S.C. § 1651, the Suspension Clause and the Fourth and Fifth Amendments of the U.S. Constitution, and the Court's inherent equitable powers.

29. Venue lies in the U.S. District Court for the District of Minnesota because it is the judicial district in which Named Plaintiffs reside and where Petitioner-Plaintiff U.H.A. was detained when his petition was first filed and remains currently detained. Venue is also proper in this Court under 28 U.S.C. § 1391(e)(1) because Defendants are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in this District.

LEGAL FRAMEWORK

Habeas Corpus Statute, 28 U.S.C. §§ 2241 *et seq*.

30. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (citation omitted). "The writ of habeas corpus, challenging illegality of detention, is reduced to a sham if the trial courts do not act within a reasonable time." *Jones v. Shell*, 572 F.2d 1278, 1280 (8th Cir. 1978).

The Immigration and Nationality Act, 8 U.S.C. §§ 1101 *et seq.*

Refugee Admission

31. The USRAP is a federal program established pursuant to the Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102 (codified as amended at 8 U.S.C. § 1157). Administered jointly by the Department of State, the DHS through USCIS, and the Department of Health and Human Services, it provides for an extensive processing system of referral, eligibility determination, interview, and vetting before a refugee is approved for resettlement.

32. Under 8 U.S.C. § 1101(a)(42), a "refugee" is defined as any person who faces displacement because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. A refugee's spouse and minor children are entitled to join them in the United States as derivative refugees without needing to independently meet the refugee definition. 8 U.S.C. § 1157(c)(1)(A). The President, in consultation with Congress, determines the maximum

number of refugees who may be admitted to the United States each fiscal year. 8 U.S.C. § 1157(a).

33. To be considered for refugee resettlement to the United States, an individual must first be referred to USRAP by either the United Nations High Commissioner for Refugees ("UNHCR"), a U.S. Embassy, a designated non-governmental organization, or a group of private citizens through a program known as Welcome Corps. The overwhelming majority of refugee applicants are referred by UNHCR based on its determination that they meet the international definition of refugee—which is largely consistent with the definition in 8 U.S.C. § 1101(a)(42)—and require resettlement as a durable solution to protect them from harm. Of the more than 30 million refugees worldwide, UNHCR refers fewer than 1% for resettlement to any country in any given year.

34. After receiving a referral, refugee applicants undergo the most extensive security vetting of any category of travelers to the United States. The security screening process typically takes 18 to 24 months or longer and involves multiple federal agencies, including the National Counterterrorism Center, the FBI's Terrorist Screening Center, the Department of Defense, and multiple DHS components. Applicants' biographic information is screened against numerous databases, including the Consular Lookout and Support System, the Treasury Enforcement Communications System, the National Crime Information Center, and classified databases.

35. Following initial security screening, refugee applicants are interviewed under oath by a specially trained USCIS Refugee Officer who assesses the applicant's eligibility

for refugee status and evaluates the credibility of the applicant's claim. The Refugee Officer has the authority to approve or deny the refugee application based on whether the applicant meets the statutory definition of refugee and does not fall within any of the bars to refugee status, including those who have participated in persecution, those who pose a danger to U.S. security, and those who have provided "material support" to U.S. designated terrorist organizations.

36. Applicants who are conditionally approved by USCIS must undergo a medical examination by physicians designated by the Department of State and complete a cultural orientation program. Prior to travel, all applicants undergo additional recurrent security checks to ensure no new derogatory information has emerged.

37. Refugees are matched with a local resettlement agency in the United States. Upon arrival, refugees are inspected by U.S. Customs and Border Protection officers at the port of entry and admitted to the United States.

38. Under Board of Immigration Appeals precedent, refugees who are admitted into the United States have effectuated an "admission" under 8 U.S.C. § 1101(a)(13); 8 U.S.C. §1157.

39. Upon admission to the United States, refugees are eligible for robust support services and certain federal benefits to help them settle in the U.S.: they are authorized to work immediately, can obtain employment training and English language education, and are eligible for cash and medical assistance through programs administered by HHS's Office of Refugee Resettlement.

Refugee Adjustment of Status

40. After admission, and once they have "been physically present in the United States for at least one year," refugees are eligible to apply to adjust their status to that of LPRs pursuant to 8 U.S.C. § 1159, titled "Adjustment of Status of Refugees."

41. USCIS regulations provide that "[u]pon admission to the United States, every refugee entrant will be notified of the requirement to submit an application for permanent residence one year after entry." 8 C.F.R. § 209.1(b).

42. Under 8 U.S.C. § 1159(a), one year after entry, a refugee "shall return or be returned to the custody of the Department of Homeland Security for inspection and examination for admission to the United States as an immigrant." The reference to admission "as an immigrant" makes plain that the limited purpose of this provision is solely to allow USCIS to determine whether the refugee will be adjusted to lawful permanent resident status; it contains no reference to, and does not contemplate, detention of a refugee.

43. Refugees are entitled to become lawful permanent residents so long as their refugee status has not been terminated, they meet the one-year physical presence requirement, and they are not inadmissible under section 212 of the INA, 8 U.S.C. § 1182. *See* 8 U.S.C. § 1159(a). 8 U.S.C. § 1159(c) exempts refugees from inadmissibility grounds found under 8 U.S.C. § 1182(a)(4) (public charge), (5) (labor certification), and (7)(A) (certain documentation requirements) and provides a humanitarian waiver for other inadmissibility grounds. Upon adjustment of status, refugees are regarded as lawfully admitted as permanent residents from the date of their arrival. 8 U.S.C. § 1159 (a) (2).

Detention and Removal of Unadjusted Refugees

44. Refugee status is an indefinite status that has no expiration date. The USCIS Policy Manual eligibility criteria for adjustment of status for refugees includes that the refugee must have been "[p]hysically present in the United States as a refugee for *at least 1 year*," recognizing that – unless their refugee status is revoked – a refugee remains eligible to adjust indefinitely. Regulation makes clear that once a refugee is admitted, refugee status can only be revoked in limited circumstances. 8 C.F.R. § 207.9 (status may be terminated "if the [noncitizen] was not a refugee within the meaning of section 101(a)(42) of the Act at the time of admission").

45. Those admitted as refugees have lawful status and are protected from removal unless and until the "DHS proves their deportability in removal proceedings under 8 U.S.C. §1229a and a final order of removal is entered against them.

46. To secure a removal order against a refugee under 8 U.S.C. § 1229a, DHS must establish by clear and convincing evidence, in removal proceedings, that one or more grounds of deportability under 8 U.S.C. § 1227 apply. *See* 8 U.S.C. § 1227 (applying to those "admitted" to the United States).

47. Being a refugee who has not yet adjusted their status to that of a lawful permanent resident is not a ground of deportability under 8 U.S.C. § 1227. And even if grounds of inadmissibility, as opposed to deportability, apply to refugees, being an unadjusted refugee living in the United States is not a ground of inadmissibility.

48. Consistent with statutory language, a 2010 ICE Directive confirms that a refugee's failure to adjust or even to apply for adjustment is not grounds for removal. *See Detention of Refugees Admitted Under INA § 207 Who Have Failed to Adjust to Lawful Permanent Resident Status* (May 2010) (hereinafter "2010 ICE Directive"). The 2010 ICE Directive further clarifies, "[f]ailure by [refugees who have been physically present for one year] to apply for adjustment of status is not sufficient grounds to place them in removal proceedings, and therefore not a proper basis for detaining them."

Arrest and Detention Under the Immigration and Nationality Act

49. The INA provides immigration agents with only limited authority to conduct arrests. To conduct a civil immigration arrest without a warrant, an officer must have probable cause to believe the person is violating the immigration laws *and* that the person "is likely to escape before a warrant can be obtained," *i.e.*, is a flight risk. 8 U.S.C. § 1357(a)(2).

50. Regulations echo this requirement, permitting a civil immigration arrest only when there is "reason to believe that the person to be arrested has committed an offense against the United States or is a [noncitizen] illegally in the United States." 8 C.F.R. § 287.8(c)(2)(i).

51. Detention of noncitizens beyond a limited custodial arrest is authorized primarily through the following provisions of the INA.

52. 8 U.S.C. § 1225(b) sets forth DHS's detention authority related to the "inspection" process for those "arriving in the United States" and certain others "who have

not been admitted or paroled." 8 U.S.C. § 1225(a), (b). It does not apply to those who have already been admitted, like refugees.

53. The first subsection, § 1225(b)(1), governs the detention of noncitizens placed in "expedited removal" proceedings, a fast-track form of removal that historically has applied only to people arriving at the border and ports of entry.

54. The second subsection, 8 U.S.C. § 1225(b)(2), governs the detention of noncitizens who are "applicant[s] for admission"—that is, those who "ha[ve] not been admitted or who arrive[] in the United States," 8 U.S.C. § 1225(a)—are actively "seeking admission," and are "not clearly and beyond a doubt entitled to be admitted," but who are placed in removal proceedings before an immigration judge (also known as "Section 240 proceedings" or proceedings under 8 U.S.C. § 1229a rather than expedited removal).

55. In contrast, 8 U.S.C. § 1226 governs the detention of noncitizens "already in the country pending the outcome of removal proceedings." *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). Section 1226(a) authorizes, but does not require, DHS to detain certain noncitizens in Section 240 proceedings. It is colloquially referred to as the discretionary detention provision. That provision allows DHS to detain a noncitizen "[o]n a warrant issued by the Attorney General . . . pending a decision on whether the alien is to be removed from the United States." But this provision applies only to those whom DHS places into removal proceedings under 8 U.S.C. § 1229a pursuant to a charge that the noncitizen is removable. For an admitted noncitizen such as a refugee, DHS may commence removal

proceedings, and thus justify § 1226(a) detention, only if the noncitizen is alleged to have triggered one or more grounds of deportability under 8 U.S.C. § 1227.

56. A narrower subsection, § 1226(c), mandates detention for certain noncitizens based on criminal conduct or terrorist activity that subjects them to removability or inadmissibility.

57. Other sections apply to the "detention of suspected terrorists," 8 U.S.C. § 1226a, and the detention and removal of noncitizens with final removal orders, 8 U.S.C. § 1231(a). These three provisions are colloquially known as "mandatory detention" provisions.

58. None of these mandatory detention provisions apply to a refugee who has been admitted to the United States, lacks a criminal history and that falls within § 1226(c), is not suspected of terrorism, and has never been subjected to any prior removal process. 8 U.S.C. § 1226(a).

Constitutional Strictures on Warrantless Arrest and Detention

59. The invasion of noncitizens' liberty interests may not occur at the whim of the government and in the absence of any statutory or constitutional authority. The Fourth Amendment, barring unreasonable searches and seizures, applies to immigration authorities. *U.S. v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975) (applying Fourth Amendment principles from criminal context to "limit" scope of immigration agents' seizure authority). And its prohibition on unreasonable seizure applies to noncitizens inside the United States "as it does to citizens." *Martinez Carcamo v. Holder*, 713 F.3d 916, 921

(8th Cir. 2013). *See also INS v. Lopez-Mendoza*, 468 U.S. 1032, 1044 (1984) (acknowledging that deportation proceedings are civil, but the Fourth Amendment still applies to the "seizure" of the person).

60. As a general matter, the Fourth Amendment requires that all arrests entail a neutral, judicial determination of probable cause. *See Gerstein v. Pugh*, 420 U.S. 103, 114 (1975). Courts have a strong preference that immigration arrests be based on warrants, *Arizona v. U.S.*, 567 U.S. 387, 407–08 (2012), and a warrantless arrest without probable cause violates the Fourth Amendment. *Michigan v. Summers,* 452 U.S. 692, 700 (1981); In the civil immigration context, probable cause requires individualized reason to believe that a non-citizen has committed a civil immigration offense for which arrest is permitted. *See United States v. Lopez*, 482 F.3d 1067, 1072 (9th Cir. 2007).

61. The Due Process Clause also protects noncitizens, including refugees within the United States, from arbitrary or discriminatory government action to deprive them of liberty. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Because immigration detention is nominally for civil, as opposed to criminal, process, it is generally only permitted where it serves its only permissible justifications: mitigating risk of flight or dangerousness to the community during the removal process. *Id.*

62. The Due Process Clause "imposes constraints on governmental decisions which deprive individuals of 'liberty' or 'property' interests," requiring "that a person in

jeopardy of serious loss [be given] notice of the case against him and the opportunity to meet it." *Mathews v. Eldridge*, 424 U.S. 319, 322, 348 (1976). And those due process protections extend to "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 679.

The Administrative Procedure Act and the *Accardi* Doctrine

63. The Administrative Procedure Act provides that courts "shall… hold unlawful and set aside agency action that is "arbitrary [and] capricious, …. Or otherwise not in accordance with law[.] 5 U.S.C. § 706(2)(A).

64. Agency actions that follow from an agency decision-making process and that impose legal consequences – such as policies to arrest, detain, and interrogate unadjusted refugees – are "final" and therefore reviewable. *U.S. Army Corps of Engineers v. Hawkes Co., Inc.*, 578 U.S. 590, 597 (2016). Agency actions that do not comply with statutory or constitutional requirements must be set aside.

65. In addition, under the *Accardi* doctrine, a foundational principle of administrative law, agencies must follow their own procedures, rules, and instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (setting aside an order of deportation where the Board of Immigration Appeals failed to follow procedures governing deportation proceedings); *see also Morton v. Ruiz*, 415 U.S. 199, 235 (1974) ("Where the rights of individuals are affected, it is incumbent upon agencies to follow their

own procedures . . . even where the internal procedures are possibly more rigorous than otherwise would be required.").

66. *Accardi* is not "limited to rules attaining the status of formal regulations." *Montilla v. INS*, 926 F.2d 162, 167 (2d Cir. 1991). Courts must also set aside or enjoin agency action for violation of sub-regulatory policies (whether written or not), unpublished rules and instructions to agency officials. *See Morton v. Ruiz*, 415 U.S. at 235 (affirming reversal of agency denial of public assistance made in violation of internal agency manual); *United States v. Heffner*, 420 F.2d 809, 812 (4th Cir. 1969) (under *Accardi*, reversing decision to admit evidence obtained by IRS agents for violating instructions on investigating tax fraud).

67. Defendants are therefore not free to ignore internal DHS procedures such as the 2010 ICE Directive, which makes clear that a refugee's failure to adjust status or to apply for adjustment of status is *not* a ground for removal and therefore cannot be grounds for detention.

68. Similarly, Defendants are not free to ignore DHS regulations, including 8 C.F.R. §287.8(c)(2), which authorizes arrest only when an immigration officer has reason to believe that a person has committed an offense or is illegally in the U.S., and requires that officers obtain a warrant unless the officer believes the person will escape.

FACTUAL ALLEGATIONS

President Trump's History of Attacks on Refugees

69. President Trump has sought to shut down the entry of refugees into the United States since the first days of his first term. Beginning in January of 2017, he issued a series of executive orders to ban the entry of refugees as well as all entrants from Muslim-majority countries. Although in *Trump v. Hawai'i* the Supreme Court, overturning lower court decisions, found one of the bans permissible under 8 U.S.C. § 1182(f), 585 U.S. 667 (2018), it did not disturb other court rulings that held the ban on refugee entry unlawful. *See Hawai'i v. Trump*, 859 F.3d 741, 755-56 (9th Cir. 2017); *Doe v. Trump*, 288 F. Supp. 3d 1045, 1087 (W.D. Wash. 2017).

70. During the months leading up to the November 2024 election, then-candidate Trump's rhetoric grew increasingly explicit in its denigration of immigrants, often singling out specific nationalities like Haitians and Venezuelans for bigoted and racist attacks[2] and contrasting them with his preference for "nice countries" like the majority-white Denmark, Switzerland, and Norway.[3] As part of his broad proposals for mass detention and deportation, President Trump promised to implement "brand new crackdowns" on refugees.[4] He made good on his promise: On the first day of his second term, President Trump signed dozens of executive orders, including one titled "Realigning the United

[2] https://www.politico.com/news/2024/10/12/trump-racist-rhetoric-immigrants-00183537
[3] https://www.theguardian.com/us-news/2024/apr/08/trump-immigration-north-europe
[4] https://www.reuters.com/world/us/small-wisconsin-church-trumps-threat-refugee-crackdown-looms-2024-10-29/

States Refugee Admissions Program." Exec. Order No. 90 Fed. Reg. 8459, Jan. 20, 2025 ("Refugee Ban EO").

71. Under the purported authority of INA sections 212(f) and 215(a), the Refugee Ban EO imposes an indefinite suspension of "entry into the United States of refugees under the USRAP" as well as a suspension on "decisions on applications for refugee status" until President Trump finds that decisions on refugee applications and admissions can resume. *See* Refugee Ban EO, §§ 3(a)-(b). The Refugee Ban EO did not provide any deadline by which the President will determine whether the USRAP can resume, if ever.[5]

72. Section 2 of the Refugee Ban EO details President Trump's stated policies for refugee admissions, which the Order explains will be the basis of his finding of whether "resumption of USRAP is in the interest of the United States." It states that "it is the policy of the United States that public safety and national security are paramount considerations in the administration of the USRAP, and to admit only those refugees who can fully and appropriately assimilate into the United States and to ensure that the United States preserves taxpayer resources for its citizens." Refugee Ban EO, § 2.

[5] In February and March, 2025, a federal district court in the Western District of Washington enjoined the ban on refugee entry and the freeze on refugee processing. *Pacito v. Trump*, 768 F. Supp. 3d 1199 (W.D. Wash. 2025); 772 F. Supp. 3d 1204 (W.D. Wash. 2025). Those injunctions have been largely stayed in the Ninth Circuit pending appeal. 152 F.4th 1082 (9th Cir. 2025).

73. The vague requirement that refugees appear able to "fully and appropriately assimilate" before being permitted to enter appears nowhere in the statutory definition of refugee. *See* 8 U.S.C. §1101(a)(42).

74. But the meaning of that phrase became clear less than three weeks later. Thousands of refugees from Africa, Asia, Latin America, and the Middle East with scheduled travel into the United States—including the immediate relatives of refugees who had already been admitted—saw their hopes of resettlement dashed under the Refugee Ban EO. But on February 7, 2025, President Trump issued a new Executive Order authorizing the establishment of a program of refugee resettlement exclusively for white Afrikaners from South Africa.[6]

75. And on October 31, 2025, President Trump issued a new Presidential Determination setting forth the numbers of refugees who would be admitted in Fiscal Year 2026, without withdrawing the Refugee Ban EO. 90 FR 49005. The Presidential Determination set the cap for refugee admissions to a historic low of 7500, compared to many tens of thousands in years prior. The Presidential Determination directed that these admissions numbers "primarily be allocated among Afrikaners from South Africa." *Id.*

The Administration's Recent Targeting of Refugees and Immigrants in the U.S.

76. In the fall of 2025, and consistent with a broader project to delegalize hundreds of thousands of noncitizens with lawful immigration status through Congressionally authorized programs such as Temporary Protected Status and

[6] https://www.whitehouse.gov/presidential-actions/2025/02/addressing-egregious-actions-of-the-republic-of-south-africa/

humanitarian parole, the Trump Administration began rolling out new policies to target refugees within the United States.

77. First, according to a November 21, 2025, memorandum authored by Director of USCIS Joseph Edlow ("the Edlow Memorandum"), the government has determined to undertake a mass process of review and re-interview of refugees who entered the country between January 20, 2021, and February 20, 2025—that is, refugees whose entry into the United States coincided with the Biden Administration. The Edlow Memorandum directs USCIS officers to "hold" all pending refugee applications for lawful permanent residence—i.e. the very adjustment of status applications contemplated by 8 U.S.C. § 1159—"until the USCIS Director lifts the hold in a subsequent memo." *Id*. at 2.

78. Further, the Edlow Memorandum makes clear that the goal of the blanket "hold" and re-interviewing process is to terminate the status of as many refugees as possible, repeating at several points that there is no appeal of a termination decision. And it directly references the Refugee Ban EO, stating that it was the policy of the new Administration "to admit only those refugees who can fully and appropriately assimilate into the United States."

79. Just as ability to "assimilate" is not a factor for obtaining refugee status, it cannot be a factor for terminating it. 8 U.S.C. § 1157(c)(4); 8 C.F.R. § 207.9 (stating that refugee status can be terminated only if the refugee did not meet the definition of 8 U.S.C. § 1101(a)(42) at the time of admission).

80. The Edlow Memorandum also states that "USCIS's top priority is to ensure that all principal refugees admitted to the United States warranted a favorable exercise of discretion." Refugee status cannot be terminated as a matter of discretion. 8 U.S.C. § 1157(c)(4).

81. By targeting refugees admitted only during the Biden Administration, the Edlow Memorandum also ignores that a great many of those refugees were vetted and approved for admission, through the years-long process described above, during the first Trump Administration.

82. On December 2, 2025, USCIS issued a memorandum entitled "Hold and Review of all Pending Asylum Applications and all USCIS Benefit Applications Filed by Aliens from High-Risk Countries." Among other actions, the memorandum instructed USCIS staff to "[p]lace a hold on pending benefit requests for aliens from countries listed in" Proclamation 10949, the 'travel ban' that suspended the entry of nationals from 19 countries. On January 1, 2026, USCIS issued a supplemental memorandum expanding the hold to the countries covered by the new travel ban proclamation issued by President Trump in December ("USCIS Travel Ban Memorandum"). A significant number of refugees in the United States, including Named Plaintiffs U.H.A., K.A, and H.D., are from the one of countries subject to the travel ban and therefore have their adjustment of status applications frozen as a result of both the Edlow Memorandum and the USCIS Travel Ban Memorandum.

83. If the text of the Edlow Memorandum and the Travel Ban Benefits Pause Memorandum were not clear enough, Trump Administration officials began heightening rhetoric targeting immigrants and refugees. On December 1, 2025, Secretary Noem posted on social media that she had met with the President and was recommending "a full travel ban on every damn country that's been flooding our nation," describing immigrants as "killers," "leeches," and "foreign invaders," and stating, "WE DON'T WANT THEM. NOT ONE."[7]

84. Bigoted statements seemed to focus particularly on those from Afghanistan and Somalia.[8] On December 2, 2025, the President declared at a cabinet meeting, "We're going to go the wrong way if we keep taking in garbage into our country," specifically referring to individuals from Somalia. He continued, "I don't want them in our country. I'll be honest with you…. Their country stinks. And we don't want them in our country. I could say that about other countries too."[9] And on December 9, 2025, at a rally in Pennsylvania, President Trump praised his administration's decision to bar nationals of 19 countries – all non-white and non-European – from entering the United States, stating, "I've also announced a permanent pause on third world migration, including hellholes like Afghanistan, Haiti, and Somalia and many other countries."[10]

[7] https://x.com/Sec_Noem/status/1995642101779124476?s=20.
[8] https://www.nytimes.com/2025/11/27/us/politics/trump-national-guard-shooting.html.
[9] https://www.pbs.org/newshour/politics/watch-trump-says-he-doesnt-want-somali-migrants-in-the-u-s-calls-people-garbage
[10] https://www.nbcnews.com/politics/donald-trump/trump-immigrants-somalia-slur-rcna248395.

85. As Trump Administration officials began publicizing their criticisms of how the state of Minnesota – and the governor who had run against him – had handled social services fraud investigations within the state, DHS began a rhetorical effort to link those fraud investigations to immigration enforcement, singling out Minnesotans of Somali descent for blame as a group. On January 6, DHS deployed 2000 federal agents to Minneapolis.[11]

86. It is in this context that the DHS announced the abrupt and chaotic implementation of Operation PARRIS three days later.

Operation PARRIS's Violent Sweep through Refugee Communities

87. Per DHS's January 9 press release, Operation PARRIS purports to "target fraudulent refugee applications in Minnesota." The announcement states that the "initial focus is on Minnesota's 5,600 refugees who have not yet been given lawful permanent resident status (Green Cards)." *Id*. Nowhere does the description of Operation PARRIS indicate that ICE will target refugees based on individualized indicia of fraud – rather, it targets *all* unadjusted refugees in the state, even against the backdrop of USCIS's simultaneous indefinite and blanket freeze on adjudicating refugee adjustment of status applications. *Id*.; Edlow Memorandum at 2.

88. Although Defendants know that their targets are lawfully admitted refugees who have not been charged with any ground of removability, and for whom they lack any individualized suspicion of removability, through Operation PARRIS, the Refugee

[11] https://www.pbs.org/newshour/politics/2000-federal-agents-sent-to-minneapolis-area-to-carry-out-largest-immigration-operation-ever-ice-says

Detention Policy is to forcibly seize unadjusted refugees without warrants or probable cause that they are removable or a flight risk; detain them for days, including in facilities outside the state; and use the detentions not to adjudicate their adjustment applications, but to interrogate them about their initial refugee applications.

89. On information and belief, at least one hundred families have been awakened to loud banging on the doors of their homes, or subject to ruses to lure them to arresting agents, or followed in their cars before being arrested, handcuffed and detained by multiple armed agents.

90. Agents provide no explanation of why they are making the arrests, and dismiss attempts to show lawful status.

91. In some cases, agents have taken whole families; in others, those left behind are afraid to leave their homes, go to work, or send children to school for fear that agents will come after them.

92. Some families who have not opened their doors have later received "call-in' notices to appear at the ICE Field Office. When they arrive, they are detained.

93. Refugees are typically detained briefly in Minnesota. But many have been flown to Texas. Many are sent to facilities in southern Texas and then shackled for hours while being driven to a different detention center in Houston.

94. In Houston, officers subject refugees to interrogations about their initial applications. Those who are interrogated are not given the opportunity review their applications and often have no chance to seek legal assistance.

95. Some refugees have been released onto the streets of Texas cities after several days in detention, but without their documents or any means of returning home.

96. Upon information and belief, most people who have gone through this ordeal have not been granted adjustment of status or informed of any decisions by USCIS.

97. Defendants have not publicly described the Refugee Detention Policy or provided a legally viable basis for their authority to arrest and detain refugees who are lawfully present, not subject to any ground of removability, and indeed not placed in removal proceedings at all.

98. In several responses to habeas petitions in this district and in the Texas districts to which ICE has shipped detained refugees, Defendants have averred that section 209, 8 U.S.C. §1159 provides ICE not only with arrest authority, but with *mandatory* and seemingly indefinite detention authority. They have provided no explanation for why they are ignoring the 2010 ICE Directive's clear position that section 209 does not authorize arrest and detention, much less mandatory detention, and is solely an authorization to conduct an interview for purposes of adjustment of status.

99. Nor have Defendants provided any meaningful response to habeas petitions that consider the Fourth Amendment and Due Process rights at stake for refugees who are being taken from their homes, cars, and workplaces without the requisite probable cause that they are removable or a warrant justifying their arrest.

CLASS ACTION ALLEGATIONS

100. Plaintiffs and Petitioner-Plaintiff bring this class action under Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure.

101. Plaintiffs and Petitioner-Plaintiff seek certification of the following proposed Class and Subclass:

> **Class**: All individuals with refugee status who are residing in the state of Minnesota, who have not yet adjusted to lawful permanent resident status, and have not been charged with any ground for removal under the INA.
>
> **Detained Subclass**: All members of the Class who are or will be detained by DHS pursuant to the Refugee Detention Policy.

102. The proposed Class and Subclass satisfy Rule 23(a)(1) because they are so numerous that joinder of all members is impracticable. On information and belief, Defendants have subjected more than 100 refugees, including children, in Minnesota to unlawful arrests, detentions and interrogations under the Refugee Detention Policy and plan to subject many hundreds more to the same unless and until a court order prevents them from doing so.

103. The proposed Class and Subclass satisfy Rule 23 (a)(2) because there are multiple questions of law and fact common to all members of the proposed classes. Those common questions include, but are not limited to:

(a) Whether Defendants' policy of arresting and detaining unadjusted refugees with the knowledge that they are not removable and not a flight risk violates the INA, the APA, and their constitutional rights;

(b) Whether Defendants' policy of detaining refugees to investigate their refugee status and in some cases to re-interview them without any plan to grant adjustment of status violates the INA, the APA, and their constitutional rights; and

(c) Whether Defendants' suspected purpose to use these interrogations to strip unadjusted refugees of refugee status violates the INA, the APA, and their constitutional rights.

104. In addition to these questions common to the entire Class, the Detained Subclass presents an additional common question capable of resolution for that Subclass: whether their continued detention further violates the INA, the APA and *Accardi* doctrine, the Fourth Amendment's strictures against warrantless arrest without probable cause, and the Fifth Amendment's guarantee of Due Process and Equal Protection.

105. The proposed Class and Subclass satisfy Rule 23(a)(3) because the claims of the Named Plaintiffs are typical of the claims of the class. Each class member's claims arise from Defendants' adoption of the challenged policy, and each class member has experienced or will experience the same primary injuries.

106. The proposed Class and Subclass satisfy Rule 23(a)(4) because the proposed class representatives are committed to fairly and adequately defending the rights of all proposed class members. Named Plaintiffs seek the same relief as all members of the class, and their interests are not in conflict with the interests of the class. They have obtained counsel the International Refugee Assistance Project, the Center for Human Rights and Constitutional Law, and the law firm of Berger Montague LLP, who have substantial

experience litigating class action lawsuits and other complex federal litigation on behalf of noncitizens.

107. The proposed Class and Subclass also satisfy Rule 23(b)(2) because Defendants have acted on grounds that apply generally to the class so that the relief sought is appropriate as to the class as a whole.

IRREPARABLE HARM TO THE CLASS

Harms to Refugees in Minnesota and their Families

108. The substantial and imminent irreparable harm faced by refugees across Minnesota could not be more stark. Over the past two weeks, more than a hundred refugees who fled persecution in their home countries, and have spent the past year or more rebuilding their lives in stable and welcoming communities, have been abruptly arrested, detained and transported across the country without warning or explanation, in a Kafakaesque deprivation of their liberty. They have been forced to endure the indignities of being handcuffed and shackled in chains for prolonged periods, causing unnecessary physical pain. In detention, they are exposed to harsh conditions and provided no information about why they are being detained or when they will be released.

109. Meanwhile, the remaining thousands of refugees and their families in Minnesota who have not yet been arrested live in terror that they will be targeted next. Many of these individuals now live in hiding, fearful to go to school or work lest they should become the next targets of Defendants' abusive operation. For those with family members who have been detained, they remain constantly worried about the health and

safety of their loved ones in detention. In a chilling disfigurement of this country's refugee policy, refugees who sought safety from authoritarian governments in their home countries are now being subjected to some of the abusive tactics and deprivations of their liberty that they fled and came to the United States to escape.

Harms to Named Plaintiffs

Petitioner-Plaintiff U.H.A.

110. Petitioner-Plaintiff U.H.A. was abruptly arrested on the highway while driving to work after an officer stalked him in his car from his home. He was placed in handcuffs by an armed masked officer who was then joined by additional officers who shackled U.H.A. with leg chains. Even though U.H.A. was complying with the officers, they threatened to shoot him if he ran away. The officers proceeded to taunt him by telling him not to worry, that he would go home soon – to the country he had fled as a refugee. U.H.A. was provided with no explanation for his arrest. He was then shuttled around the country by plane in chains without being told where he was being taken. When the plane landed, he realized he was in Texas. There, he was held in harsh conditions, including being made to sleep on the floor and share an open toilet with over 40 other detainees, and the next day being detained in a tent. He was then handcuffed and chained and flown back to a detention center in Minnesota, where he remains in detention and continues to receive no information about the basis for his prolonged detention.

Plaintiff K.A.

111. Plaintiff K.A. witnessed his brother, U.H.A. being abruptly arrested and has since been terrified for his brother's safety and well-being. After U.H.A. was arrested, K.A. was afraid that he too would be arrested and, fearful to return home, slept in his workplace. Since his brother was arrested, K.A. has been too scared to attend his classes. His parents and younger siblings have avoided leaving the house, including going to school, since his brother was arrested. K.A. and his family live in daily fear that they will be arrested and detained next. K.A. fears that he and his brother will be deported to the country from which they fled, despite having no criminal history or other basis for removal.

Plaintiff H.D.

112. Plaintiff H.D.'s life in Minnesota was upended when ICE officers came to her family home twice within a week and attempted to get her family to open the door; fearful, they did not. Her family members stopped going to school or work out of fear that they would be arrested by ICE. At the time, H.D. was traveling, but when she returned home, she decided to move to a friend's house for safety. The next day, a letter was left in H.D.'s mailbox, instructing her to report to an appointment at an ICE office for a case review interview. A few days earlier, H.D.'s friend, who was also a refugee and had applied for a green card, was arrested at a similar interview. H.D. was afraid that if she went to the interview, she too would be arrested. She secured a lawyer who attended on her behalf, but the ICE officer refused to communicate with her lawyer. H.D. now lives in fear that she will be arrested. The experience has caused her to relive similar experiences of armed men

knocking on her door in the country she fled. She is scared that ICE officers are looking for her and is afraid to go outside and is too worried to eat or sleep.

Plaintiff D. Doe

113. Plaintiff D. Doe was at home with his wife and young son when he received a knock on the door and was lured outside by an ICE officer pretending that he had hit his car. When he stepped outside, he was surrounded by multiple armed plain clothes officers who handcuffed him and detained him. D. Doe was terrified by the ordeal. His wife told the officers that they were refugees and attempted to show their papers, but the officers ignored her and bundled D. Doe into a car. He was then detained in a detention center in Minnesota, and then transferred to Texas in shackles and handcuffs. He was kept in chains for 16 hours causing him pain. The detention center was very cold, and he suffered a migraine. At the detention center he was made to undergo a re-interview of his refugee claim. The next day, he was unceremoniously released outside the detention center in Texas. D. Doe has yet to receive any explanation for why he was abruptly arrested and shuttled across the country, then released.

Plaintiff M. Doe

114. Plaintiff M. Doe is Plaintiff D. Doe's wife. When M. Doe's husband was arrested, she was terrified and began pleading with officers and desperately trying to show them her husband's documents. The officers didn't show any warrant or ask D. Doe any questions and to M. Doe, the ordeal resembled a kidnapping. After her husband was arrested, M. Doe sought help from her church and moved to a different house, fearful that

the officers would return to arrest her and her son. For the next several days, M. Doe could not locate her husband, who did not appear in the ICE detainee locator. Eventually, she learned that he had been transported to Texas. Even though her husband was later released, M. Doe continues to fear that ICE agents will return to arrest her or her family, or worse, separate her from her son. She wakes up in the middle of the night in fear and barricades her home in case officers return to arrest her or her family.

Plaintiff Advocates for Human Rights

115. Advocates for Human Rights (AHR) is a 501(c)(3) nonprofit legal services organization in Minnesota dedicated to engaging in advocacy on behalf of immigrants and providing free legal assistance to refugees, asylum seekers, survivors of human trafficking, and others pursuing humanitarian pathways. AHR also regularly coordinates and collaborates with refugee resettlement agencies in Minnesota to serve the local immigrant and refugee community.

116. AHR's core business activities have been significantly impacted and disrupted by Defendants' Operation PARRIS. Because of the drastic increase in the number of individuals being detained who require emergency assistance, AHR has had to adjust its ordinary model of legal services provision and develop new procedures and resources to provide assistance to clients in detention, including by providing habeas representation.

117. The volume of work required to continue AHR's normal business operations, while also providing support to refugee families and resettlement agencies impacted by Operation PARRIS, has made it impossible for AHR to continue with its normal

operations, which include supporting refugees and others in the normal course of applying for lawful permanent residence. AHR has had to divert significant resources to representing refugees in habeas proceedings. This has disrupted AHR's normal business operations, which rely on refugees not being detained during the pendency of their applications for lawful permanent residence. Because AHR has had to devote significant resources to responding to Operation PARRIS, it has been unable to assist clients that it would have ordinarily served or continue other existing work in service of its organizational priorities.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF
On behalf of Plaintiff-Petitioner and all Plaintiffs

**Violation of the Administrative Procedure Act,
5 U.S.C. § 706(2)(A), (B), (C), and (D):
Policy of Arrest, Detention, and Custodial Interrogation
of Unadjusted & Lawfully Present Refugees**

118. Named Plaintiffs, the Class, and Advocates for Human Rights restate and reallege all paragraphs above as if fully set forth here.

119. The Administrative Procedure Act provides that courts "shall . . . hold unlawful and set aside agency action" that is "arbitrary [and] capricious, . . . or otherwise not in accordance with law[.]" 5 U.S.C. § 706(2)(A).

120. The Refugee Detention Policy of arresting, detaining, and conducting custodial interrogations of unadjusted refugees who are not subject to removal is a final agency action, because it is a policy that follows the consummation of a decision-making

process, and because legal consequences flow from that policy. It is therefore reviewable under 5 U.S.C. § 704.

121. Under the APA, a court shall "hold unlawful and set aside agency action" found to be "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," 5 U.S.C. § 706(2)(A), or "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right, *id.* § 706(2)(C).

122. Defendants' policy of arrest, detention, and custodial interrogation of refugees in lawful status is not in accordance with the INA and implementing regulations and is in excess of Defendants' statutory authority, as nothing in the INA or regulations authorize Defendants to arrest and detain unadjusted refugees who are not subject to removal.

123. An agency decision that "runs counter to the evidence before the agency" is arbitrary and capricious. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983). The Refugee Detention Policy is arbitrary and capricious because Defendants have not articulated a reasoned explanation for the policy or its departure from decades of existing agency policy and practice; failed to consider relevant factors, including reliance interests, in adopting a policy that provides for the arrest and detention of refugees absent any reason to believe they are removable; relied on factors Congress did not intend to be considered; and failed to consider reasonable alternatives to the policy.

124. In adopting the Refugee Detention Policy, Defendants failed to adequately consider important aspects of the problem and all relevant factors, including the

constitutional and statutory limitations on the government's authority to arrest and detain in the absence of a warrant or probable cause and to interrogate without the benefit of basic due process protections. Defendants instead considered the improper purpose of rendering noncitizens too shocked and traumatized by their arrests to respond to detailed questions about their applications in order to catch them in an error that could lead to termination of refugee status, Defendants' ultimate goal.

125. Under the APA, a court shall also "hold unlawful and set aside agency action" found to be "contrary to constitutional right, power, privilege, or immunity." 5 U.S.C. § 706(2)(B).

126. Defendants' policy of arrest, detention, and custodial interrogation of refugees in lawful status is contrary to Plaintiffs' rights under the Fourth Amendment and the Fifth Amendment's Due Process Clause, as explained below.

127. The APA also requires a court to set aside and hold unlawful agency action that is "without observance of procedure required by law." *Id.* § 706(2)(D).

128. Defendants' policy of arrest, detention, and custodial interrogation of unadjusted refugees constitutes a legislative rule issued without observance of the notice and comment procedure required by 5 U.S.C. § 553.

129. As a result of Defendants' unlawful policy and practice, Named Plaintiffs and class members are facing irreparable harm and require that the Policy be set aside to prevent continued and future irreparable injury.

SECOND CLAIM FOR RELIEF
On behalf of Plaintiff-Petitioner and all Plaintiffs

Violation of the *Accardi* Doctrine:
Arrest and Detention in Violation of the 2010 ICE Directive and Agency Regulations

130. Named Plaintiffs, the Class, and Advocates for Human Rights reallege all paragraphs above as if fully set forth here.

131. Under the *Accardi* doctrine, Named Plaintiffs have a right to set aside agency action that violated agency procedures, rules, or instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) ("If Petitioner can prove the allegation [that agency failed to follow its rules in a hearing] he should receive a new hearing"); *see also Oglala Sioux Tribe of Indians v. Andrus*, 603 F.2d 707, 713 (8th Cir. 1979).

132. Defendants violate the 2010 ICE Directive that specifically covers Petitioner's situation and governs when an unadjusted refugee may be detained.

133. The Refugee Detention Policy further violates the USCIS Policy Manual, which preserves refugees' eligibility to adjust past one year, acknowledging their continued lawful presence. PM vol. 7, part L., chap. 2. By detaining Plaintiffs, Defendants treat them as removable in violation of USCIS policies and procedures.

134. The Refugee Detention Policy further violates 8 C.F.R. § 207.9, which sets out limited circumstances under which refugee status may be revoked and provides a process, including notice and an opportunity to respond. By detaining Plaintiffs, Defendants treat them as removable in violation of DHS's policies and procedures for revocation of status.

135. Finally, Defendants violate 8 C.F.R. § 287.8(c)(2)(i) by arresting Plaintiffs without "reason to believe that the person to be arrested has committed an offense against the United States or is a [noncitizen] illegally in the United States." As lawfully admitted refugees in valid status, Plaintiffs have never violated immigration laws. Further, Defendants openly admit that they do not target individuals they have "reason to believe" are deportable or whose status is revocable; rather, they seek to detain all 5,600 unadjusted refugees in Minnesota.

136. As a result of Defendants' unlawful policy and practice, Named Plaintiffs and class members are facing irreparable harm and require that Defendants' actions should be set aside for violating agency procedures, rules, or instructions.

THIRD CLAIM FOR RELIEF
On behalf of Plaintiff-Petitioner U.H.A. and Plaintiffs K.A., H.D., D. Doe and M. Doe

Violation of the Fourth Amendment and Ultra Vires Action:
Warrantless Arrests and Seizure Without Probable Cause for Removability

137. Named Plaintiffs and the Class restate and reallege all paragraphs above as if fully set forth here.

138. The INA does not grant immigration agents authority to conduct warrantless civil immigration arrests of individuals already present in the United States without probable cause of removability and flight risk. Section 287 permits agents to "arrest any [noncitizen] in the United States, if he has reason to believe that the [noncitizen] so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest." 8 U.S.C. § 1357(a)(2). Defendants have

no reason to believe either that Plaintiffs are present in violation of any immigration law or that they are likely to escape. Plaintiffs are lawfully admitted and lawfully present; Defendants admit that they target all 5,600 unadjusted refugees, not based on any individualized assessment; and Defendants have no reason to believe that Plaintiffs present a flight risk.

139. Defendants' own regulations confirm that § 1157 does not authorize a warrantless arrest absent "reason to believe that the person to be arrested has committed an offense against the United States or is a [noncitizen] illegally in the United States." 8 C.F.R. § 287.8(c)(2)(i). As described above, Plaintiffs are not unlawfully in the United States and Defendants have made no individualized assessment on which to base reasonable suspicion of unlawful conduct.

140. "Agency actions beyond delegated authority are 'ultra vires,' and courts must invalidate them." *U.S. ex rel. O'Keefe v. McDonnell Douglas Corp.*, 132 F.3d 1252, 1257 (8th Cir. 1998); *see also Romero v. INS*, 39 F.3d 977, 980 (9th Cir. 1994) (holding that an immigration regulation that is inconsistent with the statutory scheme is invalid). This is because agencies "literally ha[ve] no power to act . . . unless and until Congress confers power" to do so. *La. Pub. Serv. Comm'n v. FCC*, 476 U.S. 355, 374 (1986).

141. Arrests by an agency acting outside its statutory authority are per se unreasonable seizures under the Fourth Amendment.

142. Defendants have a policy and practice of making warrantless arrests of unadjusted refugees who they know have current refugee status and are not in violation of any law.

143. The Refugee Detention Policy of arresting refugees who are in lawful status and have not been charged with any ground of removability violates the Fourth Amendment of the U.S. Constitution.

144. As a result of Defendants' unlawful policy and practice, Named Plaintiffs and class members are facing irreparable harm.

145. This Court has inherent equitable authority to enjoin violations of federal law and the Constitution by federal officers. *See Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 326 (2015).

FOURTH CLAIM FOR RELIEF
On behalf of Plaintiff-Petitioner U.H.A. and Plaintiffs K.A., H.D., D. Doe and M. Doe

Violation of Substantive Due Process:
Detention Unrelated to Any Legitimate Purpose

146. Named Plaintiffs and the Class reallege all paragraphs above as if fully set forth here.

147. Pursuant to the Refugee Detention Policy, are detaining lawfully present refugees with no lawful justification.

148. These detentions do not bear a reasonable relationship to either of the lawful purposes of immigration detention: preventing danger to the community or flight prior to removal. *See Zadvydas*, 533 U.S. at 690-92 (discussing constitutional limitations on civil

detention). Defendants have made no allegations of flight risk or dangerousness nor even initiated removal proceedings. Class members' detention is purely punitive.

149. Even if Defendants' proffered basis for detention under 8 U.S.C. §1159 were legally viable (which it is not), by its own words it confers custodial authority for the sole purpose of adjudicating adjustment of status from "refugee" to "immigrant." The need to perform an interview for the purpose of adjustment of status neither justifies nor requires a surprise seizure, transfer out of the state for purposes of conducting an interview, denial of access to counsel, or detention for any longer than is necessary to conduct the interview.

150. Because Defendants have no legitimate, non-punitive objective in detaining Plaintiffs, their detention violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution.

151. As a result of Defendants' unlawful policy and practice, Plaintiff-Petitioner U.H.A. and the Subclass are facing continued irreparable harm, and Plaintiffs K.A., H.D., D. Doe, M. Doe and the Class face imminent deprivation of liberty.

FIFTH CLAIM FOR RELIEF
On behalf of Plaintiff-Petitioner U.H.A. and Plaintiffs K.A., H.D., D. Doe and M. Doe

Violation of the Fifth Amendment of the U.S. Constitution:
Procedural Due Process

152. Named Plaintiffs and the Class reallege all paragraphs above as if fully set forth here.

153. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976), requires notice and opportunity to be heard prior to a deprivation of a liberty interest. The Refugee Detention Policy provides no meaningful pre-deprivation process prior to the arrest and detention.

154. The policy of detaining the refugees in lawful status without providing any explanation, notice of the reasons for their detention or meaningful opportunity to respond violated procedural due process under the Fifth Amendment to the U.S. Constitution.

155. All Class and Subclass members have been thoroughly vetted during the refugee admissions process and, upon arrival to the United States, were inspected, released, and admitted as refugees by DHS. They remain in lawful refugee status.

156. As a result of Defendants' unlawful policy Named Plaintiffs and the Class face imminent deprivation of liberty without notice and opportunity to be heard.

SIXTH CLAIM FOR RELIEF
On behalf of Plaintiff-Petitioner U.H.A. and Plaintiffs K.A., H.D., D. Doe and M. Doe

Violation of the Fifth Amendment of the U.S. Constitution:
Equal Protection

157. Named Plaintiffs and the Class reallege all paragraphs above as if fully set forth here.

158. The Fifth Amendment's Due Process Clause embodies an equal protection guarantee. *Bolling v. Sharpe*, 347 U.S. 497, 499-500)1954) Government action motivated by animus based on race, ethnicity, national origin, or religion is unconstitutional. *See Romer v. Evans*, 517 U.S. 20, 32 (1996).

159. A plaintiff prevails on an Equal Protection claim by demonstrating, through direct or circumstantial evidence, that the government's conduct was motived at least in part by discriminatory intent. *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 265-66 (1977).

160. Defendants have adopted and implemented a policy to target refugees for arrest, detention, and interrogation based on their race, ethnicity and religion as a result of discriminatory animus toward people from non-white and/or Muslim-majority countries.

161. Defendants' Operation PARRIS explicitly targets "Minnesota's 5,600 [unadjusted] refugees."[12] The Edlow Memorandum further clarifies that DHS will target refugees "admitted" during President Biden's term, "from January 20, 2021, to February 20, 2025." Edlow Memorandum at 1.

162. Refugees who live in Minnesota are "treated differently" by DHS than "similarly situated" refugees in other states; refugees who were admitted during Biden's administration are "treated differently" by DHS than "similarly situated" refugees admitted before or after his term, including those vetted under the first Trump administration; non-white refugees are treated differently than white refugees like Afrikaaners; and "the government fails to provide a rational basis for the dissimilar treatment." *Ass'n of Residential Res. in Minnesota, Inc. v. Gomez*, 51 F.3d 137, 140 (8th Cir. 1995) (citing *Moreland v. United States*, 968 F.2d 655, 660 (8th Cir.), *cert. denied*, 506 U.S. 1028 (1992)). In fact, the only apparent government purposes are political animus towards a

[12] https://www.uscis.gov/newsroom/news-releases/dhs-launches-landmark-uscis-fraud-investigation-in-minnesota.

liberal state and a Democratic president, or racial animus towards non-white refugees. These are not legitimate purposes.

163. As a result of Defendants' targeting – based on discriminatory animus and with no rational relationship to a legitimate government purpose -- Named Plaintiffs, and the Class of unadjusted refugees in Minnesota admitted during the Biden Administration are facing continued irreparable harm.

164. As a result of Defendants' discriminatory animus and lack of rational basis to target unadjusted refugees for arrest and detention pursuant to the Refugee Detention Policy, Named Plaintiffs and the Class facing continued irreparable harm.

SEVENTH CLAIM FOR RELIEF
On behalf of Plaintiff-Petitioner and all Plaintiffs

Declaratory Judgment Act, 28 U.S.C. § 2201(a)

165. Named Plaintiffs and the Class reallege all paragraphs above as if fully set forth here.

166. Defendants continue to engage in efforts to detain refugees without a lawful basis.

167. Defendants' unlawful conduct has given rise to an actual controversy between Plaintiffs and Defendants.

168. Defendants' unlawful conduct has occurred and continues to occur within the State and District of Minnesota.

169. The Court should declare, for the reasons set forth and expressly incorporated herein, that Defendants' actions and conduct with regard to the arrests and detention of refugees are unlawful.

PRAYER FOR RELIEF

WHEREFORE, Named Plaintiffs and Advocates for Human Rights request that this Court:

a. Exercise jurisdiction over this matter;

b. Certify the Class and Detained Subclass and appoint Named Plaintiffs as class representatives and appoint undersigned counsel as class counsel;

c. Declare that the Refugee Detention Policy of warrantless arrests without probable cause of removability and flight risk, unauthorized detention, and investigation and re-interview of unadjusted refugees is in violation of law or regulation and unconstitutional;

d. Vacate and set aside the Refugee Detention Policy as in violation of law or regulation, and the Constitution, under the APA;

e. Postpone the effective date of the Refugee Detention Policy under the APA;

f. Issue a temporary restraining order, preliminary injunction, and permanent injunction enjoining Defendants, including their officials, agents, employees, assigns, and all persons acting in concert or participating with them, from implementing or enforcing any portion of the Refugee Detention Policy

g. Enjoin Plaintiff-Petitioner's and the Detained Subclass' removal or transfer outside the jurisdiction of this Court and the United States pending its adjudication of this petition;

h. Declare that the detention of Plaintiff-Petitioner and the Subclass violates the Due Process Clause of the Fifth Amendment, the INA, the APA, and the *Accardi* doctrine;

i. Order the immediate release of Plaintiff-Petitioner and the Detained Subclass;

j. Enjoin the removal of Plaintiff-Petitioner and the Detained Subclass from the United States during the pendency of this action:

k. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

l. Grant any other and further relief that this Court deems just and proper.

Dated: January 23, 2026

Respectfully submitted,

/s/ *E. Michelle Drake*

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