

US judge orders Trump administration to provide bond hearings to detained migrants

By Daniel Wiessner

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Sunshine Suzanne Sykes, a nominee to be a U.S. District Judge for the Central District Of California, swears in during a U.S. Senate Judiciary Committee hearing on Capitol Hill in Washington, U.S., February 1, 2022. REUTERS/Elizabeth Frantz [Purchase Licensing Rights](#)

Summary

- Earlier ruling that bond policy is illegal extended nationwide
- Dozens of other judges have said policy violates federal law
- Ruling comes amid immigration raids, broader crackdown

Nov 25 - A federal judge on Tuesday ruled that President [Donald Trump's](#) administration cannot impose mandatory detention on thousands of migrants held by U.S. immigration authorities without first giving them an opportunity to seek release on bond.

U.S. District Judge Sunshine Sykes in Riverside, California, [certified a nationwide class](#) of individuals who were already living in the United States when they were detained and are legally entitled to a hearing to determine whether they can be released on bond while their deportation cases proceed.

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Sykes [ruled last week](#) that the Trump administration's [policy adopted in July](#) of denying bond hearings to migrants detained during domestic enforcement operations in the U.S. was illegal, joining dozens of other federal judges. While those decisions involved individual migrants or small groups, Sykes on Tuesday extended her ruling nationwide.

About 65,000 people were in immigration detention in the U.S. as of last week, according to [government data](#).

The Trump administration has argued that individuals' differing circumstances required the issue to be reviewed on a case-by-case basis, but Sykes said that being deprived of the right to a bond hearing was an injury common to the class.

"Such common injury can be resolved in a single stroke upon the determination that the new policy is in violation of (migrants') due process rights," wrote Sykes, an appointee of Democratic President Joe Biden.

The U.S. Department of Justice and lawyers for the four migrants who filed the lawsuit did not immediately respond to requests for comment.

Under federal immigration law, "applicants for admission" to the United States are subject to mandatory detention while their cases proceed in immigration courts.

Bucking a longstanding interpretation of the law, the Trump administration in July said that non-citizens already residing in the United States, and not only those who arrive at a port of entry at the border, qualify as applicants for admission.



Sykes in her ruling last week disagreed, saying the law makes a clear distinction between existing U.S. residents and new arrivals.

Reporting by Daniel Wiessner in Albany, New York; Editing by Alexia Garamfalvi and Bill Berkrot

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