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Migrants in New England granted class-action status to challenge bond hearing denials

By **Nate Raymond**

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U.S. District Court Judge Patti Saris attends the opening ceremony for the Justice Stephen G. Breyer Community Learning Center on Courts and the Constitution at the federal courthouse in Boston, Massachusetts, U.S., March 25, 2025. REUTERS/Brian Snyder [Purchase Licensing Rights](#) 🔗

BOSTON, Oct 31 (Reuters) - A federal judge has granted class action status to a lawsuit seeking to prevent President Donald Trump's administration from subjecting thousands of migrants detained by immigration authorities in New England to mandatory detention without the possibility of being released on bond.

U.S. District Judge Patti Saris in Boston on Thursday [certified a class](#) 🔗 of migrants to address the claim that the administration lacks authority to subject resident noncitizens who entered the country without inspection to mandatory detention without a bond hearing.

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The Board of Immigration Appeals, which is part of the U.S. Department of Justice, issued a decision in September that endorsed the administration's interpretation of the Immigration and Nationality Act and required the denial of bond hearings.

Numerous federal judges across the country have declared the administration's practice unlawful. But nearly all of those decisions have been issued in individual cases, without blocking the policy on a nationwide basis.

Saris, an appointee of Democratic former President Bill Clinton, ruled earlier in the case that the practice was unlawful and granted a preliminary injunction requiring the release of the named plaintiff, Jose Arnulfo Guerrero Orellana, unless he was provided a bond hearing.

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The Salvadoran citizen had entered the United States in 2013 and was living in Massachusetts with his wife and their 1-year-old U.S. citizen daughter. He had been working as a landscaper when U.S. Immigration and Customs Enforcement took him into custody on September 18 during a traffic stop.

Saris, ruling in favor of Guerrero Orellana on October 3, had rejected the Trump administration's position that any noncitizen who entered the United States without inspection is subject to mandatory detention pending removal proceedings.

His lawyers at the American Civil Liberties Union of Massachusetts moved for class certification to prevent other detainees living in Massachusetts, Rhode Island, Maine, and New Hampshire from being denied bond hearings.

Saris, in Thursday's ruling, said the "proposed class shares a common question capable of classwide resolution because its members are all detained without a bond hearing pursuant to the same allegedly unlawful government policy."



The judge scheduled a hearing for Monday. The ACLU of Massachusetts is now expected to seek a declaratory judgment that the policy as applied to the class is unlawful.

"This ruling recognizes the sheer scale of the problem, and is a critical step toward securing due process for thousands of people in Massachusetts and several New England states who have been and will be jailed without justification by ICE," Dan McFadden, managing attorney at the ACLU of Massachusetts, said in a statement.

The Justice Department did not immediately respond to a request for comment.

The case is the second in which a judge certified a class of migrants challenging the bond denial practice. In the other case, U.S. District Judge Tiffany Cartwright in Tacoma, Washington, last month on a class-wide basis declared that the local immigration court's practice of denying bond hearings was unlawful.

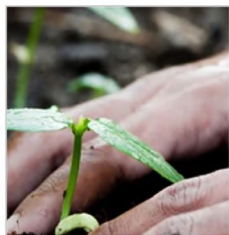
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Immigrant rights attorneys say the practice first took root at the immigration court in Tacoma, before the U.S. Department of Homeland Security [earlier this year](#) adopted the practice on a nationwide basis and began asking immigration judges to deny bond hearings.

The case is Guerrero Orellana v. Moniz, U.S. District Court for the District of Massachusetts, No. 1:25-cv-12664.

For the class: Dan McFadden of the ACLU of Massachusetts

For the government: August Flentje of the U.S. Department of Justice

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[US launches new bid to keep migrants detained by denying hearings, memo shows](#)

Reporting by Nate Raymond in Boston

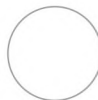
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