

•

Press Release

FOR IMMEDIATE RELEASE: October 29, 2024

CONTACT: guptawessler@rebuttalpr.com

Class Action Lawsuit Filed Against ICE for Illegally Withholding Over \$300 Million in Bond Money from Immigrant Families

NEW YORK (OCTOBER 29, 2024) – A groundbreaking class action lawsuit has been filed in the U.S. District Court for the Eastern District of New York, against U.S. Immigration and Customs Enforcement (ICE), challenging the agency’s systemic failure to return bond money to tens of thousands of immigrant families. The lawsuit seeks to rectify ICE’s illegal withholding of hundreds of millions of dollars in bond payments, predominantly affecting low-income households.

Immigration bonds, which are set at the discretion of ICE and immigration judges, allow noncitizens facing removal proceedings to be released from detention while their cases are decided. The [national average](#) bond amount is \$6,000. While these amounts are unaffordable for most, families and friends of people in detention who are able to pay are contractually entitled to have the money returned, with interest, once the immigration case has concluded. However, ICE regularly fails to return these funds, even when all conditions have been met and proceedings have concluded.

The class representative, Douglas Cortez, signed a contract with ICE in November 2013, for \$10,000 to have his friend released from detention. The friend complied with the conditions of the bond and in August 2023, his proceedings were dismissed. Under the terms of the contract, the bond should have been canceled by ICE at that time, and Mr. Cortez should have received notice of the cancellation and been refunded the \$10,000 cash deposit, plus interest. More than one year later, that has not happened.

The lawsuit, filed today by Gupta Wessler LLP and Motley Rice LLC, grows out of a partnership with Envision Freedom Fund and the Kathryn O. Greenberg Immigration Justice Clinic at Benjamin N. Cardozo School of Law and seeks to certify a national class of individuals who posted bonds for detained individuals.

•

“This lawsuit is about holding ICE accountable for violating the rights of immigrant families,” said Deepak Gupta, founding principal of Gupta Wessler LLP. “ICE isn’t above the law, and it failed to fulfill its contractual duty to cancel bonds, to notify payers that their bonds have been canceled, and, ultimately, to pay them the money that they are owed. As a result, the federal government has retained hundreds of millions of dollars to which it is not entitled.”

“We are united in our call to stop ICE’s abusive practices and return the millions of dollars that belong to immigrant families,” said Rosa Santana, the interim co-executive director of Envision Freedom Fund, an immigration bond fund that has freed 1,000 people from detention since 2018. “But this fight goes beyond this lawsuit. We are working to end the detention of immigrants entirely and to create a system that treats people with dignity, not exploitation. The fact that ICE is withholding bond money even after legal cases are resolved is a direct assault on immigrant families’ financial stability, rights and dignity.”

After a two-year investigation, estimates suggest that ICE is withholding more than \$300 million, but the full amount of funds and people impacted can only be confirmed from the defendant’s records. Some of this money remains in ICE’s possession, while a large portion has been transferred to the U.S. Treasury’s unclaimed monies account. ICE’s unclaimed funds account is the largest of any federal agency and grows by about \$10 million annually.

This lawsuit is just one step in a larger campaign to address systemic failures within the immigration bond system. Envision Freedom Fund, in collaboration with Initiative for Community Power at NYU School of Law, is coordinating a campaign to not only recover bond money but also advocate for a complete end to the punitive practice of bond, which inflicts financial, emotional, and physical damage on immigrants and their loved ones. Prioritizing freedom for immigrants whose legal cases are in process keeps families and communities whole, creating stability and safety for everyone.

Potential class members who have unreturned ICE bond money, are encouraged to reach out to Envision Freedom Fund [here](#). As the case moves forward, stay informed by visiting Envision Freedom’s website: envisionfreedom.org/our-work/bond-return-lawsuit.

###

•

Envision Freedom Fund

[Envision Freedom Fund](#) (formerly Brooklyn Community Bail Fund) works alongside impacted communities to dismantle the oppressive and interconnected criminal legal and immigration systems. With freedom as our guiding principle, we invest in innovative campaigns and programs that aim to win long-term, transformative change, while meeting the urgent needs of community members in the present.

Initiative for Community Power at NYU School of Law

The Initiative for Community Power at NYU School of Law (“The Initiative”) combines scholarship, experiential education, convenings, and field placements to study and challenge inequality and anti-democracy. The Initiative works closely with non-profit, academic and government partners to reimagine the parameters of the possible, and to realize our vision of a dynamic democracy, rooted in racial and economic justice. The Initiative is housed at the Center on Race, Inequality and the Law at NYU School of Law.

Gupta Wessler

Founded in 2012, [Gupta Wessler LLP](#) is a national appellate, constitutional, and complex litigation boutique focused on the representation of plaintiffs and public interest clients in the U.S. Supreme Court and state and federal courts across the country. With offices in Washington, DC; San Francisco, California; and Cambridge, Massachusetts, the firm briefs and argues high-stakes cases on a broad range of legal issues, from economic justice and civil rights to administrative law and constitutional issues of every stripe. Since 2021, the firm’s partners, Deepak Gupta, Matthew Wessler, Jonathan Taylor, and Jennifer Bennett, have also been teaching Harvard Law School’s Supreme Court Litigation Clinic. Gupta Wessler works closely with leading trial counsel, scholars, policy experts, and advocacy groups to help shape the law in ways that enhance justice and improve people’s lives.

Motley Rice

With a tradition of representing those whose rights have been violated, Motley Rice attorneys gained recognition for their pioneering asbestos lawsuits, their work with the State Attorneys General in the landmark litigation against Big Tobacco, and their representation of 9/11 families in the ongoing lawsuit against terrorist financiers.

•

The firm continues to represent clients in complex litigation in numerous areas, including securities fraud; antitrust; consumer protection; mesothelioma; environmental contamination; prescription and over-the-counter drugs; medical devices; human rights; aviation disasters; and wrongful death. Motley Rice is headquartered in Mt. Pleasant, S.C., and has additional offices in Connecticut; Washington, D.C.; New Jersey; New York; Pennsylvania; Rhode Island; and West Virginia. For more information, contact Motley Rice at 1.800.768.4026 or visit www.motleyrice.com. Motley Rice LLC, a South Carolina Limited Liability Company, is engaged in the New Jersey practice of law through Motley Rice New Jersey LLC. Esther Berezofsky is the attorney responsible for New Jersey practice.
