

September

20
26



Reimagining the Immigration System

Examining how the Conditions in the Broadview Processing Facility are Shaped by its Status as a Temporary Facility Under Illinois Law.

WRITTEN BY:

Susan Flatt, Ayesha Tabriz, Jerry Benedict, Isabella Gonzalez,
Ashley Campos, Camille Haines, Makaya Phillips

By the Future Justice Lawyers of Chicago

Introduction

Since President Donald Trump began his second term, the American public has experienced a renewed focus on the harms perpetrated by the federal immigration system. These harms, however, are not unique to President Trump or to our present moment, and neither are the ongoing efforts to mitigate those harms. For decades, some state governments—those we refer to as “sanctuary states”—have leveraged state policy to foster safe communities for their residents, regardless of immigration status. Through such policies, valuable progress has been made to protect immigrant communities, but the potential for abuse within the federal immigration system still remains. As Illinois is often viewed as among the most progressive sanctuary states, this report will explore how abuses within one of its few detention facilities, Broadview Processing Center, have been able to persist despite robust state policies to protect immigrants.

The Broadview Processing Center is situated within a network of state and local level “sanctuary” policies, which have thus far contained the reach of its operations, but have not directly addressed either Broadview or the community harms it has created. More specifically, the Illinois Way Forward Act in 2021 prevented Immigration and Customs Enforcement (ICE) from contracting with local law enforcement for longer-term facilities, creating a situation in which Broadview’s functions as a short-term staging facility have expanded to include longer detention stays.

Within Broadview, ICE operates with broad authority to arrest and detain individuals, however there are ongoing concerns about how consistently its policies and standards are being applied. Similarly, the experiences of detainees in centers like Broadview also evoke questions regarding their access to legal representation and counsel. Lawsuits against the Department of Homeland Security (DHS), along with testimony from attorneys and clients alike, have pointed towards the repeated denial of meaningful counsel for immigrants.

Immigrants within Broadview are not only frequently denied access to their attorneys, but they also face numerous other constitutional and human rights violations, including lack of access to basic hygiene products and denial of medical care, among other dehumanizing conditions. The psychological trauma experienced by detainees in Broadview is only exacerbated by the significant barriers they face to communicating with their loved ones, cutting them off from both their immediate families and broader communities. While family separation is a

central element of the Trump administration's immigration policy, it is particularly acute at Broadview, which often serves as a stopping ground for detainees who are soon to be transferred out of state.

In order to address the grievous issues faced by detainees within Broadview, there are numerous solutions that can be pursued by both the state government and non-governmental advocacy organizations, which will be outlined at the end of this report.

Illinois State Constitution

The legality of immigration detention in Illinois is not explicitly rooted in constitutional authority, but rather, the broader structure of power and limitations set forth by the document. This structure enables the state to regulate detention through its control over institutions. By exploring state authority, the limits on the state, and how the federal government plays a role, this section sets the framework for other relevant legislation to set up the current detention structure at Broadview.

Although the Illinois State Constitution does not explicitly address immigration detention facilities or practices, it creates the legal foundation for understanding how and when the state can use a system of detention. Rather than giving the government a specific power or authority to detain migrants, the Illinois Constitution defines the scope of state authority, the limits on that authority, and the relationship between the state and federal government. This structure is needed to evaluate how a center like Broadview can operate as a detention center.

At the center of the issue is the division of power between the state and federal government on immigration detention. The federal government retains "broad, undoubted power over the subject of immigration and the status of aliens,"¹ meaning that immigration enforcement, including long-term detention decisions, sits primarily at the federal level. However, the states do not lose all their power to detain migrants, as they maintain power over their own institutions, local actors, and physical infrastructure that go into detention. Because of this, while Illinois cannot unilaterally create or enforce immigration policies, it can shape the conditions in which apprehension and detention occur under its jurisdiction. This creates the tension underlying Broadview's status. The Illinois Constitution enables the state to regulate

¹ Buys, Cindy Galway, 2021 Survey of Illinois Law: Ending Immigration Detention and Expanding Immigrant Protections (July 19, 2022). Southern Illinois University Law Journal, Forthcoming, Available at SSRN: <https://ssrn.com/abstract=4167349>.

detention facilities through its general state authority, while federal law limits the scope of this authority. Understanding this balance is crucial for analyzing why temporary detention facilities are legally allowed, how they are structured, and where potential inconsistencies or areas for reform arise.

State Authority Under the Illinois Constitution

The Illinois Constitution provides a broad legal authority to the government that, while not specific to immigration, provides the legal foundation for the power of the state to regulate these facilities. The Illinois General Assembly possesses all legislative powers that are not explicitly denied by the state or federal constitutions.² This expansive authority allows the state to legislate in areas like detention and public safety, both related to immigration policy, with broad power. This authority is further advanced in the stated purpose of government, including providing the

“Health, safety, and welfare of the people.”³ Detention of individuals can be justified under this notion by being tied back to public safety or legal processing. Although immigration detention itself is a federal function, the physical spaces and infrastructure necessary often exist within a state’s broader responsibility to maintain order and manage public systems.

In addition to its general legislative authority, Illinois maintains significant control over local governments. The State Constitution allows for the state to exercise broad power over municipalities and counties, including how they manage facilities. The Illinois Constitution states, “the General Assembly may exercise almost complete control over units of local government.”⁴ This means that the state can permit, regulate, and restrict the use of local facilities for detention. In practice, a facility like Broadview stems not from the constitutional permission to detain, but from the broader authority for the state to oversee local institutions.

Limits on Detention Authority

While the state’s constitution gives broad authority to regulate detention-related practices, it also imposes important limitations on how that power can be exercised. The document protects individuals from unjustified deprivations of liberty, stating that no person shall be deprived of “life, liberty, or property without due process of law.”⁵ This protection, in theory, should help

² IL. Const. art. IV, § 1.

³ IL. Const. preamble

⁴ Illinois State constitution, Article 4

⁵ IL. Const. art. I, § 2.

protect individuals from arbitrary detention. In addition to a clear basis of due process, the Illinois Constitution protects against unreasonable searches and seizures, further limiting the ability of state actors to detain individuals without proper justification. This means that, to detain an individual, the detention must meet the standard of reasonableness and legality. This demonstrates that, although detention is permissible under state law, it must be done with justification and reason.

These legal limits are important in distinguishing temporary and prolonged detention. Because due process requires notice, justification, and the ability to be heard, the state law supports short-term administrative detention over long-term and open-ended confinement. In this way, the structure of the Illinois Constitution supports temporary holding or processing functions over long-term detention systems. As a result, state law forms the way in which officials can apprehend and detain individuals. This tension between limits on power and broad authority gives way to explaining why an institution like Broadview can exist as a temporary detention center while holding people for prolonged periods.

Federal Constraints and State-Federal Interaction

Although the state constitution gives the General Assembly a large scope of power to enforce immigration, the power is limited by the federal government's authority over immigration detention. As mentioned, the courts in the past have ruled that the federal government has "broad, undoubted power over the subject of immigration and the status of aliens."⁶ This makes immigration enforcement and, by extension, long-term detention the responsibility of primarily the federal government.⁷ So, Illinois cannot independently create or administer a fully comprehensive immigration system, even if state law permits it. This limitation is further reinforced by the doctrine of federal preemption. The Supreme Court has ruled that states are restricted from engaging in independent immigration enforcement, as "state laws creating new state immigration-related crimes [or] mandating state officers to enforce federal immigration laws without direct delegation from the federal government... are prohibited."⁸ What this means in practice is that Illinois can regulate its own actors and

⁶ Elias, Stella Burch. "Immigration Federalism in the Second Trump Administration." *Idaho Law Review* 61, no. 3 (2025): 291-317. HeinOnline. Pg. 704

⁷ Elias. "Immigration Federalism in the Second Trump Administration." (2025).

⁸ Elias. "Immigration Federalism in the Second Trump Administration." (2025).

infrastructure, but it cannot use that authority to replicate or replace the federal immigration system. In this sense, the state's role is seen as more indirect.

At the same time, however, federal power here does not bar state involvement completely. Instead, immigration operates in dual sovereignty, in which states maintain control over their own institutions and local governance structures. Federal law gives way for this arrangement by allowing the federal government to enter into agreements with states and localities to house immigration detainees.⁹ This allows the state to control some power over immigration by controlling the infrastructure that the federal government relies on.

Illinois is not required to participate in this system, however. As scholarship has demonstrated, states can adopt policies and approaches that limit cooperation with federal immigration enforcement while still operating within constitutional boundaries.¹⁰ This includes restricting how state and local officials interact with federal immigration authorities or how state-controlled facilities are used. These choices reflect the state's authority over its respective institutions, rather than attempting to regulate immigration policy itself.

These various understandings of immigration law and the legality of the state's power create the foundation for a facility like Broadview to exist in a legal gray area. Federal law prevents the state from unilaterally imposing immigration law, while the Illinois Constitution gives the state some control back by allowing it to control the infrastructure and detention regulation. The result is a system like Broadview: a detention center for temporary holdings and processing, but often used as a way to prolong detention and bar individuals from being granted their rights.

Current Sanctuary Policy Impact on Broadview

The Broadview Processing Center is situated within a state and a locality that consistently and explicitly limit their cooperation with federal immigration authorities through adopting 'sanctuary policies.' Through these legislative acts and municipal ordinances, along with *de facto* local policies, the state and local governments surrounding Broadview aim to increase community trust and safety by shielding their citizens from being exposed to ICE scrutiny and

⁹ Buys, Cindy Galway, 2021 Survey of Illinois Law: Ending Immigration Detention and Expanding Immigrant Protections (July 19, 2022). Southern Illinois University Law Journal, Forthcoming, Available at SSRN: <https://ssrn.com/abstract=4167349>.

¹⁰ Young MT, Tafolla S, Perez-Lua FM. Caught Between a Well-Intentioned State and a Hostile Federal System: Local Implementation of Inclusive Immigrant Policies. *Milbank Q.* 2023 Dec;101(4):1348-1374. doi: 10.1111/1468-0009.12671. Epub 2023 Sep 14. PMID: 37707458; PMCID: PMC10726814.

operations. Fully understanding Broadview, both in its formation as well as its operational structure, requires an overview of the legal environment that surrounds the facility. Only following this will an analysis of the extent to which state and local policy impacts Broadview, or an employment of Broadview as a case study to analyze the efficacy of sanctuary policy generally, be possible.

On the state level, Illinois policy has mainly addressed the issue of cooperation with federal immigration agencies through the deployment of the Illinois TRUST Act (2017), supplemented by the Illinois Way Forward Act (2021). As the implications and structure of this legislation is critically important to Broadview, they are discussed in detail in the following section, along with a specific analysis of their interaction with Broadview. For the purposes of this legislative overview, it is critical to note that the Illinois TRUST Act established a statewide prohibition on law enforcement using immigration status as grounds for detaining, stopping, or searching individuals.¹¹ The creation of this ‘sanctuary state’ legislation, and its later strengthening through the Illinois Way Forward Act, is the most major example of the State of Illinois restricting its involvement in immigration affairs. Fundamentally, this legislation separates state and federal authorities in this context, which has major implications for the operation of a facility such as Broadview. In this environment, ICE operations, from data collection to detention, must be conducted largely in isolation rather than as a collaborative effort. This makes the distinction between local, state, and federal enforcement tangible in a way that it is not for other law enforcement areas. Broadview is not a law enforcement center situated in relation to the Broadview police station or Illinois State Police centers, but rather is an independent wing. As the only non-administrative ICE facility in the area, all ICE activity must come and go directly from Broadview as opposed to participating in a larger regional network. However, state-level legislation is not the only important facet of the legal landscape surrounding Broadview. While the village of Broadview is not subject to Chicago municipal ordinance, a significant portion of ICE operations in the area occurred in Chicago during Operation Midway Blitz, which specifically targeted Chicago for immigration operations. Thus, Chicago local ordinance is also impactful for the regional legal environment of the Broadview facility. The most prominent instance of Chicago policy interacting with ICE is found in the Chicago Welcoming City Ordinance (City Code Chapter 2-173). Similar to the Illinois TRUST Act, this

¹¹ 5 ILCS 805/15a–e

ordinance prohibits local law enforcement from detaining individuals on the basis of immigration status,¹² allowing ICE access to people in custody for civil immigration purposes,¹³ or “use of agency facilities for investigative interviews.”¹⁴ For the ICE enforcement agents operating out of Broadview, this Chicago ordinance further reduces the potential for coordination with local law enforcement such as CPD. The legislation of localities surrounding the Broadview facility constrain its operations to a singular effort. However much depth or duration ICE investigations in the Chicago area possess, this ordinance prevents ICE from widening their investigative net to include all possible law enforcement resources. From a purely abstract perspective, this suggests that sanctuary policies, whether they be state or local, will have a neutral or diminishing effect on the result of civil ICE operations. However, what remains to be analyzed is the empirical effect of sanctuary policies on community wellbeing and ICE outcomes.

Much prior analysis of the effect of sanctuary policies has focused on whether or not these policies are linked to increases in crime rates. Overwhelmingly, sanctuary policies have been shown not to increase crime rates in the jurisdictions they are implemented in.¹⁵¹⁶ However, how they influence ICE actions, methods, and outcomes for affected populations is substantially less clear, possibly due to the dense interaction of possible factors at play. Results from statistical analysis from researcher and lawyer D.K. Hausman “imply that there would have been over 22,300 more deportations nationwide from 2013 to 2015 had sanctuary policies not taken effect, which would have meant about a 15% larger overall number of local-fingerprint deportations.”¹⁷ An in-house analysis of publicly available immigration data also revealed a general negative correlation between sanctuary states and deportation numbers. Moreover, a positive relationship between border states and detainee numbers, but a negative relationship between sanctuary status and detainee numbers was found, significant at the 0.1 level. Overall, empirical data suggests that sanctuary policies are associated with lower numbers of detentions overall, while not being conducive to an increase in crime rates.

¹² Chicago City Code 2-173-042 (a)(1)

¹³ Chicago City Code 2-173-042 (b)(1)(A)

¹⁴ Chicago City Code 2-173-042 (b)(1)(B)

¹⁵ D.K. Hausman, “Sanctuary policies reduce deportations without increasing crime,” *Proc. Natl. Acad. Sci. U.S.A.* 117 (44) 27262-27267, <https://doi.org/10.1073/pnas.2014673117> (2020).

¹⁶ Marta Ascherio, Do sanctuary policies increase crime? Contrary evidence from a county-level investigation in the United States, *Social Science Research*, Volume 106, 2022, 102743, ISSN 0049-089X, <https://doi.org/10.1016/j.ssresearch.2022.102743>.

¹⁷ D.K. Hausman, “Sanctuary policies reduce deportations without increasing crime,” *Proc. Natl. Acad. Sci. U.S.A.*

Considering that the stated aim of sanctuary policy is to prioritize the trust and safety of the community, the data appears to suggest that sanctuary policies are effective. Community safety is preserved, as local and state law enforcement still serve criminal warrants, while community function and trust is not sacrificed for civil immigration operations, associated with an overall lower detained population in locations where these policies are adopted. However, these policies are limited in their full effectiveness. For one, as evidenced by the existence of the Broadview facility, sanctuary policies can neither stop ICE facilities from being located within a state nor prohibit ICE from detaining individuals. In this way, community trust and cohesion will likely continue to be broken despite adoption of sanctuary policies. States and localities with an authentic interest in preserving public order and the integrity of their communities through sanctuary policy efforts must continue to search for legislative, executive, and judicial solutions to protect vulnerable individuals. Current sanctuary policies have been able to contain the impact of federal immigration operations, but have thus far been unsuccessful in fully addressing the harms that often stem from them. Looking to the future, it is critical that states and municipalities attempt to create policies that increase the accountability of the ICE facilities, regardless of whether or not they are sanctuary states/cities.

State Law and the Question of Broadview

Illinois TRUST Act & Illinois Way Forward Act

Having already discussed Illinois' state policies and Chicago's status as a sanctuary city more generally, it is now necessary to focus in on the particular legislation that is most relevant to Broadview's legal status. In this context, perhaps the single most important piece of legislation is the Illinois Way Forward Act (SB 667), which was passed as an amendment to the Illinois TRUST Act (2017) and signed into law by Governor Pritzker on August 2, 2021.¹⁸ Considering this law is often credited for "the end of immigration detention in Illinois,"¹⁹ it is worth breaking down exactly what the Way Forward Act accomplished, as well as its very real limitations. Looking first at its origins, the passage of the Illinois Way Forward Act was the culmination of a years-long effort to end state and local involvement with immigration enforcement, which began

¹⁸ Office of the Governor of Illinois, *Gov. Pritzker Signs Legislation Further Establishing Illinois as the Most Welcoming State in the Nation*, ILLINOIS.GOV (Aug. 2, 2021), <https://www.illinois.gov/news/release.html?releaseid=23653>.

¹⁹ Karina Solano, Antonio Gutierrez, & Julia Davis, *Ending Immigration Detention in Illinois: Challenges and Lessons From the Implementation of the Illinois Way Forward Act*, 2023 N.Y.U. L. REV. ONLINE, <https://nyulawreview.org/forum/2023/06/ending-immigration-detention-in-illinois/>.

with the fight to pass the Illinois TRUST Act. Though hailed as a landmark piece of legislation at the time of its passage, the TRUST Act, throughout the four years between its conception in 2013 and eventual passage in 2017, had been whittled down from a sweeping 60-page draft to a mere three and a half page bill.²⁰ The core of the TRUST Act, which prevented state and local law enforcement from detaining individuals based solely on an immigration detainer or non-judicial warrant, was no doubt a ground-breaking accomplishment.²¹ That said, many of the TRUST Act's key provisions ultimately had to be sacrificed in order to ensure its passage.²² A big part of what the Illinois Way Forward Act accomplished, then, was filling in some of the gaps in what the TRUST Act had been able to achieve. For example, a major goal in the original draft of the TRUST Act was shutting down the network of information-sharing between local and federal law enforcement through the Secure Communities program.²³ Under this program, ICE was able to automatically verify the immigration status of individuals being held in state and local detention even for relatively minor unrelated infractions, often enabling federal immigration enforcement to apprehend and detain immigrants immediately after their release from local custody.²⁴

Although the provisions targeting this program were not included in the version of the TRUST Act that eventually passed, this issue was taken up again with the passage of the Illinois Way Forward Act. The Way Forward Act explicitly prohibits state and local law enforcement from cooperating with federal immigration enforcement in a number of ways. This includes more concrete actions, such as coordinating arrests and transferring custody over detainees, but it also addresses the issue of information sharing.²⁵ For example, under the Way Forward Act, state and local officials are disallowed from investigating the immigration status of individuals who have been detained for unrelated reasons, and are similarly prohibited from sharing any information about individuals in state or local custody with federal immigration enforcement.²⁶

²⁰ Camilla Mroczkowski, *Illinois: A State-of-the-Art Model for State Immigration Rulemaking*, 16 DEPAUL J. SOC. JUST., 9-10 (2023), <https://via.library.depaul.edu/jsj/vol16/iss1/4>.

²¹ Illinois TRUST Act, Pub. Act 100-0463 (Ill. 2017).

²² Mroczkowski, *supra* note 20, at 11-12.

²³ Joseph M. Gietl, *Restoring Trust and Advancing Justice: Adopting the Illinois Trust Act is the Real Way to Secure Communities*, 19 PUB. INT. L. REP. 114 (2014), <https://lawecommons.luc.edu/cgi/viewcontent.cgi?article=1199&context=pilr>.

²⁴ *Secure Communities: A Fact Sheet*, AMERICAN IMMIGRATION COUNCIL (Nov. 29, 2011), <https://www.americanimmigrationcouncil.org/fact-sheet/secure-communities-fact-sheet/>.

²⁵ Illinois TRUST Act, 5 ILL. COMP. STAT. 805/15(h) (2025).

²⁶ 5 ILL. COMP. STAT. 805/15(e), (h) (2025).

For good reason, though, these major accomplishments were somewhat incidental to the fervent attention the Way Forward Act received, as its most significant achievement—and the one most relevant to this report—went far beyond the original goals of the TRUST Act. Namely, the law explicitly prohibits state and local law enforcement agencies, officials, or other government entities from “enter[ing] into or renew[ing] any contract, intergovernmental service agreement, or any other agreement to house or detain individuals for federal civil immigration violation.”²⁷ In line with this, the Way Forward Act mandated the termination of any existing contracts for immigration detention facilities and established robust reporting requirements and enforcement mechanisms that the TRUST Act had lacked.²⁸

In plain terms, these provisions were aimed at ending the practice by which county jails were able to profit millions of dollars annually through contracts with federal immigration enforcement.²⁹ Under such contracts, immigrants could be detained in county jails long-term while waiting for their immigration hearings, where they were often subject to unsafe and dehumanizing conditions, particularly during the COVID-19 pandemic.³⁰ At the time the Illinois Way Forward Act was passed, Illinois already had standing law against the operation of *private* detention facilities.³¹ Thus, all three detention facilities currently operating in the state (Kankakee, McHenry, and Pulaski) were county jails holding contracts with ICE, which is precisely why the law is often credited for ending immigration detention in Illinois.³² There were, however, two key caveats to that success. First, even as the three detention facilities in Illinois terminated their contracts with ICE, federal immigration enforcement retained discretion over what would happen to the immigrants being detained there. Oftentimes, this meant that instead of being released, detainees would be transferred to other contracted facilities

²⁷ 5 ILL. COMP. STAT. 805/15(g) (2025).

²⁸ *Id.*; Ill. Att’y Gen.’s Off., *Way Forward Act Annual Compliance Report: 2024 Summary Statistics* (2024), <https://illinoisattorneygeneral.gov/Page-Attachments/2024WFAPublicReport.pdf>.

²⁹ Brief for Plaintiffs-Appellants at 3, *McHenry County, Ill. v. Raoul*, No. 21-3334 (7th Cir. 2022), <https://www.courthousenews.com/wp-content/uploads/2022/05/mchenry-raoul-appellant-brief-ca7.pdf>.

³⁰ Solano, *supra* note 19.

³¹ Private Detention Facility Moratorium Act, 730 ILL. COMP. STAT. 141/15 (2025).

³² Carlos Ballesteros, *Illinois Legislature Passes Bill to Close State’s Immigration Detention Centers*, INJUSTICE WATCH (May 28, 2021), <https://www.injusticewatch.org/civil-courts/immigration/2021/illinois-way-forward-immigration-detention-centers/>

out-of-state, in many cases without notifying their families.³³ Additionally, and more relevant to the current situation, the law still allows ICE to operate its own detention centers in the state.³⁴ In other words, there is technically no legal reason that ICE cannot establish and operate a long-term detention facility in Illinois. It would however, be a major divergence from the way in which ICE has typically operated, with almost all of its detention facilities owned and contracted out by other entities.³⁵ Instead of establishing a new long-term detention facility in Illinois, then, ICE has instead chosen to adapt an existing facility, Broadview, to serve a similar function, despite the fact that it was originally intended to fulfill a very different role.

Broadview Service Staging Area

In thinking about Broadview, it is crucial to remember that, for all we generally refer to the facility as Broadview Detention Center, it is properly classified as Broadview Service Staging Area. While contracted detention facilities, owned and operated by either private corporations or county governments, are designed for the long-term detention of immigrants awaiting their immigration hearings, holding or staging facilities are intended for much more limited use.³⁶ A DHS audit of Broadview, for example, described it as “a very short-term staging facility” with a “designed capacity of 236 detainees” and a clearly delineated function “to receive, process, and prepare detainees for transport to other detention facilities, release, or re-patriotization.”³⁷

As a temporary holding facility, Broadview is meant to be subject to strict limits on the maximum amount of time detainees can be held there, before they must be either transferred or released. Historically, all such holding facilities operated by ICE Enforcement and Removal Operations (ERO) were prohibited from holding detainees for longer than 12 hours, with a nationwide waiver on June 24, 2025 expanding that to a 72-hour maximum, “absent exceptional

³³ Solano, *supra* note 19.

³⁴ Katy Murdza, *New Illinois Law Expected to Go Furthest Toward Ending Immigration Detention in the US*, AMERICAN IMMIGRATION COUNCIL (Aug. 10, 2021), <https://www.americanimmigrationcouncil.org/blog/illinois-law-end-immigration-detention/>.

³⁵ Aaron Reichlin-Melnick, *ICE’s Warehouse Purchases Herald New Model for Immigration Detention*, AMERICAN IMMIGRATION COUNCIL (Feb. 24, 2026), <https://www.americanimmigrationcouncil.org/blog/ice-buys-warehouses-immigration-detention/>.

³⁶ Transactional Records Across Clearinghouse, *TRAC Immigration: About the Data*, TRACREPORTS.ORG, <https://tracreports.org/immigration/reports/222/> (last visited April 19, 2026).

³⁷ U.S. Dep’t of Homeland Sec., *PREA Audit Report for Broadview Service Staging Area* (2023), https://www.ice.gov/doclib/foia/prea_audit/broadviewServiceStagingArea_Sep10-2018_Sep11-2018.pdf

circumstances.”³⁸ In practice, however, those limits have often been ignored, such that Broadview functions in ways akin to a detention facility, as opposed to a processing center. Analysis of government data provided by ICE to the Deportation Data Project through FOIA requests shows that, between September 1, 2023 and October 15, 2025, 1937 of the 7746 people detained in Broadview were held there for longer than the maximum 12-hours, a problem that grew increasingly severe following President Trump’s inauguration.³⁹ Even after the policy changed to allow stays of up-to 72 hours, for example, there were still 195 people held in Broadview for longer than the maximum allowed detention period.

In some respects, this tendency to hold detainees beyond the maximum time is intimately tied to the passage of the Illinois Way Forward Act. Looking at archived detention records from the Deportation Data Project reveals that, prior to both COVID-19 and the passage of the Illinois Way Forward Act, only a single detainee in Broadview was held past 12 hours between April and September in 2019. Comparing this to the records from FY2023 (10/2022–09/2023) reveals a statistically significant increase in the median detention duration from 0.5333 hours (~32 minutes) to 6.533 hours. This reflects a potential trade-off of the Illinois Way Forward Act. The law undeniably led to a dramatic decrease in overall state-wide detentions, as nearly 14,000 immigrants were detained in Illinois between April and September of 2019 (with 2,984 held for longer than a week), compared to only 2,225 during the *entirety* of FY2023.⁴⁰ The law also, however, prompted Broadview to start holding detainees for longer durations before eventually transferring them to longer-term detention facilities out of state.

Regardless of the reason, these repeated violations of the limitations placed on Broadview as a “service staging area,” including one notable case of an immigrant held for more than two months before eventually being transferred to Louisiana for removal, reveal the extent to which Broadview has come to function as a detention facility, despite its more limited legal

³⁸ U.S. Immigr. & Customs Enf’t, *Nationwide Hold Room Waiver* (June 24, 2025), <https://storage.courtlistener.com/recap/gov.uscourts.mdd.582507/gov.uscourts.mdd.582507.40.3.pdf>

³⁹ Deportation Data Project, *Immigration and Customs Enforcement*, *DEPORTATIONDATA.ORG*, <https://deportationdata.org/data/ice.html> (last visited April 27, 2026).

⁴⁰ *Id.*

status.⁴¹ As will be discussed in future sections, this has been central to much of the ongoing litigation about the conditions endured by detainees in Broadview.

ICE Agents

Immigration and Customs Enforcement (ICE) operates under the Department of Homeland Security and is primarily responsible for immigration enforcement within the interior of the United States. It was developed in 2003 shortly after the 9/11 attacks. Based on their website their mission is to “protect America through criminal investigation and enforcing immigration laws to preserve national security and public safety.”⁴² Its legal authority is rooted in federal statutes, particularly 8 U.S.C. §§ 1226 and 1357, which allow ICE agents to arrest and detain individuals believed to be removable from the country; some violations include burglary, shoplifting, assault on an officer, etc. Under these provisions, ICE may issue administrative warrants, detain individuals during removal proceedings, and in certain circumstances conduct warrantless arrests when there is “reason to believe” a person is unlawfully present and may escape before a warrant can be obtained. While this authority is broad, it is still limited, and individuals still have constitutional protections such as the Fourth Amendment, especially regarding unreasonable searches and entry into private spaces without a judicial warrant. Agents cannot enter a space where a reasonable person would have a reasonable expectation of privacy that the public have no access to and/or sensitive places such as places of worship, funerals, schools, etc. ICE also operates through structured divisions within Enforcement and Removal Operations (ERO), including units focused on identifying criminal noncitizens, locating fugitives, managing detention, coordinating removals, and analyzing enforcement data.⁴³ ICE states that detention is civil and non-punitive and requires all facilities, regardless of who operates them, to comply with established detention standards. These standards are intended to ensure safety, access to services, and appropriate treatment, and ICE reports conducting regular oversight through compliance reviews and monitoring. Policy also states that custody decisions

⁴¹ Deportation Data Project, *ICE Data Release: Oct. 2022 to Early-Mar. 2026*, *DEPORTATIONDATA.ORG* (March 30, 2026), <https://deportationdata.org/news/2026-03-30-ICE-release.html> (noting that the most recent version of this data set, flagged by the Deportation Data Project as potentially less accurate due to ICE omissions, no longer includes a record of that two month stay).

⁴² U.S. Immigration and Customs Enforcement, *ICE Mission*, <https://www.ice.gov/mission> (last visited May 2026).

⁴³ Hillel R. Smith, *Immigration Arrests in the Interior of the United States: A Primer*, Cong. Rsch. Serv. LSB10362, (June 13, 2025).

are made on a case-by-case basis, taking into account factors such as flight risk, public safety, and humanitarian considerations like medical needs or caregiving responsibilities.⁴⁴

However, oversight reports and investigative journalism suggest a gap between policy and practice in some facilities. At the Broadview processing center in Illinois, congressional inspections and reporting described overcrowding, limited medical staffing, and inconsistent recordkeeping. In some cases, individuals were reportedly held for longer periods than the facility's stated short-term purpose, raising concerns about the processing facility being operated as a detention center.⁴⁵ Additional reports describe detainees experiencing restricted access to attorneys, delayed medical care, and poor living conditions, including lack of hygiene supplies and sleeping arrangements.⁴⁶ Overall, the sources show that ICE has broad legal authority and detailed ways for how to run their facilities, but how it operates in reality can vary depending on facility conditions, and how effective administration is, which may affect how the agents inside the facilities treat the inmates.

Detainees in Broadview

Although Broadview serves as a temporary holding facility rather than a long-term detention center, the sheer scale of its detainment operations—particularly over the past year—highlights the considerable role it plays in ICE's wider detention network. Analyzing the populations detained in centers like Broadview is essential in understanding how temporary facilities operate in practice, their impact on targeted communities, and their broader role within the immigration system. Data from FOIA requests and available ICE databases demonstrates that Broadview processes thousands of people from a variety of backgrounds and immigration statuses. While many of these individuals are ultimately transferred out to other parts of ICE's detention system, studying the characteristics and circumstances of detainees in the initial phase

⁴⁴ U.S. Immigration and Customs Enforcement, *Detention Enforcement*, <https://www.ice.gov/detain/detention-management> (last visited May 2026).

⁴⁵ Lauren Underwood, *Ranking Member Underwood Shares Report from Oversight Visit to ICE's Broadview Processing Center*, U.S. House of Representatives, <https://underwood.house.gov/media/press-releases/ranking-member-underwood-shares-report-oversight-visit-ices-broadview>.

⁴⁶ Lauren FitzPatrick, Jon Seidel, *Broadview ICE facility a 'black box' where immigrants denied access to lawyers, medicine, lawsuit claims*, WBEZ Chi. October 31, 2025, <https://www.wbez.org/immigration/2025/10/31/broadview-ice-facility-a-black-box-where-immigrants-denied-access-to-lawyers-medicine-lawsuit>.

of ICE’s detention system offers critical insight into the populations most vulnerable to ICE’s overreach.

Over the past year, there has been a significant influx in ICE’s detainment activity in Chicago, most notably during “Operation Midway Blitz,” which began on September 9th, 2025, and resulted in thousands of arrests. In just its first five and a half weeks, more than 1,854 people were detained in Broadview, a number that was not only greater than any other holding facility but also continued to increase throughout the height of the operation.⁴⁷ Importantly, the dramatic spike in the number of detainees held in Broadview during Operation Midway Blitz is a reflection of the Trump administration’s intensified immigration enforcement throughout the past year. Comparative data analysis derived from the Deportation Data Project showcases the daily detainee population in Broadview before and after Trump’s inauguration from September 1st, 2023, to October 25, 2025. Prior to inauguration, the daily detainee population in Broadview remained extremely low, with a median of two people. After Trump’s inauguration, not only did the median daily population increase, but so did the frequency of unusually high population days—with some days reaching over 140 detainees.⁴⁸ While the accuracy and comprehensibility of ICE detention data remains uncertain, this analysis nevertheless reveals a striking pattern regarding detainee population numbers in Broadview under the Trump administration. As such, recognizing the increasing numbers in Broadview reinforces the need to examine the particular populations being detained and the circumstances that resulted in their detention.

Understanding the demographic composition of Broadview detainees offers additional important insight into the practices of immigration enforcement nationwide and their impact on communities. The 7,746 people detained in Broadview from September 1st, 2023 to October 15 2025 discussed in previous sections arrived from 116 different countries, though the vast plurality (47.2%) arrived from Mexico, followed by Guatemala (10.7%), Venezuela (9.9%), Honduras (7.8%), Nicaragua (4.6%), Columbia (3.5%), Ecuador (2.6%), and El Salvador (2.1%). The average age of detainees was 36.98 years, but 25 were at or under 18, including one 3-year-old who was detained for more than 3 days.⁴⁹ The demographics of detainees present in

⁴⁷ Amy Qin. *Broadview detainees during Operation Midway Blitz were self-deporting at alarming rates, analysis finds*. Chi. Sun-Times. December 28th, 2025.

<https://chicago.suntimes.com/immigration/2025/12/28/broadview-detainees-operation-midway-blitz-self-deporting-high-rates-analysis-finds>.

⁴⁸ Deportation Data Project, *supra* note 39.

⁴⁹ *Id.*

Broadview underscores the increasingly apparent reality that ICE's detention practices disproportionately target particular legally and socially vulnerable populations. Beyond statistics, human rights organizations and advocacy groups highlight that many detainees are not recent arrivals to the United States but rather individuals with strong familial, employment, and community ties to the country. These people include community workers, parents, asylum seekers, and longtime residents who wind up entangled with immigration law enforcement after—often violent—altercations with ICE officers.⁵⁰ As will be discussed in future sections, humanizing people detained in facilities like Broadview is essential in recognizing the ways immigration detention disrupts communities, family ties, and livelihoods.

The criminal record data associated with Broadview further complicates and questions common perceptions of detainees held within the facility. Data from the Deportation Data Project indicates that 58% of individuals arrested during Operation Midway Blitz last fall had no criminal history at all, 23% had pending misdemeanor or felony charges, while 18% of those apprehended held previous felony or misdemeanor convictions.⁵¹ Considering that nearly everyone detained by ICE during this time was first processed in Broadview, according to research by the Marshall Project, these figures suggest that the facility processes large numbers of individuals whose primary connection to the center is through civil immigration enforcement rather than serious criminal history.⁵² Additionally, at the height of Midway Blitz, fewer than 25 people with criminal convictions or charges were detained in Broadview per day.⁵³ In the same dataset of Broadview detainees from September 1st, 2023 to October 15 2025, almost half were marked NA (either unknown criminal record or no criminal record) regarding prior convictions. Of those not marked with NA, the most common offenses were driving under the influence, traffic offenses, sexual assault, assault, domestic violence, drug trafficking, and illegal entry.⁵⁴

⁵⁰ American Immigration Council, *Immigration Detention Expansion in Trump's Second Term*, at 16 (Jan. 2026).

⁵¹ Mark Rivera, Barb Markoff, Christine Tressel, Tom Jones, Maggie Green, Adriana Aguilar. *Thousands arrested, deported by immigration agents during Operation Midway Blitz, new records reveal*. ABC7 NEWS. April 1st, 2026. <https://abc7chicago.com/post/immigration-enforcement-thousands-arrested-deported-ice-agents-border-patrol-operation-midway-blitz-new-records-reveal/18824584/>.

⁵² Geoff Hing, Jill Castellano. *ICE Data Reveals What Happened to 1,600 People Arrested During Chicago's Blitz*. MARSHALL PROJECT. December 18th, 2025. <https://www.themarshallproject.org/2025/12/18/ice-chicago-immigration-blitz-data>

⁵³ Julia Ingram. *Most arrested in some big city immigration crackdowns had no criminal record, new data shows*. CBS NEWS. December 3rd, 2025.

<https://www.cbsnews.com/news/immigration-crackdowns-mostly-non-criminals-chicago-dc-los-angeles-data/>.

⁵⁴ Deportation Data Project, *supra* note 39.

Ultimately, the detainee population in Broadview sheds light on how the facility plays a central role in ICE's wider immigration agenda despite being designated as a temporary holding center. The increase in detainee numbers, along with the disproportionate targeting of minority groups with limited or no criminal history, reflects both the Trump administration's tightened immigration law enforcement campaign and the expanding overreach of ICE's practices.

Legal Representation

Access to legal representation is one of the most consequential factors in determining the outcome of a removal proceeding case. However, seeing as though immigration cases are classified as civil law (rather than criminal law), detainees held in facilities such as Broadview are not afforded the full extent of Sixth Amendment protections, including the *guarantee* of effective counsel. Essentially, while the federal government is obligated to provide defendants in the criminal justice system with an attorney if they cannot afford one, they are not legally required to do the same for detainees in civil immigration cases.⁵⁵ Even though the Immigration and Nationality Act ensures immigrants have the right to attain legal representation if they *choose* to, it is “at no expense to the government.”⁵⁶ In practice, this means that once detained by ICE, immigrants must secure an attorney on their own—and often, many immigrants cannot afford one. In just February 2026 alone, 42% of detained people in Illinois went unrepresented, a number that has increased significantly in recent years and is even higher in states across the country.⁵⁷ The consequences of this fact are devastating: a lack of access to legal representation forces hundreds of detainees in detention centers to navigate the complexities of the immigration system on their own without proper assistance. With the result often being deportation, the reality is that hundreds of families and livelihoods are torn apart with every unrepresented case in detention centers.

The Broadview temporary detention facility has a history of limiting detainees' access to legal representation. In late 2025, ACLU Illinois, the MacArthur Justice Center, and the Chicago office of Eimer Stahl filed suit against former Secretary of the U.S Department of Homeland Security Kristi Noem on behalf of plaintiffs Pablo Moreno Gonzalez and Felipe Agustin

⁵⁵ American Immigration Council, *Access to Counsel in Immigration Court*, [AMERICANCOUNCIL.ORG](https://www.americanimmigrationcouncil.org/report/access-counsel-immigration-court/) (September 8, 2016), <https://www.americanimmigrationcouncil.org/report/access-counsel-immigration-court/>

⁵⁶ Immigration and Nationality Act, 8 U.S.C. § 1229a(b)(4)(A) (2024).

⁵⁷ Vera, *Immigration Court Legal Representation Dashboard*, [VERA.ORG](https://www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/advancing-universal-representation-initiative/immigration-court-legal-representation-dashboard), <https://www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/advancing-universal-representation-initiative/immigration-court-legal-representation-dashboard>, (last visited April 19th, 2026).

Zamacona. The lawsuit included several complaints of inhumane and unjust immigration enforcement conditions present in Broadview, including overcrowding, unsanitary environments, and inadequate food and water resources—all of which are alarming notices that will be discussed further in the next section. A significant component of the lawsuit that requires attention, however, is the regular denial of detainees' access to legal counsel upon their arrival at Broadview. According to the complaint, “defendants’ officers prevent people detained at Broadview from speaking with their lawyers, or from obtaining a lawyer if they do not already have one.”⁵⁸ Instead, emails from attorneys to their clients go unanswered, and phone calls are directed to a vacant line. By consistently blocking detainees from engaging in private phone calls with their counsel or potential counsel, officers are preventing detainees from exercising their right to attain legal representation, further exacerbating the violations occurring in Broadview. One immigration attorney went as far as to say, “Broadview is a black hole. When my clients are there, I am unable to speak to them or contact them.”⁵⁹ The complaint follows suit in this sentiment by labeling Broadview as a “black box” and stating that the facility’s administration consistently denies entry to attorneys, elected officials, and other representatives.⁶⁰ Attorneys are turned away at the gates of the facility, with one lawyer stating, “I said to [the agent], ‘Again, I am an attorney, and I am trying to see my clients.’ He responded, ‘You can’t come in here; it’s not going to happen.’”⁶¹ Consequently, designated rooms in Broadview intended for attorney-client meetings remain unused.

Furthermore, the online detainee locator system provided by ICE—meant to provide transparent information regarding the agency’s operations—fails to accurately reflect detainees’ legitimate locations, ultimately creating a physical barrier between an attorney and their client. The effects of denying attorneys and other officials into the facility are severe, with the lack of higher supervision allowing ICE officers to act without accountability. Several accounts from detainees held in Broadview describe being coerced into signing documents they did not

⁵⁸ *Moreno Gonzalez v. Noem*, Complaint (N.D. Ill. 2025), available at <https://www.aclu-il.org/cases/moreno-gonzalez-v-noem/?document=Moreno-Gonzalez-v-Noem-Complaint>

⁵⁹ MacArthur Justice Center, *Stories From Broadview*, *MACARTHURJUSTICE.ORG* (November 3, 2026), <https://www.macarthurjustice.org/blog2/stories-from-broadview/>

⁶⁰ *Moreno Gonzalez v. Noem*, Complaint (N.D. Ill. 2025), available at <https://www.aclu-il.org/cases/moreno-gonzalez-v-noem/?document=Moreno-Gonzalez-v-Noem-Complaint>

⁶¹ MacArthur Justice Center, *Stories From Broadview*, *MACARTHURJUSTICE.ORG* (November 3, 2026), <https://www.macarthurjustice.org/blog2/stories-from-broadview/>

understand or agree with, thus leading them to renounce their rights or diminish the likelihood of their release. Often, this kind of coercion enables the facility to transfer people to distant facilities before they can even speak to their attorneys. Such was the case for Willian Giménez González, who had been taken by ICE the morning of September 12th, 2025, and detained in the Broadview facility. A day later, González’ attorney, Kevin Herrera, filed a writ of habeas corpus—a document that would petition a court to re-examine González’ detainment and offer a clear justification for it. By the next morning, however, Herrera found that González had been transferred out of state at the time that the writ had been filed, which effectively nullified the validity of the legal mechanism. “It couldn’t be heard in Illinois, and the judge just sort of waved it away and transferred it to where he’s being held,” Herrera stated.⁶²

William González’s experience falls under a broader system of operations that is being increasingly utilized not just by Broadview but by detention centers across the nation. Attorneys, including Herrera and several others from New York and Los Angeles, have described how ICE weaponizes location transfers to physically separate detainees from their legal counsel, thus weakening their chances of freedom. In the case of Broadview, its status as a temporary holding facility under the Illinois Way Forward Act has directly benefited ICE agents by offering a justification for immediately transferring people out of state—and hundreds of miles away from their attorneys. While government lawyers and ICE have cited several legal and logistical reasons for these immediate transfers, the effects are clear and remain severe: immigrants are sent to other facilities and ultimately deported, after being stripped of their right to access legal representation.⁶³ Most importantly, ICE facilities, including Broadview, lack a system through which attorneys can virtually share essential documents, resources, and information with their clients before standing before the court. Given that attorneys are also systemically barred from entering Broadview’s facility, the lack of a means for proper communication makes it extremely difficult for attorneys to represent their clients effectively. Additionally, since most immigration judges require trials to occur in person, rather than on Zoom, the immediate/continuous transfer of detainees to other facilities makes it difficult for attorneys to travel and appear before the court for their clients. And while ICE is required to notify attorneys when their clients are moved

⁶² Emma Janssen. *How ICE Hides Detainees From Their Lawyers*. Am. Prospect. October 26, 2025. <https://prospect.org/2025/10/06/2025-10-06-how-ice-hides-detainees-from-their-lawyers/>

⁶³ Id

elsewhere, they often fail to do so in practice—as was the case with Herrera and González in Broadview.

The subpar conditions regarding access to legal representation in Broadview reflect a much broader issue within the United States’ immigration system that requires reform. To successfully uphold and guarantee the rights of every immigrant held in detention in Broadview, several actions must be taken. For one, the online detainee location portal provided by ICE must be consistently and regularly updated to accurately reflect the precise location of detainees, thus ensuring that attorneys are kept up to date with the whereabouts of their clients, as well as ensuring that transparency to the public regarding immigrant information is upheld. Only when active measures to revitalize the conditions of legal representation within Broadview—and subsequently every detention facility—are taken can we move towards a more just immigration system.

The Administrative Loophole: Broadview ICE Center

For those held at the Broadview ICE Processing Center, this distinction is often functionally non-existent. Broadview serves as a critical node in the deportation pipeline, officially designated as a short-term staging facility. Despite this, federal court records and NGO testimonies reveal a pattern of prolonged detention in an environment designed for only the briefest of stays. The so-called “temporary” status of Broadview functions as an administrative and legal loophole, which allows the Department of Homeland Security to maintain sub-standard physical conditions that impede and violate the Fifth Amendment rights of detained immigrants. ICE facilities such as the ones in Broadview are seen as legal administrative centers rather than correctional holdings. Broadview’s designated purpose was to become part of the deportation pipeline and was officially assigned as a short-term staging facility. However, despite its designations and approval, federal court records as well as NGO testimonies, prove a disturbing pattern of prolonged detentions despite the designation of short-term holds. The temporary status given to the Broadview facility is used as a legal and administrative loophole, allowing for the Department of Homeland Security to maintain less than standards of physical conditions that violate the 5th amendment rights for the people being held.

“ICE agents often pressure people to give up their claims and accept “voluntary departure” or removal orders, despite qualifying for relief, to avoid prolonged detention in

horrificing and deadly conditions.”⁶⁴ According to regulations set by the National Detention Standards, people can only be held for under 72 hours, however they are actually held to lower requirements of the physical infrastructures. Because of this regulation, the Broadview facility operates under these regulations, even creating oversights. National Immigration Justice Center’s report, “After the Blitz,” shows that the people detained are held for more than the 72 hour hold. Broadview has claimed that this is due to the administration delays and transfer backlogs of paperwork. In these instances, the facility’s lack of windows, inadequate ventilation, and restricted movement designed for a transition become a site of prolonged psychological and physical trauma.

One of the major issues found during these investigations was the absence of a full-scale industrial kitchen which limits food service including pre-packaged or cold meals. The inspections led by Representatives García and Ramirez have highlighted that meals provided failed to meet basic nutritional needs. Furthermore, the sanitization standards have been a central pillar of class action litigation. The filings from the ACLU of Illinois explain in detail the lack of basic hygiene products such as soap and clean clothing and restroom facilities were described as unsanitary and hazardous to the public health.⁶⁵

The most significant violation of human rights is the failure to provide adequate medical care, all due to the facility claiming to be temporary, which allows for them to have a lack of clinical staffing which are typically found in different ICE facilities. This stems from the ignorance of acute and chronic conditions where individuals are believed to be released within the 72-hour holding. Legal testimonies cite instances of diabetic shock and untreated infections, where the "temporary" nature of the facility was used as a justification for denying intervention.⁶⁶ The conditions at the Broadview ICE Processing Center represent a broader failure of accountability within the US immigration system. Even after officials tried to gain entry to the facility they were denied and turned away, with Congressman Garcia stating, “federal courts reaffirmed what should never have been questioned—that U.S. Immigration and Customs

⁶⁴ *After the Blitz: What Our Chicago Neighbors Are Facing in ICE Detention*. NIJC. December 10th, 2025. <https://immigrantjustice.org/research/after-the-blitz-what-our-chicago-neighbors-are-facing-in-detention/>.

⁶⁵ Ed Yohnka. *Federal Court Asked to Address Inhumane Conditions Experienced by Those Held at Broadview ICE Facility*. ACLU Illinois. October 31, 2025. <https://www.aclu-il.org/press-releases/federal-court-asked-to-address-inhumane-conditions-experienced-by-those-held-at-broadview-ice-facility/>.

⁶⁶ Id

Enforcement and the Department of Homeland Security cannot block Members of Congress from inspecting facilities funded by the American people. What we saw today confirms why oversight is urgent. It's a system designed to wear people down rather than process them humanely."⁶⁷ The utilization of an administrative designation to avoid humane standards, the system ends up subjecting individuals to cruel and concerning environments under the guise of efficiency. Legal and political reform must focus on eliminating the "status gap," ensuring that every detention facility, regardless of its intended duration, adheres to the basic tenets of human dignity and due process.

Family Separation

Family separation within immigration enforcement is often understood as the physical separation of children and their parents. While this form of separation is critical and at the core of familial integrity and children's rights to care violations, this form of separation does not fully capture the extent of the harm produced by detention practices such as those at Broadview. Sociological understandings of kinship help us conceive new notions of what familial ties truly encompass, including family that extends beyond biological ties. This includes networks of care, mutual aid, and forms of belonging that are created through shared experiences, such as migration. These relationships create a community which functions as an essential system of survival, especially within migration communities in Chicago and beyond.

With this in mind, we can begin to understand family separation as not just a disruption of nuclear family units, but as the broader dismantling of kinship networks, both biological and social. At Broadview, these forms of separation are not incidental but systemically produced through policing practices such as rapid detention, transfers, restricted communication, intense surveillance, and limited legal access—especially when we think about language accessibility limitations. Reports from the National Immigrant Justice Center document that individuals detained at Broadview are often transferred out of state and face significant barriers in contacting loved ones, attorneys, and community members.⁶⁸ These conditions demonstrate that separation

⁶⁷ Reps. García, Davis, Ramirez, Jackson Inspect Broadview ICE Processing Center. U.S Congressman Jesus Garcia. December 22, 2025.
<https://chuygarcia.house.gov/media/press-releases/rep-garcia-davis-ramirez-jackson-inspect-broadview-ice-processing-center#:~:text=Oversight%20of%20DHS%20and%20ICE,on%20the%20Homeland%20Security%20Committee.>

⁶⁸ National Immigrant Justice Center, "After the Blitz: What our Chicago Neighbors Are Facing in ICE Detention," (Dec. 10, 2025)
<https://immigrantjustice.org/research/after-the-blitz-what-our-chicago-neighbors-are-facing-in-detention/>.

extends beyond physical displacement, functioning instead as a systemic process of isolation. Thus, these practices contribute to severe violations of First Amendment rights to communication and association and Fifth Amendment rights to due process protections.

First Amendment Violations

The conditions at Broadview raise significant First Amendment concerns under the rights to communication and association.⁶⁹ The ability to maintain contact with one's family members, loved ones, and community members is a vital aspect of human life. When detained migrants are prevented from communicating with these networks of community, the state effectively interferes with their ability to sustain meaningful connections. Moreover, this actively severs individuals from the social structures that sustain these meaningful connections.

Evidence presented in federal court, as reported by WTTW, shows us that detainees at Broadview have experienced severe limitations in their ability to contact family members, with some describing not just physical limitations, but also feeling “cut off from the outside world.”⁷⁰ This language is significant, as it reflects not only logistical barriers to communication, but a deeper condition of isolation that carries social and psychological consequences. Such restrictions create an environment where detention shifts from physical confinement into relational issues as well, where migrants are unable to maintain connections with communities and/or networks that inform and sustain their livelihoods and security.

These findings are supported by further reports from the American Civil Liberties Union which document that detainees are denied private communication and meaningful access to outside contacts, further isolating them not just from familial networks but now extending these limitations to legal support systems. Migrants are “denied confidential, private calls to attorneys” among other human necessities such as access to food and water.⁷¹ This convergence of material

⁶⁹ U.S. Const. amend. I, <https://constitution.congress.gov/constitution/amendment-1/> : “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

⁷⁰ WTTW, “*Federal Judge Orders Broadview ICE Detention Center to Improve Conditions, Access to Food and Water*,” (Nov. 5, 2025) <https://news.wttw.com/2025/11/05/federal-judge-orders-broadview-ice-detention-center-improve-conditions-access-food-and->

⁷¹ American Civil Liberties Union, “*Federal Court Asked to Address Inhumane Conditions Experienced by Those Held at Broadview ICE Facility*,” (Oct. 31, 2025) <https://www.aclu-il.org/press-releases/federal-court-asked-to-address-inhumane-conditions-experienced-by-those-held-at-broadview-ice-facility/>.

deprivation and communicative restriction illustrates how Broadview operates as an environment of compounded isolation, where the denial of communication extends beyond family members to include legal advocates and networks of support and community connections. Through this environment, the facility not only separates individuals from their loved ones, but undermines their ability to engage with the outside world in any meaningful capacity.

Reporting by WBEZ Chicago and testimonies collected by the MacArthur Justice Center further describe Broadview as a “black box,” where individuals are effectively disappeared from public view and cut off from external relationships.⁷² In this sense, family separation is not limited to physical distances between bodies, but extends to communicative isolation, severing individuals from the relationships that sustain their human life in terms of fulfilling connections and advocacy networks of care and resources. Families struggle to locate detained loved ones, attorneys are unable to establish consistent contact, and community advocates face barriers to even identifying who exactly is being held and if they are even in a specific detention center. Many attorneys share similar concerns, stating that their clients become absolutely unreachable once they hit the walls of Broadview.⁷³ This lack of transparency transforms separation into a condition of informational absence, where individuals are not simply distant, but fundamentally unreachable. Identities become clusters of information and tracking numbers, making them all the more inaccessible to care and protection. This is the black box.

The National Immigrant Justice Center provides further documentation on how Broadview’s status as a temporary processing facility enables rapid transfers and restricted communication, exacerbating these conditions of isolation. Detainees are frequently moved across state lines with little notice, disrupting any attempts to maintain consistent contact with family members or legal resources. This mobility, combined with the already established restrictive communication system of Broadview, creates an environment in which relationships cannot be sustained over time, effectively dissolving any and all networks that individuals rely on for all human necessities; emotional encompassing support systems and mental health as well

⁷² WBEZ Chicago, “*Broadview ICE facility a ‘black box’ where immigrants denied access to lawyers, medicine, lawsuit claims,*” (Oct. 31, 2025)

<https://www.wbez.org/immigration/2025/10/31/broadview-ice-facility-a-black-box-where-immigrants-denied-access-to-lawyers-medicine-lawsuit>.

⁷³ MacArthur Justice Center, “*Stories from Broadview,*” (Nov. 03, 2025) <https://www.macarthurjustice.org/blog2/stories-from-broadview/>.

as social encompassing friendship and kinship community-based systems. Detainees report that while communication is very limited, the only opportunities to be able to make calls cost them upward of \$50, further exacerbating how unreachable the community becomes to migrants in the process of detention centers, similarly making migrants unreachable to the outside world.⁷⁴ This is a form of *parasitism*.⁷⁵

Notably, these patterns of separation do not emerge solely within the confines of Broadview, but are foundational to the broader system that is immigration enforcement. Analysis by the Marshall Project shows that individuals detained in Chicago are often transferred across multiple states, hindering their connections to local mutual aid. After arrests conducted in Chicago, many detainees were transferred out-of-state to “county jails, repurposed private prisons and a site on a military base,” according to The Deportation Data Project.⁷⁶ Many of the detainees being transferred included children being separated from their families, being taken from Chicago to the Dilley Immigration Processing Center in Texas, run by CoreCivic.⁷⁷ This is not new information. Reports dating back to 2018 from the American Civil Liberties Union show us that “2,654 immigrant children were separated from their parents or caregivers,” under the Trump Administration's first term.⁷⁸ Family Separation is one of the core human rights and family rights abuses present in contemporary immigration enforcement. However, this separation is not exclusive to the walls of Broadview, or any detention center, but can happen in the process of detainment before ever reaching a center. Block Club Chicago shares the narrative of a family in Millennium Park that was detained on a Sunday evening family outing. The Chavez-Ramirez family was separated upon detainment, with the mother and daughter being held at O’Hare Airport and the father being sent to process at Broadview.⁷⁹ These examples demonstrate that

⁷⁴ National Immigrant Justice Center, “*After the Blitz*. ”

⁷⁵ In the context of immigration enforcement, *Parasitism* can be understood as a relational structure in which a governing system sustains itself through the extraction of control or compliance from migrant bodies while simultaneously weakening the relational networks and legal access necessary for migrants to survive.

⁷⁶ The Marshall Project, “*ICE Data Reveals What Happened to 1,600 People Arrested During Chicago’s Blitz*, ” (Dec 18, 2025) <https://www.themarshallproject.org/2025/12/18/ice-chicago-immigration-blitz-data>.

⁷⁷ The Marshall Project, “*ICE Data*. ”

⁷⁸ American Civil Liberties Union, “*Family Separation By the Numbers*, ” (Oct. 02, 2018) <https://www.aclu.org/news/immigrants-rights/family-separation-by-the-numbers>.

⁷⁹ Block Club Chicago, “*Family Taken By Feds Downtown Separated In Detention Centers: ‘They’re Locking Up Children’*, ” (Sept. 30, 2025) <https://blockclubchicago.org/2025/09/30/family-taken-by-feds-from-millennium-park-separated-in-detention-centers-theyre-locking-up-children/>.

separation is not an isolated feature, but a systemic outcome of enforcement practices that prioritized control over human stability and constitutional rights and protections.

Altogether, these conditions reveal that family separation at Broadview is not limited to the physical between bodies, but extends to a broader form of relational isolation. By restricting detainees' ability to maintain contact with family members, community networks, and legal resources, Broadview disrupts the very forms of association that are protected under the First Amendment. With that context, the detention operations of Broadview do not just confine individuals but actively sever the connections that allow individuals to exist within society—under all social, familial, and communal frameworks.

Fifth Amendment Violations

More than First Amendment violations, the conditions at Broadview raise serious concerns under the Fifth Amendment's guarantee of due process, particularly in relation to a detainees' ability to meaningfully access legal representation and participate in proceedings that determine their status. Due process requires that individuals be afforded fair procedures, adequate notice, and a genuine opportunity to be heard.⁸⁰ Though, the structural conditions of Broadview systematically undermine these protections, shifting legal processes into unintelligible systems for migrants.

A core component of this disruption is the instability created by frequent and often unpredictable transfers. The Marshall Project demonstrates that individuals detained in Chicago are routinely moved across a network of facilities spanning multiple states. These facilities include but are not limited to: Clay County Justice Center, Alexandria Staging Facility, ERO El Paso Camp East Montana, Indianapolis Hold Room, and North Lake Correctional Facility.⁸¹ In such conditions of temporary detention and rapid transfers, detainees are not only physically displaced, but procedurally disoriented, unable to keep track of their own cases, their families, and even the passage of time in such detention centers—especially when they are constantly in movement. This poses several issues and challenges for consistent legal support, as attorneys

⁸⁰ U.S. Const. Amend V. <https://constitution.congress.gov/constitution/amendment-5/> : “nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law.”

⁸¹ The Marshall Project, “*ICE Data*. ”

find their clients to become unreachable for communication and inaccessible under the ICE tracker system.⁸²

This procedural instability is exacerbated by direct barriers to accessing legal counsel. Litigation supported by the MacArthur Justice Center, including *Moreno-Gonzalez v. Noem*, details that detainees at Broadview face systemic denial of access to attorneys, including the inability to make confidential legal calls or meet privately with counsel.⁸³ These restrictions are further validated by reports from the American Civil Liberties Union that state that detainees are often subject to make rapid decisions, coerced and uninformed, regarding their cases: “They are coercing detainees to sign paperwork that they do not understand, leading people to unknowingly relinquish their rights to challenge removal and seek release.”⁸⁴ When individuals are deprived of confidential communication with attorneys, the fundamental fairness of legal proceedings is compromised, rendering due process protections hollow.

Broader institutional conditions at Broadview further exacerbate these violations. The Illinois Accountability Commission reports that detainees have been denied access to not just legal counsel, but basic necessities such as food, water, and medical care, while being held in conditions that lack transparency and oversight.⁸⁵ These findings are particularly significant in light of the facility’s supposed temporariness, as they reveal that detainees may be held for extended periods under unstable and abusive conditions. While there is a number of migrants that are rapidly transferred, others remain confined to the walls of the same facility they were originally detained in. These migrants are subject to sustained periods of the same deprivation. This dual system of both forced mobilization and enforced stagnation creates an environment in which detainees are unable to establish the stability necessary to engage with the law in a beneficial way to their survival.

Notably, family separation plays a critical role in intensifying these due process concerns. Family members often serve as key resources of legal coordination, financial support, and hubs of information, aiding detainees locate resources for survival. This is amplified when it is restructured to focus on children being separated from their parents— beings who legally have

⁸² National Immigrant Justice Center, “*After the Blitz.*”

⁸³ MacArthur Justice Center, “*Moreno Gonzalez, et al. v. Noem, et al.,*” <https://www.macarthurjustice.org/case/moreno-gonzalez-v-noem-et-al/>.

⁸⁴ American Civil Liberties Union, “*Federal Court.*”

⁸⁵ Illinois Department of Human Rights, “*Illinois Accountability Commission,*” (Jan. 01, 2026) <https://ilac.illinois.gov/content/dam/soi/en/web/ilac/documents/IAC-Initial-Report-January-2026.pdf>.

limited authority over their livelihoods and depend on caregivers to survive are being separated from the resource that keeps them alive. Migrants are experiencing the same thing; they depend on their communities to survive. Separating detainees from their kin makes it difficult for them to navigate complex legal systems, and oftentimes even communicate for themselves due to language barriers. When individuals are separated from these networks, whether through transfer or restricted communications, their ability to access and utilize legal resources is significantly diminished; we can see this with the Chavez-Ramirez family.⁸⁶ With this in mind, family separation is not just social harm, but a barrier to due process, as it removes the network of support necessary to make legal participation for migrants possible.

These conditions reveal that the operations at Broadview undermine the fundamental guarantees of the Fifth Amendment. Combining rapid transfers, restricted communication, lack of legal access, and the fragmenting of familial support networks, Broadview creates an environment in which detainees are unable to meaningfully understand and participate in the very legal processes that govern their lives. Due to this, Broadview doesn't simply fall short of due process standards but structurally prevents them from being realized.

Calls to Action

As can be seen, then, for all of the progress sanctuary state policies have been able to achieve in Illinois, immigrants detained in Broadview continue to suffer numerous injustices throughout their interactions with federal immigration enforcement. The following section will outline substantive steps that can be taken to either address existing harms or prevent future ones, which may serve as a model for immigration advocacy and reform even beyond Illinois.

#1. Centralizing Non-Profit Advocacy and Monitoring

Federal oversight of ICE (and facilities like Broadview) is dependent on the current DHS and executive administration. The situation at Broadview, especially during Operation Midway Blitz, highlights the need for a coordinated public accountability campaign, especially during periods of heightened ICE activity. A centralized non-profit organization, acting as a network of recording and publicly demonstrated watching of ICE actions, has real potential to reduce the incidence of abuse. While this behavior has been widely observed on an individual and loosely

⁸⁶ Block Club Chicago, “*Family Taken by Feds Downtown.*”

coordinated basis, a formalized, planned, and centralized organizational structure would provide the logistical and structural support needed for maximum impact.

Theoretical support for the efficacy of this system has been developed by Michael Foucault, who held in his critical work that institutional power encourages self-regulation and internalization of surveillance. Conceptualizing and working to shape the public as an institutional body holding surveillance power holds promise for developing the self-regulation of ICE operatives.

Additionally, this proposed action provides the community with the tangible means of change and power. This is achievable on an expedited timeframe, encourages community engagement, is empowering to community members, and has potential for real outcomes as a bottom-up approach.

#2. Enhancing Transparency and Access to Legal Counsel

Unimpeded communication between an attorney and client in any legal case is essential, but is particularly sensitive for detainees facing removal proceedings in processing centers like Broadview. Lawsuits against the Department of Homeland Security, however, state that ICE has repeatedly transferred individuals without informing attorneys while also failing to maintain an updated, accurate record of detainees' whereabouts in its Online Detainee Locator System. This creates a physical barrier between the detainee and their attorney that significantly hampers vital communication. Additionally, even though it is already within ICE's operational policy to inform attorneys of transfers, ongoing testimony from attorneys and clients reveals that ICE often fails to carry out this obligation in practice.

To address this issue, lawmakers and advocacy groups must apply pressure upon ICE to mandate immediate updates to the online detainee location portal, inform attorneys of any transfer or release, and more broadly enhance transparency requirements. Moreover, a centralized non-profit organization as outlined above would serve as an independent oversight mechanism to guarantee accountability and ensure that detainees' information is accurately reflected in system databases. Taking this step would not only facilitate more sound communication between attorneys and their clients but also work towards a more transparent operative system.

#3. Keeping Detention Facilities Out of Community Spaces

Although the Illinois State Legislature is somewhat limited in how it can address the internal conditions of Broadview, given its status as a federal facility, Illinois can continue to do

valuable work to protect local communities from the negative effects of immigration detention. One notable path towards doing so is preventing the construction of any new detention facilities in proximity to community spaces. In February 2026, Representative Emmanuel “Chris” Welch, Speaker of the Illinois House of Representatives, introduced a bill for this very purpose, which passed from the House to the Illinois Senate on April 10, 2026.⁸⁷

The bill in question, HB5024, would amend the Illinois Municipal Code to prohibit the construction or operation of immigration detention facilities within 1,500 feet of schools, day care centers, private residences, public parks, places of worship, and other community spaces.⁸⁸ If passed into law, this will not—and likely cannot—affect the operation of Broadview itself, but it would prevent the construction of similar facilities in the future. Considering that ICE is currently engaged in a project of replacing its current contract-based detention system with a network of detention facilities owned and operated by ICE itself—funded by its recent budget hike under the One Big Beautiful Bill Act—this is a worthy goal in and of itself.⁸⁹

In the short-term, advocacy for this bill is a valuable first step towards combatting ICE’s plans for expansion, but assuming the bill passes through the heavily-Democratic Illinois Senate, the fight will not be over. As some Illinois lawmakers have pointed out, HB5024 is almost certain to be challenged in court by the federal government if it passes.⁹⁰ In 2022, for example, the historically progressive 9th Circuit Court of Appeals, overturned a similar law in California which would have banned private detention facilities outright.⁹¹ Considering HB5024 is not a complete ban on detention facilities, but rather a zoning restriction on where they can be constructed, Illinois’ law is more likely to survive a court challenge.

Thus, if passed, HB5024 can potentially serve as a model for other states to protect their communities from the harms of immigration detention. As Speaker Welch pointed out, “[W]hen a detention center is dropped into the middle of a residential community, it doesn’t just affect the

⁸⁷ Matt Trunfio, *Illinois House Advances Bill Restricting Immigrant Detention Centers in Neighborhoods*, CHICAGO SUN-TIMES (April 8, 2026), <https://chicago.suntimes.com/springfield/2026/04/08/illinois-house-bill-location-restrictions-detention-centers>.

⁸⁸ H.B. 5024, 104th Gen. Assemb., Reg. Sess. (Ill. 2026).

⁸⁹ Reichlin-Melnick, *supra* note 35.

⁹⁰ Trunfio, *supra* note 83.

⁹¹ *The Geo Group, Inc. v. Newsom*, 50 F.4th 745 (9th Cir. 2022).

people inside that building—it affects every child walking to school, every senior looking out their window, and every family trying to live in peace.”⁹²

#4. Engaging with the Community and Expanding Awareness

One of the most prominent challenges in addressing abuses within immigration detention facilities like Broadview is that they often operate away from the public eye. Many documented conditions such as barriers to legal counsel, prolonged detention, and inadequate living conditions persist in part because officials are able to practice these wrongdoings with little accountability. This lack of accountability is partially due to a broad lack of public awareness in what goes on inside these centers. While legislative reforms are essential to meaningful change, broad and sustained public engagement and community advocacy is as well.

Engaging Elected Officials

Constituents can directly influence policy by contacting elected representatives at the local, state, and federal levels. Phone calls, emails, letters, and attendance at public meetings are still an effective way to encourage lawmakers to support a cause and relay concerns to elected officials. Everyday people can encourage lawmakers to support measures that increase oversight of detention facilities, improve detainees’ access to legal counsel, strengthen transparency requirements, and expand protections for detained migrants.

Advocacy organizations often provide templates and briefs to make it easier for community members to engage with policymakers. Even one phone call or letter can contribute to reform when everyone does their part.

Supporting Community and Legal Advocacy Organizations

Organizations working directly with detained migrants often rely on volunteers, donations, and public support. Community members can contribute by volunteering with immigrant rights organizations, assisting with language interpretation, participating in court-watch programs, helping families navigate legal resources, or supporting fundraising efforts for legal funds. In the Chicago area, groups such as the National Immigrant Justice Center, Illinois Coalition for Immigrant and Refugee Rights, and The Resurrection Project.

⁹² Angeles Ponpa, *Illinois House Passes Bill to Restrict Construction of Immigration Detention Centers in Communities*, THE FULCRUM (April 24, 2026), <https://chicago.suntimes.com/springfield/2026/04/08/illinois-house-bill-location-restrictions-detention-centers>.

Many immigrants detained in facilities such as Broadview face significant obstacles in obtaining legal representation. Supporting organizations that provide legal services can therefore have an immediate impact on migrants' ability to exercise their rights.

Educating Communities through Storytelling and Spreading Awareness

Public awareness plays a major role in increasing accountability for these detention centers. Community members, advocacy organizations, students, journalists, and researchers can contribute by sharing information about detention conditions through blog posts, opinion pieces, local news outlets, and podcasts. Personal stories from impacted individuals and families can be especially helpful in helping show the public the consequences of detention policies that may otherwise seem distant to their own personal lives.

Social media also gives the public a chance to spread information about conditions and ongoing legal challenges. Sharing verified reporting, educational resources, and updates from trusted advocacy organizations can help increase public awareness and increase pressure on policymakers to address abuses. Because detention facilities often operate with limited public awareness, increasing education and visibility is key to accountability.

Conclusion

The United States has always been a country of immigrants, and despite claims to the contrary, immigrants have always been valuable members of our local communities, deserving of the same dignity and legal protections that we would offer to anyone else. While sanctuary state policies, such as those advanced in Illinois, have done a lot of meaningful work to affirm that principle, there remains far more work to be done.

Even in progressive states such as Illinois, detention facilities owned and operated by ICE are able to perpetrate serious abuses, holding immigration detainees for considerably longer than is permitted and doing so under inhumane conditions. These abuses are enabled and exacerbated by the extent to which ICE operates away from the public eye, concealing its legal and human rights violations behind closed doors and increasingly opaque bureaucracy. This highlights the importance of having a centralized non-profit advocacy organization working to monitor ICE activity and thoroughly record incidents of abuse. Such an organization, as explained in our first call to action, could not only reduce activist's reliance on unreliable federal data sources, but would also enable us to hold ICE to account for their actions in real time. More specifically, this

could also support a push for greater transparency in communicating with immigration attorneys, to prevent the common practice of transferring detainees out of state without first contacting their attorneys, as described in our second call to action.

While these solutions could help to protect the rights of immigrants who are or will be detained in Broadview, it is equally important to prevent similar abuses from happening elsewhere. As discussed in our third call to action, an important first step is to leverage municipal zoning regulations to limit the establishment of new detention facilities within community spaces, both in Chicago and beyond.

Most importantly, however, every member of our community has a role to play in preventing abuses within the federal immigration system, as outlined in our fourth and final call to action. This can include engaging directly with elected officials, supporting advocacy organizations, and elevating personal stories and verified reporting both on social media and within the community at large. These actions, though accessible to everyone, represent a crucial first step in taking action to progress towards a more humane immigration system which reflects the communities and values of our nation.



Chicago Appleseed Center for Fair Courts is a collaborative 501(c)(3) non-profit organization advocating for fair, accessible, and anti-racist courts in Chicago, Cook County, and across the state of Illinois.



The Chicago Council of Lawyers is Chicago's public interest bar association, advocating for the fair and effective administration of justice.



FUTURE JUSTICE LAWYERS

CHICAGO APPLESEED & CHICAGO COUNCIL OF LAWYERS