

Impact Report

Combating the Attack on Immigrants' Rights

How the Trump Administration's First Year Impacted Colorado

Introduction

Over the past year, we have borne witness to extraordinary abuses of federal power by the Trump administration. This overreach is prominently evident in immigration policy.

Both Immigration and Customs Enforcement (ICE) and U.S. Border Patrol have long operated with little accountability and oversight. The Trump administration, however, has only escalated these systemic issues. It has also gone on to devote extraordinary time, resources, and power to deploy other arms of the federal government to fulfill its total mass deportation agenda. This has included: sharply curtailing pathways to asylum, residency, and citizenship; encouraging federal agents to use aggressive tactics against immigrant communities, communities of color, and peaceful protesters; investing unprecedented amounts of money in for-profit detention centers and mass surveillance tools; and abusing executive powers to arrest, detain, and deport people, even in contravention of state and federal laws. This has sown profound fear in immigrant communities, both in Colorado and across the country.

This was not unexpected. President Trump denigrated immigrant communities with xenophobic rhetoric and disinformation on the campaign trail. President Trump, as a notable example, seized on a viral video showing armed men in the hallway of an apartment complex in Aurora, Colorado. He falsely asserted that armed gangs had 'taken over' the city. President Trump pledged that he would begin his presidency with sweeping immigration enforcement raids, dubbing it "Operation Aurora;"¹ he even hosted a large campaign rally in Aurora.²

The ACLU of Colorado, as well as our national office and other state affiliates, prepared for the possibility of President Trump's second term. With lessons gained from his first term, we were equipped to respond to these escalating attacks with litigation, community organizing, and policymaking. This impact report outlines ACLU of Colorado's actions in 2025 to uphold constitutional and statutory protections for immigrant communities in the state.

ICE enforcement actions and the Alien Enemies Act

Immediately upon President Trump's inauguration, the federal government began scaling up immigration enforcement actions. On February 5, 2025, ICE and other federal agencies conducted large-scale raids across Denver and Aurora. Federal agents arrived at several apartment complexes at dawn with armored vehicles and rifles, going door-to-door and demanding to see identification.³ In several instances, officers used weapons like flashbang grenades in close spaces, including rooms with children present. Federal agents took dozens of people into custody that day.

In March, the Trump administration sought to secretly invoke the Alien Enemies Act (AEA), a 1798 law, to remove Venezuelan immigrants from the U.S. with no due process. On March 14, 2025, President Trump issued a secret proclamation invoking the AEA and ICE agents began gathering Venezuelan immigrants to send them to the notorious Terrorism Confinement Center (CECOT) prison in El Salvador. The ACLU, Democracy Forward, and ACLU of D.C. filed a class action lawsuit the same day with five Venezuelans as named plaintiffs to halt imminent deportations to El Salvador, and the judge ruled that the administration's attempt to use the AEA was unlawful. This would be the first of several lawsuits challenging President Trump's abuse of the 18th century law. Over 260 men, however, were flown to El Salvador after the Trump administration allowed deportation flights to proceed in violation of a federal court order. In addition, the Trump administration appealed that decision ruling the use of the AEA unlawful to the U.S. Supreme Court. On April 7, 2025, the Supreme Court overturned the D.C. court's decision, but declined to address the merits; they made a procedural ruling instead, holding that a challenge to the use of the AEA

had to be brought in each district where a person was being detained, rather than decided in a single case in D.C., meaning that lawsuits had to be filed challenging the use of the AEA across the country.

In response, the ACLU of Colorado filed an emergency class action lawsuit on April 12, 2025, to halt deportations under the AEA for people in Colorado. At the time the suit was filed, at least 11 Coloradans, including some as young as 19, were already sent to CECOT under the proclamation. The lawsuit was brought by two petitioners, both Venezuelan men in immigration custody at risk of removal. Two days later, on April 14, 2025, a federal court issued a temporary restraining order, prohibiting the federal government from deporting people in Colorado using the AEA.

On April 22, 2025 the same court issued a temporary restraining order and provisionally certified the class of "all noncitizens in custody in the District of Colorado who were, are, or will be subject to the March 2025 Presidential Proclamation entitled Invocation of the Alien Enemies Act Regarding the Invasion of the United States by Tren de Aragua and/or its implementation." The temporary restraining order prohibited the government from transferring the class outside of Colorado and prevented the government from using the AEA to remove people from the country.

On April 23, 2025, the government appealed the decision and filed an emergency motion for a stay the following day. The federal court denied that motion. The federal court certified the class in May, meaning all people in Colorado that would have been subject to the AEA were officially covered by this class action. The court also issued a preliminary injunction, preventing the government from "detaining, transferring, or removing" people in Colorado using the AEA. The government has appealed that order, and the appeal is pending. The injunction remains in effect, and the government is barred from using



Tim Macdonald, ACLU of Colorado legal director, outside the Byron White United States Courthouse in Denver, Colo. with press. April 21, 2025.

the AEA to remove people from Colorado.

While the ACLU of Colorado works to protect a larger number of people through its class action lawsuits, we also have filed individual lawsuits to defend immigrants' rights. One example was a case we filed on April 2, 2025, on behalf of a Venezuelan asylum seeker, J.P.P., who ICE held at gunpoint, alongside his entire family, before he was taken into custody in a February raid. After we obtained information suggesting ICE was preparing to send J.P.P. to El Salvador's CECOT prison without notice or due process required by law, we filed an emergency lawsuit to prevent his removal to a country he had never even visited. The lawsuit argued that without notice or an opportunity to contest the removal, ICE would violate the Fifth Amendment, the Administrative Procedure Act, and court-ordered protections from a related class action lawsuit in Massachusetts. Our lawsuit was successful in preventing J.P.P from being sent to CECOT, but he was sadly sent instead to his home country of Venezuela.

Following the inauguration of the new administration, other bad actors were emboldened to engage in discriminatory practices against immigrants. Avi Schwalb, a landlord with extensive rental properties across the Denver metro area, threatened to report a tenant family to immigration authorities based

on his perception of their immigration status, despite state laws explicitly prohibiting this conduct. We sued on behalf of the family on January 28, 2025, and received a temporary restraining order later the same day. The court issued a preliminary injunction on February 12, 2025, indefinitely prohibiting Schwalb from threatening to call immigration. Schwalb subsequently filed for bankruptcy, and we have been seeking further relief in the bankruptcy court to preserve these claims.

ICE's patterns of lawlessness: warrantless arrests and detention without bond

ICE has increasingly relied on warrantless arrests to fulfill arbitrary arrest quotas set by the Trump administration. Federal law requires that agents conducting these arrests have probable cause that an individual is a flight risk and probable cause that the person is in the country in violation of civil immigration laws.

On October 9, 2025, we, alongside the Meyer Law Office and Olson Grimsley Kawanabe Hinchcliff & Murray, LLC, filed a class-action lawsuit to stop federal agents from conducting warrantless arrests without the determinations required by federal law. Our plaintiffs included:

- Refugio Ramirez Ovando, a 43-year-old father and lawful permanent resident who has lived in Colorado for 20 years.
- Caroline Dias Goncalves, a 19-year-old University of Utah student and Dreamer who was brought to the country as a child and has lived in the U.S. for more than 12 years.
- J.S.T., a 36-year-old asylum seeker who has lived in Colorado for 15 years.
- G.R.R., a 32-year-old father and business-owner who has lived in the U.S. for 11 years.

On November 25, 2025, the federal court issued a preliminary injunction and provisional class certification, preventing federal immigration agents from conducting warrantless arrests in Colorado without the required probable cause determinations. Additionally, the court ordered ICE to document specific facts supporting probable cause for any warrantless arrests in the state and to regularly provide that documentation to the ACLU of Colorado. This will enable ACLU of Colorado to monitor ICE's compliance with the injunction.

Not only is ICE ignoring federal laws to wrongfully arrest people, but the Trump administration is also trying to create new ways to keep more people in immigration detention. The Trump administration implemented a new policy in July 2025 that denied bond eligibility for certain people in ICE's custody. This change would result in potentially millions of additional people being subject to detention pending the outcome of their immigration case without even the opportunity to ask an immigration judge for bond. Nestor Esai Mendoza Gutierrez, a longtime Colorado resident and small business owner, is one such person who was denied the opportunity to seek bond. Along with the Meyer Law Office, ACLU National, and Reed Immigration, LLC, we

filed a class action lawsuit, arguing that this policy is illegal, and anyone detained in Colorado due to the policy must be eligible for a bond hearing.

On October 17, 2025, a federal court issued a temporary restraining order, ordering that Mr. Mendoza Gutierrez be released from ICE detention "immediately;" he was reunited with his family the next morning. After a second hearing, the court certified the case as a class-action lawsuit on November 21, 2025, so that any relief that the Court grants will apply to all similarly situated people in Colorado. We are now awaiting a further ruling for class-wide relief.

The struggle for transparency in ICE's detention expansion plans

The Trump administration's punitive immigration policies are leading to unprecedented and wasteful spending on the expansion of private detention capacity and surveillance capabilities. Private prison companies such as CoreCivic and The GEO Group, Inc., have seen profits soar and are projected to take in billions from government contracts.⁴⁵

On February 14, 2025, ICE issued a request for information (RFI) to expand detention capacity in Colorado and Wyoming. ACLU National submitted a Freedom of Information Act (FOIA) request for documents pertaining to the RFI in March 2025. The request went unanswered until we, with ACLU National, sued ICE on April 21, 2025. As a result of the lawsuit, we received an initial batch of heavily redacted documents in July 2025 that revealed six facilities under consideration, including:

- Hudson Correctional Facility in Hudson, Colorado.
- Huerfano County Correctional Center in Walsenburg, Colorado.



Legal team and plaintiffs in *Ramirez Ovando, et al. v. Noem, et al.* at the Byron White United States Courthouse in Denver, Colo. October 30, 2025.



Dozens of protesters gather outside the Hudson Correctional Facility in Hudson, Colo. September 13, 2025.

- Cheyenne Mountain Center in Colorado Springs, Colorado.
- The Baptiste Migrant Detention Facility in La Junta, Colorado.
- The Colorado Springs Migrant Detention Facility
- Apex Site Services, a provider of temporary structures and modular buildings, proposed a tent facility in Walsenburg, Colorado.

ACLU of Colorado lawyers pushed for further information, resulting in ICE producing less-redacted documents in August 2025. These documents provided additional details about operation timelines and facility capacity.

Notably, disclosed documents revealed that the Hudson Correctional Facility has a claimed capacity of 1,256 people with day rooms for additional bunking. The facility also owns 37 adjacent acres of land and alleges that it has already received a conditional use permit for a 1,000-bed expansion. Documents state that the facility was in “advanced talks with operators” as of February 2025.

Following additional disclosures about the Hudson facility, ACLU of Colorado filed another public records request for more information about ICE’s plans to expand immigrant detention in Colorado. ICE failed to comply with our records request, so we were forced to file a second public records lawsuit against ICE in September 2025. This second lawsuit forced ICE to release additional documents reflecting their ongoing efforts to expand detention in our state. On January 8, 2026, ACLU of Colorado released new documents obtained from this second lawsuit. These heavily redacted documents, consisting mostly of internal emails and fragments of contracts, provide limited insight into ICE’s plans for detention expansion. The documents, however, confirm that ICE still seeks to reopen the Hudson Correctional Facility, as highlighted in a \$39 million letter contract with The GEO Group, Inc. and further references to facility ramp-up plans from Fall 2025. An additional contract proposal for the Southern Ute Indian Adult Detention Center, valued at less than \$100,000, was submitted to the Department of Homeland Security (DHS) in

August 2025. A spreadsheet from February 6, 2025, also purports to show that the Huerfano County Correctional Facility in Walsenburg, Colo. is “funded.” No additional details about the Southern Ute or Huerfano County facilities were found in the documents.

In response to the information about ICE’s plans to expand detention capacity in the state, ACLU of Colorado, in collaboration with other grassroots groups, have organized protests at the Hudson facility to highlight community opposition to ICE’s planned detention expansion. Independent protests have also occurred near the Huerfano facility in Walsenburg.⁶

These additional details come after Congress recently passed a reconciliation bill that allocates \$45 billion to ICE to expand its immigration detention infrastructure across the United States. This amount is larger than the budget for the entire federal prison system and is estimated to allow for the detention of over 100,000 people daily.⁷⁸

Conclusion

The Trump administration shows no sign of slowing down its mass deportation agenda. This is despite public polling showing growing disapproval with the Trump administration’s approach⁹¹⁰ and renewed grassroots resistance to immigration enforcement actions.

What also remains true, however, is that the Trump administration’s immigration policy fails to comply with basic tenets of due process and continues to violate the law. The ACLU of Colorado, in close collaboration with community partners, will continue to uphold democracy and the rule of law. In 2026 our efforts will include:

- Continuing to respond to constitutional and statutory violations committed by ICE and other federal agencies in the courts;

- Ensuring that individuals whose constitutional rights are violated during immigration enforcement can seek recourse in state courts;
- Building on and expanding state law that bolsters rights and protections for immigrants in Colorado;
- Mobilizing to document and record the actions of ICE and federal agents in our communities; and
- Educating and informing community members of their civil rights and liberties and constitutional protections

As we enter President Trump’s second year in his second term, we will continue to uphold fundamental principles of due process and equal protection for all — regardless of someone’s country of origin.



Julian Camera, ACLU of Colorado senior organizer, leads a protest at the Hudson Correctional Facility in Hudson, Colo. September 13, 2025.

Endnotes

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10 "The New Immigration Crackdown: Where Americans Stand," PUBLIC RELIGION RESEARCH INSTITUTE (December 9, 2025). <https://prri.org/research/the-new-immigration-crackdown-where-americans-stand/>

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