



PRESS RELEASE

Federal Appeals Court to Hear Key Challenge to Cruel ICE “Bait and Switch” Tactic That Entraps and Separates Immigrant Families

For Immediate Release: January 29, 2026

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RICHMOND, VA – On Thursday, the United States Court of Appeals for the Fourth Circuit will hear oral arguments in a landmark case from Maryland challenging U.S. Immigration and Customs Enforcement’s unlawful “bait and switch” practice of luring immigrants with their U.S. citizen spouses to proof-of-marriage interviews as part of their legal path to residency, then arresting and deporting them when they appear.

The appeal, Alyse Sanchez v. Kristi Noem, arises from ICE’s practice of arresting noncitizen spouses of U.S. citizens during proof-of-marriage interviews at U.S. Citizenship and Immigration Services offices. Those interviews are a required step in the “stateside waiver process,” a regulatory framework created in 2013 and 2016 to allow certain immigrants with final removal orders to remain with their families in the United States while pursuing lawful residency, rather than facing years-long separation abroad.

Instead of using that process to keep families together, the lawsuit argues that ICE turned it into a trap. By arresting and deporting people who were actively complying with the law, ICE effectively nullified the regulations, undermining their purpose and violating the Administrative Procedure Act, the Immigration and Nationality Act, and the Due Process Clause of the Constitution.

The case traces back to ICE’s 2018 arrest of Wanrong Lin, a Southern Maryland resident and father of three U.S. citizen children. After USCIS confirmed the validity of Mr. Lin’s 14-year marriage to a U.S. citizen, he was asked to remain behind for “additional questions.” Once his wife left the room, ICE agents handcuffed him, detained him

without an opportunity to say goodbye to his family, and rushed to deport him to China before any court could intervene.

ACLU of Maryland attorneys filed emergency court papers moments before Mr. Lin's plane departed. As the flight crossed the Pacific, a federal judge held urgent hearings and issued an extraordinary emergency injunction condemning ICE's tactics and ordering the government to return Mr. Lin to the United States. He was later reunited with his family.

Despite that ruling, ICE continued the same practice against other Maryland families. The American Civil Liberties Union of Maryland, together with Venable LLP, filed a related class action on behalf of six additional families, now known as *Sanchez v. Noem*. In 2020, the district court barred immigration officials from arresting or deporting Maryland residents who were eligible for and pursuing the stateside waiver process and ordered the release of those already detained.

In 2024, the court issued a final judgment finding that ICE's conduct violated federal law and the Constitution. Those rulings have protected thousands of Maryland families from arrest at marriage interviews and other required steps in the legalization process.

The federal government appealed. The Fourth Circuit will hear the case on January 29.

"The Trump Administration has sought to terrorize families from pursuing legalization pathways by treating those legal pathways as a convenient opportunity to detain and deport people," said David Rocah, Senior Staff Attorney with the ACLU of Maryland. "That blatant disregard for ICE's own rules and regulations is one of many ways this administration has traumatized immigrants and their families. The district court got it right when it ruled this practice violates the Constitution and federal law."

ACLU cooperating attorney Michael Abrams added, "We are hopeful the Fourth Circuit will uphold the decision and ensure that immigrant families can pursue legal residency without fear of being trapped and torn apart by their own government."

The plaintiffs are represented by Michael Abrams and David Rocah of the ACLU of Maryland, and Nathaniel Berry of Venable LLP.

WHAT: Oral arguments before the United States Court of Appeals for the Fourth Circuit

Alyse Sanchez v. Kristi Noem, Appeal No. 24-6520

WHEN: Thursday, January 29, 2026, 9:30 a.m. ET

WHERE: Livestreamed from Richmond, Virginia <https://www.ca4.uscourts.gov/oral-argument/livestream-oral-arguments>

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