

Is Operation Metro Surge Really Over?

By: Teresa Padrón

Operation Metro Surge is one of the largest immigration enforcement operations in recent memory,¹ with roughly 4,000 troops deployed to Minneapolis.² During the occupation of Minneapolis, Immigration and Customs Enforcement (ICE) agents shot and killed Renee Good,³ and Alex Pretti.⁴ ICE Enforcement and Removal Operations (ERO) terrorized the community, disappearing non-citizens⁵ (including children⁶) and sending them by plane out-of-state—including to Texas,⁷ New Mexico, and other states.⁸ Despite the Minnesota legal community

¹ Rebecca Santana & Mike Balasamo, *2,000 Federal Agents Sent to Minneapolis Area to Carry Out 'Largest Immigration Operation Ever,' ICE Says*, PBS NEWS (Jan. 6, 2026), <https://www.pbs.org/newshour/politics/2000-federal-agents-sent-to-minneapolis-area-to-carry-out-largest-immigration-operation-ever-ice-says>. For comparison, Operation Hold the Line, one of the largest Border Patrol operations of the 1990s, involved 400 troops. See Justin I. Salgado, *Fortifying the U.S.-Mexico Boundary: The 1993 "Hold the Line" Experiment*, ORIGINS: CURRENT EVENTS IN HISTORICAL PERSPECTIVE (Jun. 2024), <https://origins.osu.edu/read/fortifying-us-mexico-boundary-1993-hold-line-experiment>. Operation Midway Blitz, the 2025 occupation also reportedly only involved “several hundred agents.” See Jake Schwitzer, *The Cost of Operation Metro Surge*, NORTHSTAR POLICY ACTION (Jan. 22, 2026), <https://northstarpolicy.org/metro-surge-cost/>.

² Andrew Hazzard, *Operation Metro Surge: ICE Numbers Dwindle to Under 1,000 Agents in Minnesota*, SAHAN JOURNAL (Feb. 25, 2026), <https://sahanjournal.com/immigration/hundreds-ice-agents-leaving-minnesota-operation-metro-surge/>.

³ Kerem Inal et al., *Minneapolis ICE Shooting: A Minute-by-Minute Timeline of How Renee Nicole Good Died*, ABC (Jan. 9, 2026), <https://abcnews.com/US/minneapolis-ice-shooting-minute-minute-timeline-renee-nicole/story?id=129021809>.

⁴ Rebecca Santana, *What We Know About the Investigations into the Minneapolis Shooting Death of Alex Pretti*, ASSOCIATED PRESS (Jan. 26, 2026), <https://apnews.com/article/minneapolis-alex-pretti-border-patrol-shooting-investigation-9d8ac8531f0d195ada3374c86a9deb21>.

⁵ See, e.g., Nina Moini et al., *'I Was Flooded with Fear': Minnesotans Describe Their Encounters with ICE, Being Detained*, MPRNEWS (Jan. 13, 2026), <https://www.mprnews.org/episode/2026/01/13/minnesotans-describe-their-encounters-with-ice-agents>.

⁶ Camilo Montoya-Galvez, *5-Year-Old Taken into Custody by ICE Has Active Immigration Case, Preventing Deportation for Now*, CBS NEWS (Jan. 24, 2026), <https://www.cbsnews.com/news/5-year-old-ice-minneapolis-immigration/>; Nina Moini, Ellen Finn, & Alanna Elder, *How a Teenage Asylum Seeker Detained by ICE in Minnesota Ended Up in Michigan*, MPRNEWS (Feb. 23, 2026), <https://www.mprnews.org/episode/2026/02/23/how-a-teenage-asylum-seeker-detained-by-ice-in-minnesota-ended-up-in-michigan>.

⁷ See, e.g. U.S. Immigration and Customs Enforcement, *ICE Reports Death of Illegal Alien in Custody in El Paso, Immigration and Customs Enforcement* IMMIGRATION AND CUSTOMS ENFORCEMENT (Jan. 18, 2026), <https://www.ice.gov/news/releases/ice-reports-death-illegal-alien-custody-el-paso>; Katelyn Vue & Andrew Hazzard, *'I Felt Hopeless': Hmong Refugee Stranded in Texas After Release from ICE Detention*, SAHAN JOURNAL, (Feb. 6, 2026), <https://sahanjournal.com/immigration/ice-detainees-stranded-after-release/>.

⁸ Max Nesterak, *Lawyers Filed over 1000 Lawsuits Challenging Immigrant Detentions During Operation Metro Surge*, KAXE (Feb. 23, 2026), <https://www.kaxe.org/local-news/2026-02-23/lawyers-filed-over-1000-lawsuits-challenging-immigrant-detentions-during-operation-metro-surge>.

coming together to file hundreds of habeas corpus petitions for their release,⁹ non-citizens continue to struggle with the consequences of detention after the fact, both emotional and practical.¹⁰ Several people continue to remain detained without legal representation¹¹ and many have chosen to self-deport, returning to their country of origin out of desperation.

This is a coordinated assault on the rights of immigrants in this country.¹² Individuals with pending asylum applications are having their cases pretermitted before they can have an individual hearing to present their case. These results are based on arguments by the Department of Homeland Security (DHS) that individuals have failed to state a claim upon which relief can be granted, notwithstanding the fact that the entire purpose of an immigration hearing is to make that determination.¹³ As part of Operation Metro Surge, many people have been arrested while attending mandated ICE check-ins, which makes them afraid to leave their homes and go to court. At the same time, if individuals do not appear at their court hearings, they are ordered removed *in absentia*.¹⁴ Most recently, DHS promulgated an interim-final rule, effective March 9, 2026, that would have changed the Board of Immigration Appeals' default position in cases had it not been partially enjoined before going into effect.¹⁵ The rule as written would have required summary

⁹ See, e.g., Cleo Krejci & Shadi Bushra, *A Story of Surviving Minnesota's Record Surge in Legal Appeals over Unconstitutional ICE Detentions*, MINNPOST (Feb. 27, 2026), <https://www.minnpost.com/public-safety/2026/02/a-story-of-surviving-minnesotas-record-surge-in-legal-appeals-over-unconstitutional-ice-detentions/>. From my personal experience tracking docket numbers of the habeas cases I have assisted on, I have seen that over 1,700 habeas corpus petitions have been filed in Minnesota since the start of 2026, not including the petitions that have been filed for individuals detained during Operation Metro Surge who are currently being held out-of-state.

¹⁰ Julia Lurie, *ICE Took Their Papers—and Won't Give Them Back*, MOTHER JONES (Feb. 24, 2026), <https://www.motherjones.com/politics/2026/02/ice-detention-keeping-not-returning-immigration-documents-work-permits/>; Katelyn Vue, *She Followed Every Rule. ICE Put Her in an Ankle Monitor*, SAHAN JOURNAL (Feb. 11, 2026), <https://sahanjournal.com/immigration/ice-isap-check-in-ankle-monitor/>.

¹¹ Melt the Ice, *Actions*, MELT THE ICE MINNESOTA <https://melttheicemn.com/actions/>. At the action at Sherburne County Jail on February 28, 2026, speakers spoke about individuals who remain detained there.

¹² See, e.g., Sophia Artley, “*Defending the Homeland*”: *Where Does It End? History's Demonstration of How Far ICE Can Go*, MINN. J. L. INEQ. (Feb. 4, 2026), <https://lawandinequality.org/2026/02/04/defending-the-homeland-where-does-it-end-historys-demonstration-of-how-far-ice-can-go/>.

¹³ See e.g. *Matter of C-A-R-R-*, 29 I&N Dec. 13, 15 (BIA 2025) (holding that immigration judges are not required to consider incomplete I-589 Applications for Asylum and Withholding of Removal under the Convention Against Torture on the merits if they are deemed incomplete); *Matter of H-A-A-V-*, 26 I&N Dec. 233, 238 (BIA 2025) (holding that if the facts of a case” viewed in the light most favorable to the respondent, do not establish prima facie eligibility for relief or protection, an Immigration Judge may pretermitt the applications without a full evidentiary hearing on the merits of the claim.”); National Immigration Project, *Practice Advisory: Fighting for a Day in Court: Understanding and Responding to Pretermission of Asylum Applications* (Aug. 27, 2025), <https://nipnlg.org/sites/default/files/2025-07/advisory-avoiding-pretermission.pdf>; Lisa Koop et al., *Training: Responding to Motions to Pretermitt Asylum Applications*, NATIONAL IMMIGRANT JUSTICE CENTER (Jan. 20, 2026), <https://immigrantjustice.org/for-attorneys/resources/training-responding-to-motions-to-pretermitt-asylum-applications/>.

¹⁴ National Immigration Litigation Alliance & American Bar Association, *Practice Advisory: In Absentia Orders*, NILA (Jun. 21, 2024), <https://immigrationlitigation.org/wp-content/uploads/2024/06/24.06.21-In-Absentia-PA-updated-FINAL.pdf>.

¹⁵ Order at 1–2, *Amica Center for Immigrant Rights v. Executive Office for Immigration Review*, No. 26-696 (D. D. C. Mar. 8, 2026) Dkt. No. 33. (vacating the portions of the interim final rule which govern the summary dismissal of cases after 15 days unless the BIA decides to hear cases on the merits, shorten the appeals window from 30 days to 10 days, and deem issues not waived in the notice to appear as waived on appeal).

dismissal within fifteen days of filing an appeal, “unless a majority of current Board members vote to consider the appeal on the merits,”¹⁶ and reduces the appeal window from thirty to ten days,¹⁷ as well as considers issues not raised on the appeals form waived on appeal.¹⁸

Despite this backdrop, many individuals have accepted that Operation Metro Surge has ended, and, on paper, it has. Tom Homan, Trump’s Border Czar, announced in a press conference that there would be a drawdown of federal troops,¹⁹ and over 1,000 agents have left Minnesota.²⁰ However, roughly 650 agents remain in Minnesota,²¹ compared to the 150 agents that were present in the state before Operation Metro Surge,²² and ICE continues to target people in the Minneapolis suburbs.²³ The continued law enforcement presence, however, belies the underlying message of Tom Homan’s speech: ICE withdrew from Minneapolis because local law enforcement agreed to cooperate with ICE on immigration enforcement matters.²⁴

A lot of cooperation between local and law enforcement is mediated by 287(g) contracts, whose expansion was massively funded by the One Big Beautiful Bill.²⁵ There are three types of 287(g) contracts which follow the Jail Enforcement Model, the Task Force Model, and the Warrant Service Officer Model.²⁶ The Jail Enforcement Model allows deputized officers to interrogate individuals regarding their immigration status and allows officers to issue ICE Detainers, which “are administrative requests from ICE to law enforcement agencies to hold a non-citizen for up to 48 hours after they would otherwise be released” so that they can be detained by ICE.²⁷ The Task

¹⁶ Appellate Procedures for the Board of Immigration Appeals, 91 Fed. Reg. 5270 (Feb. 6, 2026).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Nick Lentz, Stephen Swanson & Eric Henderson, *Border Czar Says Minnesota ICE Surge Is Ending: "I Don't Want to See Any More Bloodshed"*, CBS NEWS (Feb. 12, 2026), <https://www.cbsnews.com/minnesota/news/tom-homan-news-conference-minneapolis-feb-12/>.

²⁰ WCCO Staff, *Border Czar Says 1,000 Immigration Agents Have Left Minnesota; "Small Force" to Remain*, CBS NEWS (Feb. 16, 2026), <https://www.cbsnews.com/minnesota/live-updates/minnesota-ice-surge-ending-feds-say/>.

²¹ Louis Krauss, *Close to 650 Federal Agents Remain in Minnesota Weeks After Border Czar Announced end of Operation*, (Mar. 4, 2026), <https://www.startribune.com/close-to-650-federal-agents-remain-in-minnesota-weeks-after-border-czar-announced-end-of-operation/601590007>.

²² Alyssa Chen, *The End of Operation Metro Surge, in Data*, MINN. REFORMER (Feb. 23, 2026), <https://minnesotareformer.com/2026/02/23/the-end-of-operation-metro-surge-in-data/>. I have heard anecdotally from immigration practitioners that the number may have been as high as 190, but that this was the number of ICE agents for Minnesota, North and South Dakota, and Iowa, and that there were closer to 80 agents in the cities before Operation Metro Surge.

²³ Nicolas Scibelli, *Operation Metro Surge Hasn't Ended. It's Expanded to the Suburbs*, SAHAN JOURNAL (Feb. 19, 2026), <https://sahanjournal.com/immigration/ice-minnesota-suburbs-operation-metro-surge/>.

²⁴ Steve Karnowski, *WATCH: Border Czar Tom Homan Announces 700 Immigration Agents Leaving Minneapolis Immediately*, PBS NEWS (Feb. 4, 2026), <https://www.pbs.org/newshour/politics/watch-live-border-czar-tom-homan-holds-news-conference-in-minneapolis-on-immigration-enforcement>.

²⁵ National Immigration Forum, *One Big Beautiful Bill Act: Immigration Provisions*, at 2 (May 22, 2025) <https://forumtogether.org/wp-content/uploads/2025/05/One-Big-Beautiful-Bill-Act-Immigration-Provisions-1.pdf> (noting that \$650 million in funding was allocated to local law enforcement contracts).

²⁶ U.S. Immigration and Customs Enforcement, *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act: ICE's 287(g) Program*, ICE (Mar. 8, 2026), <https://www.ice.gov/identify-and-arrest/287g>.

²⁷ American Immigration Council, *The 287(g) Program: An Overview*, AIC (Jul. 8, 2021) <https://www.americanimmigrationcouncil.org/fact-sheet/287g-program-immigration/>.

Force Model allows officers to directly enforce immigration law during routine arrests.²⁸ Finally, the Warrant Service Officer Model authorizes state law enforcement to serve and execute ICE administrative warrants, such as those used to detain people during Operation Metro Surge, thereby deputizing them for arrest purposes.²⁹ Currently, seven counties in Minnesota, including Jackson, Freeborn, Kandiyohi, Mille Lacs, Crow Wing, Cass, and Itasca, have 287(g) contracts.³⁰ The majority of the agreements in the state are Task Force Model and Warrant Service Officer Model agreements,³¹ allowing state officials to continue arresting individuals for ICE—despite their reduced presence in the state—and to hold them until they can be detained by ICE after arrest.

The Minneapolis Police Department (MPD) does not currently have a 287(g) contract with DHS,³² and the lack of 287(g) contracts in the Twin Cities and much of the state suggests that the role of local law enforcement post Operation Metro Surge may be limited. This is bolstered by an advisory opinion issued by Minnesota Attorney General Keith Ellison in December of 2025, which holds (1) that county sheriffs may not unilaterally enter into 287(g) contracts with ICE because these agreements require a “resolution of the county board of commissioners”³³ and (2) that ICE detainers do not allow law enforcement to detain individuals past when they would otherwise be released from custody because Minnesota law preempts the issue.³⁴ However, an examination of the advisory opinion highlights that these limitations are minimal.

As a rule, ICE works closely with local sheriffs on a national scale, and the explicit prohibition against sheriffs unilaterally forming 287(g) contracts or holding people longer for ICE has no impact on these informal relationships,³⁵ the same informal relationships that Homan leaned on during his visit in Minneapolis.³⁶ ICE is also alerted every time an individual is detained because they have their fingerprints taken, and there is nothing stopping ICE officials from

²⁸ *Id.*

²⁹ *Id.*

³⁰ American Civil Liberties Union – Minnesota, *Stop 287(g) Agreements*, ACLU MN (Aug. 19, 2025) <https://www.aclu-mn.org/campaigns-initiatives/stop287g/>.

³¹ U.S. Immigration and Customs Enforcement, *supra* note 26.

³² This has not always been the case, however, as MPD did have a contract with ICE during the Uprising. See Jason Koebler, Joseph Cox & Jordan Pearson, *Customs and Border Protection Is Flying a Predator Drone over Minneapolis*, VICE (May 29, 2020), <https://www.vice.com/en/article/customs-and-border-protection-predator-drone-minneapolis-george-floyd/>.

³³ Op. Minn. Att’y. Gen. No. 3a, 390a6, at 2 (Dec. 12, 2025), https://www.ag.state.mn.us/Office/Opinions/3a-390a6_20251212.pdf.

³⁴ *Id.* at 1, 7. See also “*Orellana v. Nobles Cnty.*, 230 F. Supp. 3d 934, 945 (D. Minn. 2017) ([holding that] immigration detainer does not establish probable cause for arrest)”, at 4; *Cnty. of Riverside v. McLaughlin*, 500 U.S. 44 (1991) (holding that determination of probable cause by neutral magistrate is required within first 48 hours of detaining someone arrested without a warrant, and lack of probable cause violates the Fourth Amendment); *United States v. Verdugo-Urquidez*, 494 U.S. 259 (1990) (establishing that the Fourth Amendment protects non-citizens since it applies to “people”).

³⁵ Immigrant Legal Resource Center, *ICE Detainers: Advice and Strategies for Criminal Defense Counsel* 3 (Jan. 24, 2022) <https://www.ilrc.org/resources/ice-detainers-advice-and-strategies-criminal-defense-counsel>.

³⁶ Meg Anderson, *Hennepin County Sheriff Says She's Had 'Healthy' Conversations with Homan on ICE Drawdown*, MPR NEWS (Feb. 5, 2026), <https://www.mprnews.org/story/2026/02/05/hennepin-county-sheriff-witt-healthy-conversations-with-homan-on-ice-drawdown>.

accessing the online detainee rosters.³⁷ I have also personally heard anecdotes about ICE agents detaining individuals after they have been stopped by county sheriffs for traffic violations, which has led to their ongoing detention. Finally, many jails in Minnesota, such as the one in Sherburne County, have longstanding contracts with ICE where they set aside beds for ICE to use in immigration detention.³⁸

Despite the drawdown, Operation Metro Surge is not over, and both the legal community in Minnesota and the support infrastructure we have built need to continue meeting the needs of our non-citizen neighbors. Enforcement tactics and strategies will change — and are changing — and, as a community, we will have to be ready to address emerging needs and continue to respond effectively and efficiently.

³⁷ Immigrant Legal Resource Center, *supra* note 35, at 3–4.

³⁸ Josh Moniz & Jim Boyle, *Amid Scrutiny, Sherburne County Sheriff Explains ICE Cooperation*, STAR NEWS (Feb. 22, 2026), https://www.hometownsource.com/elk_river_star_news/amid-scrutiny-sherburne-county-sheriff-explains-ice-cooperation/article_cacaeb9a-df1f-4748-ac32-535d366a692a.html (explaining that over the 19-year contract with ICE, Sherburne has held an average of 131 ICE detainees at any given period).