



Attorney General Raoul Files Brief Defending Constitutionality Of The Illinois Trust Act

February 5 2020 1:16 PM

Chicago – Attorney General Kwame Raoul today announced a brief defending the constitutionality of the Illinois TRUST Act, which precludes state and local law enforcement from enforcing certain provisions of federal immigration law.

The Attorney General’s office [filed a brief](#) in the U.S. District Court for the Northern District of Illinois in the case of Pedro Tlapa Castillo v. David Snyders, Stephenson County Sheriff. In the brief, Raoul’s office argues that the Stephenson County sheriff violated the TRUST Act, which prohibits Illinois law enforcement agencies from detaining any individual based solely on their immigration status, an immigration detainer or a non-judicial immigration warrant.

“The TRUST Act reflects the values of Illinois residents and serves to build relationships between law enforcement agencies and immigrant communities instead of spreading fear based on immigration status,” Raoul said. “I was proud to vote for the TRUST Act as a state senator, and as Attorney General, I will fight to uphold the law.”

Pedro Tlapa Castillo filed a lawsuit in state court against Stephenson County Sheriff David Snyders after being arrested and detained by sheriffs’ deputies following a traffic offense in direct violation of the Illinois TRUST Act. The sheriff then removed the case to federal court, claiming that federal immigration law preempted the TRUST Act and gave him a legal justification for detaining Castillo. The Attorney General’s office was then allowed to intervene in the lawsuit in order to defend the constitutionality of the Illinois TRUST Act.

The TRUST Act, which took effect on Aug. 28, 2017, precludes state and local law enforcement in Illinois from participating in federal immigration enforcement. The law prohibits local law enforcement in Illinois from detaining an individual solely on the

basis of an immigration detainer, which is a request to detain issued by an immigration agent and is not ordered by a judge.

In the brief, Raoul points out that the sheriff admitted to violating the TRUST Act and working “hand-in-hand” with the federal government to detain Castillo based on a detainer from an immigration agent. The Attorney General argues that while the sheriff claims that the TRUST Act is preempted by federal law and is an obstacle standing in the way of cooperation between local and federal agencies, both the TRUST Act and federal law preserve Illinois’ sovereign prerogative to decide how state and local law enforcement resources will be used.

Attorney General Raoul encourages state and local law enforcement officials to access his office’s online [Guidance to Law Enforcement](#) on the authority under Illinois and federal law to engage in immigration enforcement.

Attorney General Raoul also urges immigrants living in Illinois and immigration advocates to be aware of immigrants’ legal rights, and the Attorney General’s office offers [“Know Your Rights”](#) resources free of charge on the Attorney General’s website. Information is available in English, Spanish, Arabic, Chinese, Hindi, Polish, Serbian and Urdu, along with a mobile version and printable pocket-sized guide.