

Trump 2.0 – Non-Adversarial Immigration Consent Decrees and Settlements

(Last Updated: **September 14, 2026**)

The second Trump administration has entered into numerous non-adversarial consent decrees or settlements that restrict various federal immigration policies or invalidate state laws providing benefits to certain noncitizens. These court-ordered agreements that may last for many years or indefinitely have arisen in: (1) lawsuits brought by state Republican Attorneys General against select Biden administration immigration policies, and (2) lawsuits brought by the Department of Justice to invalidate longstanding state laws affording some noncitizens access to in-state college tuition. In some cases, the filing and court-ordered approval occurred almost simultaneously. In a few cases, challenges by actual or prospective intervenors to entry of a final consent judgment remain ongoing. Press coverage of some agreements appears [here](#) and [here](#).

This table compiles pending or final cases. Feedback on this table is welcome at IPTP.feedback@gmail.com.

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FEDERAL Immigration Laws and Policies						
Case Name	Topic	Current Impact	Court Order	Duration	Status	IPTP #
<i>Florida v. Mayorkas</i> , 23-cv-9962-TKW (N.D. Fla.) Judge T. Kent Wetherell II	Parole	Certain Biden administration border parole policies enjoined; future parole authority limited.	• Declares Parole With Conditions (PWC) memorandum unlawful and sets it aside; • Enjoins DHS from implementing or enforcing the PWC memorandum, Parole + Alternatives to Detention memorandum, and any “materially indistinguishable policy that injures Plaintiffs”; and • “Defendants agree not to issue any memorandum or otherwise adopt any policy that uses the Secretary of Homeland Security’s parole authority under [8 U.S.C. §] 1182(d)(5) to create a categorical parole processing pathway for aliens at the border primarily to alleviate concerns over detention capacity or improve the Department of Homeland Security’s operational efficiency, including any memorandum or policy shifting the initiation	15-year consent decree	Final. No appeal, no intervention.	2188

			of removal proceedings from the border to the interior or otherwise postponing the initiation of removal proceedings.”			
<i>Texas v. DOJ</i>, 26-cv-70-O (N.D. Tex.) Judge Reed O’Connor	Administrative closure	Biden administration EOIR administrative closure rule enjoined; future administrative closure rulemaking authority limited.	• Vacates Biden administration administrative closure rule and permanently enjoins DOJ and EOIR from enforcing it; • Permanently enjoins DOJ and EOIR “from promulgating regulations that permit immigration judges the authority to administratively close removal proceedings without reaching the merits of a case absent an express statutory basis to do so.”	Permanent injunction by consent decree	Baltimore, MD, Columbus, OH, and New Haven, CT, as well as legal service provider Centro Legal de la Raza moved to intervene to defend the Biden-era rule and contest the consent judgment. District court denied intervention motion; proposed intervenors noticed appeal to the Fifth Circuit Court of Appeals.	1688
<i>Florida v. DHS</i>, 24-cv-509-TKW (N.D. Fla.) Judge T. Kent Wetherell II	SAVE verification system	Court-ordered settlement requires DHS to make a modified version of the SAVE system available for voter eligibility queries. A separate order by a D.C. District Court vacated the creation of the modified SAVE system. It is uncertain how the conflict	• DHS agrees to enter into an information-sharing agreement and new or updated memoranda of understanding with Plaintiff States (Florida, Ohio, Indiana, Iowa) regarding the SAVE verification system; • DHS agrees to modify SAVE system capability to provide, <i>inter alia</i>, free access to state, territorial, tribal, and local government agencies; bulk upload verification requests; and citizenship or immigration-status responses without requiring submission of subjects’ A-Numbers (e.g., with partial SSNs).	20-year court-ordered settlement agreement	In separate litigation, a D.C. district court [<i>League of Women Voters v. U.S. DHS</i> , 25-cv-03501 (D.D.C.)]. vacated creation of the modified SAVE system. In response, the plaintiff states in the Florida district court moved to enforce their settlement agreement. The Florida district court granted the	1698

		between those court orders will be resolved.			states’ motion and ordered DHS to reinstate the plaintiff states’ access to bulk-upload and SSN-search features of the SAVE system. The plaintiff organizations and several individuals who prevailed in the D.D.C. action then successfully moved to intervene in the Florida case and appealed the enforcement order. That appeal is pending in the Eleventh Circuit Court of Appeals. Meanwhile, the Department of Justice is appealing the D.D.C. judgment to the D.C. Court of Appeals, which denied a stay pending appeal of the district court order.	
STATE Immigration Laws and Policies						
Case Name	Topic	Current Impact	Court Order	Duration	Status	IPTP #
<i>U.S. v. Texas</i> , 25-cv-00055-O (N.D. Tex.)	In-State Tuition for resident	Texas in-state tuition for resident undocumented	Declares that Texas in-state tuition laws, as applied to state resident noncitizens who are not lawfully present in the United States, violate the Supremacy Clause and are	Permanent injunction by consent	Intervention motions filed by an educational institution, advocacy	1719

Judge Reed O'Connor	undocumented students	students invalidated.	unconstitutional and invalid; • Permanently enjoins Texas from enforcing such in-state tuition laws as applied to noncitizens who are not lawfully present in the United States.	decree	organization, and student denied by district court; affirmed by Fifth Circuit on appeal.	
<i>U.S. v. Oklahoma</i> , 25-cv-00265-RA W (E.D. Okla.) Judge Ronald A. White	In-State Tuition for resident undocumented students	Oklahoma in-state tuition for resident undocumented students invalidated.	• Declares that Oklahoma in-state tuition laws, as applied to state resident noncitizens who are not lawfully present in the United States, violate the Supremacy Clause and are unconstitutional and invalid; • Permanently enjoins Oklahoma from enforcing such in-state tuition laws as applied to noncitizens who are not lawfully present in the United States.	Permanent injunction by consent decree	Post-judgment intervention motion by Oklahoma Students for Affordable Tuition pending in district court.	1719
<i>U.S. v. Nebraska</i> , 26-cv-00172-BC B (D. Neb.) Judge Brian C. Buescher	In-State Tuition for resident undocumented students	Nebraska in-state tuition for resident undocumented students invalidated.	• Declares that those portions of Nebraska in-state tuition laws that extend eligibility for in-state tuition benefits to state resident noncitizens “unlawfully present” in the United States violate the Supremacy Clause and are unconstitutional and invalid; • Permanently enjoins Nebraska from enforcing the portions of such in-state tuition laws that extend in-state tuition benefits to noncitizens unlawfully present in the United States.	Permanent injunction by consent decree	Intervention motion filed by advocacy organizations denied by district court; appeal pending at Eighth Circuit. Partial stay pending appeal of district court injunction denied by Eighth Circuit.	1719
<i>U.S. v. Kansas</i> , 26-cv-04066-HLT (D. Kan.) Judge Holly Lou Teeter	In-State Tuition for resident undocumented students	Kansas in-state tuition for resident undocumented students invalidated.	• Declares that Kansas law recognizing certain noncitizens who lack lawful immigration status as residents for purposes of in-state tuition and fees to be preempted by federal law; • Permanently enjoins Kansas from enforcing the law that extends in-state tuition and fee benefits to certain noncitizens who lack lawful immigration status in the United States.	Permanent injunction by consent decree	DOJ and Kansas Attorney General Kris Kobach moved jointly for entry of a consent judgment invalidating Kansas in-state tuition law and permanently enjoining enforcement. Kansas Governor Laura	1719

					Kelly and Kansas Students for Affordable Tuition moved to intervene to defend Kansas's law. Both intervention motion were denied as futile by the district court. <i>Note:</i> Kansas has a Republican Attorney General and Democratic Governor.	
<i>U.S. v. Virginia</i>, 25-cv-01067-REP (E.D. Va.) Judge Robert E. Payne	In-State Tuition for resident undocumented students	None.	• Case pending and no court order.	N/A	DOJ and outgoing Virginia Attorney General Jason S. Miyares moved jointly for entry of a consent judgment invalidating Virginia's in-state tuition laws and permanently enjoining enforcement. Newly elected Virginia Attorney General Jay Jones withdrew the state's consent. District court denied the joint consent motion as moot.	1719

<i>U.S. v. Kentucky Council on Postsecondary Education</i>, 25-cv-00028-GF VT (E.D. Ky.) Judge Gregory F. Van Tatenhove	In-State Tuition for resident undocumented students	Kentucky in-state tuition for resident undocumented students invalidated.	• Declares that Kentucky in-state tuition law, as applied to state resident noncitizens who are not lawfully present in the United States, violates the Supremacy Clause and is unconstitutional and invalid; • Permanently enjoins Kentucky from enforcing such an in-state tuition law as applied to noncitizens who are not lawfully present in the United States.	Permanent injunction by consent decree	State represented by a private law firm, not by state AG. District court granted motion to intervene by Kentucky Students for Affordable Tuition. Court approved consent decree. Appeal by intervenors pending at Sixth Circuit. <i>Note:</i> Kentucky has a Republican Attorney General and Democratic Governor.	1719
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