

Congress of the United States

Washington, DC 20515

August 8, 2025

Joseph V. Cuffari
Inspector General
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

Troup Hemenway
Acting Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
2707 Martin Luther King, Jr. Avenue, SE
Washington, DC 20528

Joseph Guy
Director, Office of the Immigration Detention
Ombudsman
U.S. Department of Homeland Security
2707 Martin Luther King, Jr. Avenue, SE
Washington, D.C. 20528

Dear Inspector General Cuffari, Acting Officer Hemenway, and Director Guy:

We are increasingly concerned by reporting that U.S. citizens are being detained as a result of the Trump administration's immigration enforcement actions.¹ Sweeping enforcement operations by Department of Homeland Security (DHS) agents — particularly within Immigration and Customs Enforcement (ICE) — threaten the safety, due process, and civil liberties of Americans around the country. We echo other members of Congress who have expressed alarm about the apparent rise in indiscriminate immigration enforcement actions involving U.S. citizens.² We write to request that your offices, as DHS's internal oversight agencies,³ investigate the Department's handling of these citizen encounters.

ICE policy makes clear that, “[a]s a matter of law, ICE cannot assert its civil immigration enforcement authority to arrest and/or detain a U.S. citizen.”⁴ However, in recent high-profile cases, ICE has erroneously arrested U.S. citizens, at times appearing to use violent physical

¹ CNN, “‘We are not safe in America today.’ These American citizens say they were detained by ICE,” Alisha Ebrahimji, June 27, 2025, <https://www.cnn.com/2025/06/27/us/american-citizens-detained-ice-immigration/>; Washington Post, “As Trump cracks down on immigration, U.S. citizens are among those snared,” María Luisa Paúl, April 5, 2025, <https://www.washingtonpost.com/immigration/2025/04/05/us-citizens-deported-immigration/>.

² ProPublica, “Congress Has Demanded Answers to ICE Detaining Americans. The Administration Has Responded With Silence,” Nicole Foy, April 14, 2025, <https://www.propublica.org/article/trump-ice-immigration-detained-americans-congress-questions-unanswered>; Letter from Senator Mark Warner to DHS Secretary Kristi Noem, March 20, 2025, https://www.warner.senate.gov/public/_cache/files/f/7/f7540d7a-babf-41e8-8f34-7d79a0911289/B6EC35FEBDCAA111F2E6C5BAAC4C1B9BB128BD2D686082CD310E7EBDB952EA1B.2025.03.20-mrw-letter-to-dhs-and-ice-re-manassas-stop.pdf.

³ While we direct this investigative inquiry to these offices, we are deeply concerned that DHS appears to have effectively gutted CRCL and OIDO. See CNN, “Cuts to DHS watchdogs spark more questions as deportation efforts increase,” Angélica Franganillo Díaz, July 8, 2025, <https://www.cnn.com/2025/07/08/politics/homeland-security-watchdog-cuts>.

⁴ U.S. Immigration and Customs Enforcement, Investigating the Potential U.S. Citizenship of

force.⁵ ICE has also reportedly detained citizens in immigration detention facilities, sometimes for over a week.⁶ ICE has even deported U.S. citizens: in multiple cases, ICE has deported U.S. citizen children along with their undocumented parents, reportedly against the families' wishes.⁷ Particularly in Latino and Native American communities, Americans increasingly fear that their citizenship will not protect them from being swept up in DHS's immigration enforcement activities.⁸

ICE's policy further directs agents to "carefully and expeditiously investigate" citizenship claims and to "handle these matters with the utmost care and highest priority."⁹ However, in multiple cases, ICE agents have reportedly not attempted to verify citizenship or ignored citizens' offers to show proof of citizenship.¹⁰

Individuals Encountered by ICE, November 10, 2015, <https://www.ice.gov/sites/default/files/documents/Document/2017/16001.2.pdf>.

⁵ KTLA, "U.S. citizen released, no assault charges after violent ICE arrest in L.A. County," Lily Dallow, June 20, 2025, <https://ktla.com/news/local-news/u-s-citizen-released-no-assault-charges-after-violent-ice-arrest-in-l-a-county/>; Yahoo News, "US citizen caught in ICE raid says arrest was worth it if others got away," Isabel Keane, June 22, 2025, <https://news.yahoo.com/us-citizen-caught-ice-raid-214300098.html>; Fox 11 Los Angeles, "Family says US citizen was detained by ICE | FOX 11 LA," June 13, 2025, <https://www.youtube.com/watch?v=GuM7BuXIXqQ>.

⁶ Mother Jones, "US Citizen Wrongly Detained by the Border Patrol Says Government's Account Is False," Judd Legum, April 23, 2025, <https://www.motherjones.com/politics/2025/04/us-citizen-jose-hermosillo-wrongly-detained-ice-patrol-governments-account-false/>.

⁷ NBC News, "U.S. citizen children, including 4-year-old with cancer, taken to Honduras on mother's deportation flight, legal advocates say," Doha Madani, April 27, 2025, <https://www.nbcnews.com/politics/immigration/two-children-us-citizens-4-and-7-year-old-deported-honduras-rcna203208>; Children Thrive Action Network, "Children's Groups Outraged by Deportation of U.S. Citizen Children without Due Process," April 29, 2025, <https://childrenthriveaction.org/2025/04/childrens-groups-outraged-by-deportation-of-u-s-citizen-children-without-due-process/>; PBS, "Children who are U.S. citizens deported along with foreign-born mothers, attorneys say," Laura Barrón-López, Ian Couzens, Shrai Popat, April 28, 2025, <https://www.pbs.org/newshour/show/children-who-are-u-s-citizens-deported-along-with-foreign-born-mothers-attorneys-say>.

⁸ NBC News, "Trump immigration raids snag U.S. citizens, including Native Americans, raising racial profiling fears," Suzanne Gamboa and Nicole Acevedo, January 28, 2025, <https://www.nbcnews.com/news/latino/trump-immigration-raids-citizens-profiling-accusations-native-american-rcna189203>; NBC Washington, "'Just following Hispanic people': Citizen detained by ICE questions vote for Trump," Jackie Bensen, March 6, 2025, <https://www.nbcwashington.com/news/local/northern-virginia/just-following-hispanic-people-citizen-detained-by-ice-questions-vote-for-trump/3861172/>; ACLU of New Mexico and New Mexico Immigrant Law Center, Indigenous Rights During ICE Encounters, May 13, 2025, <https://nnhrc.navajo-nsn.gov/docs/Know-Your-Rights-during-ICE-Encounters.pdf>; CNN, "Navajo Nation leaders raise alarm over reports of Indigenous people being questioned and detained during immigration sweeps," Alaa Elassar, January 27, 2025, <https://www.cnn.com/2025/01/27/us/navajo-detained-ice-indigenous-immigration-trump/index.html>; Axios, "ICE accused of racial profiling in detentions of Latino U.S. citizens," Russell Contreras, July 9, 2025, <https://www.axios.com/2025/07/09/ice-us-citizens-detention-racial-profiling>.

⁹ U.S. Immigration and Customs Enforcement, Investigating the Potential U.S. Citizenship of Individuals Encountered by ICE, November 10, 2015, <https://www.ice.gov/sites/default/files/documents/Document/2017/16001.2.pdf>.

¹⁰ Washington Post, "As Trump cracks down on immigration, U.S. citizens are among those snared," María Luisa Paúl, April 5, 2025, <https://www.washingtonpost.com/immigration/2025/04/05/us-citizens-deported-immigration/>; Washington Post, "Man detained in Florida on immigration hold despite being citizen, lawyer says," Vivian Ho, April 18, 2025, <https://www.washingtonpost.com/immigration/2025/04/18/florida-immigration-hold-lopez-gomez/>.

DHS's actions can carry serious consequences for U.S. citizens. For example, American children detained and deported by DHS have missed months of school¹¹ or lost access to urgent cancer treatments and medications.¹²

Enforcement actions against U.S. citizens are not new.¹³ For decades, ICE has arrested, detained, and even deported U.S. citizens,¹⁴ a practice that the agency has acknowledged.¹⁵ But under the second Trump administration, this rare practice is becoming more frequent. Experts warn that “citizens are becoming increasingly vulnerable in a system moving faster and operating with fewer safeguards.”¹⁶ The full scope of the problem remains unclear, largely due to ICE's poor record-keeping practices.¹⁷ As of February 2025, ICE has reminded field offices to update citizenship data in agency databases,¹⁸ but it is unclear whether agents are complying with that directive.

When immigration agents arrest Americans without sufficient cause or simply because they are near an enforcement action, detain them without access to counsel, or ignore proof of citizenship, DHS fails in its core duty to protect the public and undermines trust in its operations. Agency officials must be held accountable, and we ask that your offices — the Office for Civil Rights and Civil Liberties (CRCL), Office of Inspector General (DHS OIG), and Office of the Immigration Detention Ombudsman (OIDO) — investigate these encounters and determine whether DHS is violating Americans' civil rights. Please address the following questions in your investigation and provide a briefing to our offices about this issue by September 5, 2025:

¹¹ Washington Post, “As Trump cracks down on immigration, U.S. citizens are among those snared,” María Luisa Paúl, April 5, 2025, <https://www.washingtonpost.com/immigration/2025/04/05/us-citizens-deported-immigration/>.

¹² The Washington Post, “Here are the U.S. citizens caught in Trump's immigration crackdown,” María Luisa Paúl, May 3, 2025, <https://www.washingtonpost.com/immigration/2025/05/02/citizens-caught-trump-immigration-crackdown/>; Letter from Texas Civil Rights Project to U.S. Department of Homeland Security, March 17, 2025, https://www.txcivilrights.org/_files/ugd/9fea3a_ae52f88df10742f99362e3c14b452213.pdf.

¹³ Government Accountability Office, Actions Needed to Better Track Cases Involving U.S. Citizenship Investigations, July 2021, <https://www.gao.gov/assets/gao-21-487.pdf>; ProPublica, “Some Americans Have Already Been Caught in Trump's Immigration Dragnet. More Will Be,” Nicole Foy, March 18, 2025, <https://www.propublica.org/article/more-americans-will-be-caught-up-trump-immigration-raids>; SSRN, “U.S. Government Unlawfully Detaining and Deporting U.S. Citizens as Aliens,” Jacqueline Stevens, September 22, 2011, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1931703; Los Angeles Times, “ICE held an American man in custody for 1,273 days. He's not the only one who had to prove his citizenship,” Paige St. John and Joel Rubin, April 27, 2018, <https://www.latimes.com/archives/story/2018-04-27/ice-held-an-american-man-in-custody-for-1273-days>.

¹⁴ Economic Times, “ICE in hot water: Dozens of US citizens wrongfully deported in shocking immigration blunder,” June 24, 2025, <https://economictimes.indiatimes.com/news/international/us/ice-in-hot-water-dozens-of-us-citizens-wrongfully-deported-in-shocking-immigration-blunder/articleshow/122052145.cms?from=mdr>.

¹⁵ Government Accountability Office, Actions Needed to Better Track Cases Involving U.S. Citizenship Investigations, p. 14, July 2021, <https://www.gao.gov/assets/gao-21-487.pdf>.

¹⁶ Washington Post, “Here are the U.S. citizens caught in Trump's immigration crackdown,” María Luisa Paúl, May 3, 2025, <https://www.washingtonpost.com/immigration/2025/05/02/citizens-caught-trump-immigration-crackdown/>.

¹⁷ *Id.*

¹⁸ Government Accountability Office, “Immigration Enforcement: Actions Needed to Better Track Cases Involving U.S. Citizenship Investigations,” July 20, 2021, <https://www.gao.gov/products/gao-21-487> (explaining a February 2025 status update related to one of GAO's recommendations).

1. We request that DHS produce all policies and guidelines provided to DHS agents performing immigration enforcement functions regarding the arrest or detention of U.S. citizens under the second Trump administration.
2. Does DHS track how many U.S. citizens it stops, arrests, detains, or departs?
 - a. How many U.S. citizens have been stopped, arrested, detained, or placed in removal proceedings by ICE, CBP, or other DHS agents in 2025? Please provide a breakdown by month, location, reason for enforcement action, outcome, and length of time in ICE custody.
3. What specific policies or protocols are in place to prevent the holding, arrest, or detention of U.S. citizens during immigration enforcement operations, and how are those policies enforced in real time?
4. Does DHS require agents to update records once U.S. citizenship is confirmed?
 - a. If not, why not?
 - b. If so, how does DHS ensure compliance?
5. How are DHS agents trained to verify when an individual asserts U.S. citizenship?
 - a. What steps are taken when a detained individual asserts U.S. citizenship, and how quickly is the claim reviewed?
 - b. What documentation or evidence is considered sufficient to verify citizenship status?
 - c. How long on average does it take to verify citizenship?
 - d. What consequences do DHS employees face if they fail to verify assertions of U.S. citizenship in a timely fashion?
6. Have your offices reviewed or investigated wrongful detentions of U.S. citizens?
 - a. If so, what were your findings and recommendations? Have any disciplinary actions resulted?
 - b. Please specify details of any wrongful detention of U.S. citizens and any disciplinary consequences, as well as any circumstances where alleged wrongful detentions were not investigated or reviewed.
7. What training, if any, do ICE, CBP, and other DHS agents receive regarding the constitutional rights of U.S. citizens, lawful permanent residents, and others who are lawfully present in the United States — particularly related to due process, unlawful search and seizure, and equal protection under the law?
8. Since January 2025, how many complaints have your offices received alleging racial profiling or other impermissible targeting by DHS agents?
 - a. Please describe your process for investigating such complaints.
 - b. How many of those complaints were investigated by OIG, CRCL, and/or OIDO?
 - c. How many complaints were referred to ICE or CBP for further investigation?

9. Please describe CRCL's and OIDO's current capacity to conduct retained investigations or review referred investigations' findings, including current staffing levels in CRCL's compliance branch and OIDO.

Thank you for your attention to this important matter.

Sincerely,



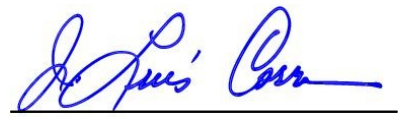
Elizabeth Warren
United States Senator



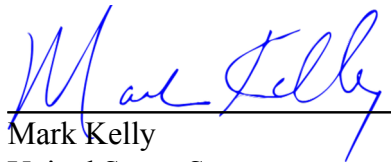
Dan Goldman
Member of Congress



Alex Padilla
Ranking Member, Judiciary
Subcommittee on Border
Security and Immigration



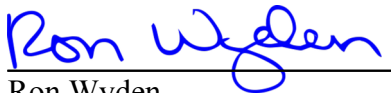
J. Luis Correa
Member of Congress



Mark Kelly
United States Senator



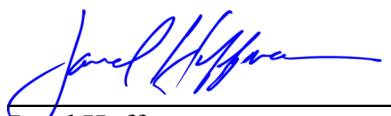
Richard J. Durbin
United States Senator



Ron Wyden
United States Senator



Henry C. "Hank" Johnson, Jr.
Member of Congress



Jared Huffman
Member of Congress



Eric Swalwell
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Al Green
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Yvette D. Clarke
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Val Hoyle
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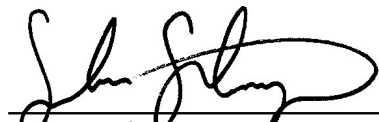
Greg Casar
Member of Congress



Delia C. Ramirez
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Lloyd Doggett
Member of Congress



Suhas Subramanyam
Member of Congress



Madeleine Dean
Member of Congress



Eleanor Holmes Norton
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Raja Krishnamoorthi
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Alexandria Ocasio-Cortez
Member of Congress



Maxine Dexter
Member of Congress



Dina Titus
Member of Congress



Adam B. Schiff
United States Senator



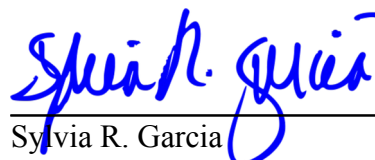
Seth Magaziner
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Laura Friedman
Member of Congress



Sylvia R. García
Member of Congress



Sarah McBride
Member of Congress



Shri Thanedar
Member of Congress



Timothy M. Kennedy
Member of Congress



Bernard Sanders
United States Senator



Veronica Escobar
Member of Congress



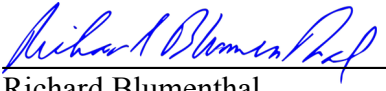
Kirsten Gillibrand
United States Senator



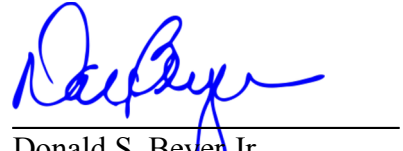
Jonathan L. Jackson
Member of Congress



Ro Khanna
Member of Congress



Richard Blumenthal
United States Senator



Donald S. Beyer Jr.
Member of Congress



Dave Min
Member of Congress



Mark R. Warner
United States Senator