



A CLOSER LOOK AT DHS INTERIOR ENFORCEMENT PRACTICES

This resource assesses anonymous responses to a survey conducted through partner organizations working with non-citizen clients

JULY 2023

INTRODUCTION

The racialized nature of immigration enforcement is as old as our country. However, our current system of immigration enforcement became more entrenched within the United States after Congress passed the Homeland Security Act of 2002 following the September 11, 2001 attack.¹ The newly created Department of Homeland Security (DHS) oversaw Immigration and Customs Enforcement (ICE) and ICE began a new era of interior surveillance and enforcement within the United States that built upon the foundations of racism and cruelty in our immigration laws. Under the guise of national security, the Bush administration ushered in sweeping raids in which ICE stormed worksites and deported hundreds of undocumented workers. When the federal government created



Congress passes the Homeland Security Act following the September 11, 2001 attack.



Secure Communities (S-Comm) is piloted in Harris County, Texas.



Donald Trump campaign launches with racist attacks on immigrants.



Abolishing ICE becomes a mainstream movement demand.



DHS Secy. Mayorkas issues immigration enforcement priorities in an attempt to guide ICE agents' behavior and enforcement actions.



The ILRC conducts survey with partner organizations to assess the impact of these priorities.

¹ The Department of Homeland Security, Honoring the History of ICE, <https://www.ice.gov/features/history>, (last accessed June 21, 2023).

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the Secure Communities program, establishing an automatic immigration check any time anyone was taken into custody anywhere in the country, deportations skyrocketed. ICE continued to grow to claim that it was deporting people in the name of public safety, while immigrant communities fought back against the mounting horrors of sundered families and parents disappearing into ICE detention. After years of community organizing against ICE enforcement, the Obama administration issued enforcement priorities that were supposed to limit ICE's enforcement activities but entrenched a good vs. bad immigrant narrative to focus on 'public safety,' 'border security' and 'national security.' Meanwhile, in the field, ICE continued its cruel and coercive tactics while also expanding detention and surveillance capacities.

Under the Trump administration, which featured constant demonizing and brutalizing of immigrants, the movement to Abolish ICE gained momentum, pointing out how the agency since its creation has been engaging in racist, abusive, and inhumane treatment of immigrant communities. Although the Biden administration came in promising reforms, those who monitor immigration enforcement observe that ICE is exactly the same agency it has always been. ICE continues to tear families apart, threaten children, detain people in abysmal conditions, and use coercive, exploitative and often illegal tactics to do so. On September 30, 2021, DHS Secretary Mayorkas issued a memorandum that provided guidelines on immigration enforcement priorities and further defined who did or did not fall into one of the Biden Administration priorities. However, this policy was held up in the courts since June 2022.



Although the Biden administration arrested fewer people in 2021 than in previous years, we continue to see the same horrors as ever. Despite various bureaucratic attempts to provide more trauma-informed responses when immigration enforcement involves survivors, ICE largely disregards these directives on how to treat survivors and continues detaining and punishing them.

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In 2023, the ILRC surveyed partner organizations and immigration practitioners to get a sense of how the Biden administration’s enforcement priorities were impacting interior immigration enforcement – specifically whom ICE agents chose to arrest and detain and how they went about it. We received responses from around the country and our findings are set forth in this report. We did not review ICE’s decisions in immigration court about whether to agree to drop deportation proceedings against people who were not prioritized by federal policies – we only looked at enforcement tactics in the field. Despite the issuance of enforcement priorities by the Biden administration, we found that ICE practices did not change much from the Trump era. In fact, information from organizations and practitioners on the ground demonstrate the following:

ICE ENFORCEMENT TACTICS:

Over the last two decades, ICE has dramatically expanded its use of surveillance technology to find and detain immigrants. And as the immigrant rights movement has challenged ICE’s power, the agency has continued to use aggressive, coercive, and manipulative measures to detain people. The Biden administration’s policies have not significantly changed these underlying patterns, and responders to our survey reported many familiar tactics.

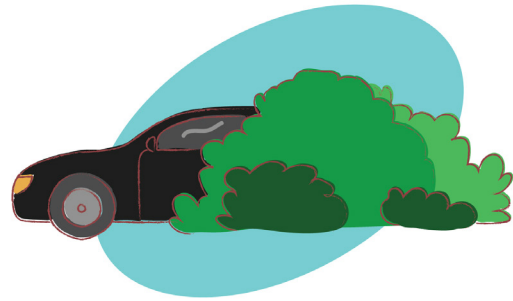
- **Use of Local Law Enforcement Resources:** ICE and local law enforcement continue to collaborate in several ways. ICE continued issuing detainers everywhere, oftentimes without warrants as required by law, and in many cases on people who did not fit agency priorities. Local jails continued sharing booking information cards with ICE, which gives ICE detailed information on everyone



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coming into local custody. For more information on the role of Sheriffs in the deportation pipeline, please refer to our publication titled [**The Role of Sheriffs and the Arrest-to-Deportation Pipeline**](#). ICE officers continued responding to local law enforcement calls during routine traffic stops. ICE continued arresting people at their probation appointments around the country. For more information on how probation agencies participate in the deportation pipeline, please refer to our publication titled [**Probation Agencies and the Deportation Pipeline**](#).

- **Home Surveillance:** Respondents indicated that ICE continued arresting people at their homes or on the street near their home after being surveilled. One response in particular illustrates the extent of the surveillance. One responder indicated that he first noticed “several men and several cars” outside his house. Over a period of three and a half weeks, he continued noticing more cars and he became afraid that he was being followed. He decided to leave his neighborhood after being followed by a car with tinted windows. A short time after leaving, his landlord informed him that officers entered his home looking for him.



- **Coercion:** Respondents to our survey indicated that ICE continued using coercive tactics. Several respondents reported that whenever folks showed some resistance or questioned compliance, ICE agents proceeded to threaten them with worse consequences. One respondent reported that harassment of one family began at 6 am when Mr.



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A and his wife were awakened by pounding at their front door. The individuals pounding on the door failed to identify themselves and the wife noticed they had on blue and black vests. When the wife asked about a warrant, the individuals stated they had no warrant and threatened to kick down the door. When Mr. A's wife stated that she knew her rights and was recording them, ICE agents quickly tried to deny that they threatened to kick down the door. However, they did not leave before proceeding to threaten her with worse consequences when they came back. In another example, ICE interrogated the wife and son of Mr. X at gunpoint, holding up his picture and stating they were looking for him. Without identifying themselves, they confirmed the identity of the individual and proceeded to arrest him.

- **Ruses:** In 2020 *Kidd v. Mayorkas*, a class action lawsuit, was filed where plaintiffs alleged that ICE used impersonation tactics and other unlawful practices while executing a home arrest; the case is ongoing. Unfortunately, respondents to our survey continued to indicate the use of such tactics. Respondents indicated a pattern of ICE failing to identify themselves as ICE agents. On some occasions, ICE officers wore plain clothes and wore bullet proof vests that said "police." One respondent shared that Mr. O received a call from an unknown person asking him to confirm his address. He did and shortly after, ICE came to his home to arrest him.

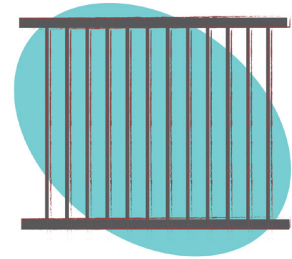


- **Targeting Family/Friends:** Respondents to our survey indicated that ICE targeted family and friends to obtain information about their immigrant relative or friend. Several reported that ICE agents went to the suspected address of an individual they were targeting and

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made contact with family, without properly identifying themselves as ICE. Often believing the officers were local police, these family members willingly provided information about their relative.

- ➔ **Detention:** ICE continued to deny requests for release from detention despite the person having mitigating factors or pending applications. One respondent indicated their client, Mr. B, was detained for over a year despite having health and mental illness related issues. On several occasions Mr. B was placed in solitary confinement after complaining of his illness related symptoms. In some instances, ICE made it difficult for families to pay bond after bond was granted by arbitrarily changing time restrictions without prior notice. On occasions where ICE granted bond, individuals were then placed on GPS monitoring or some form of e-carceration.

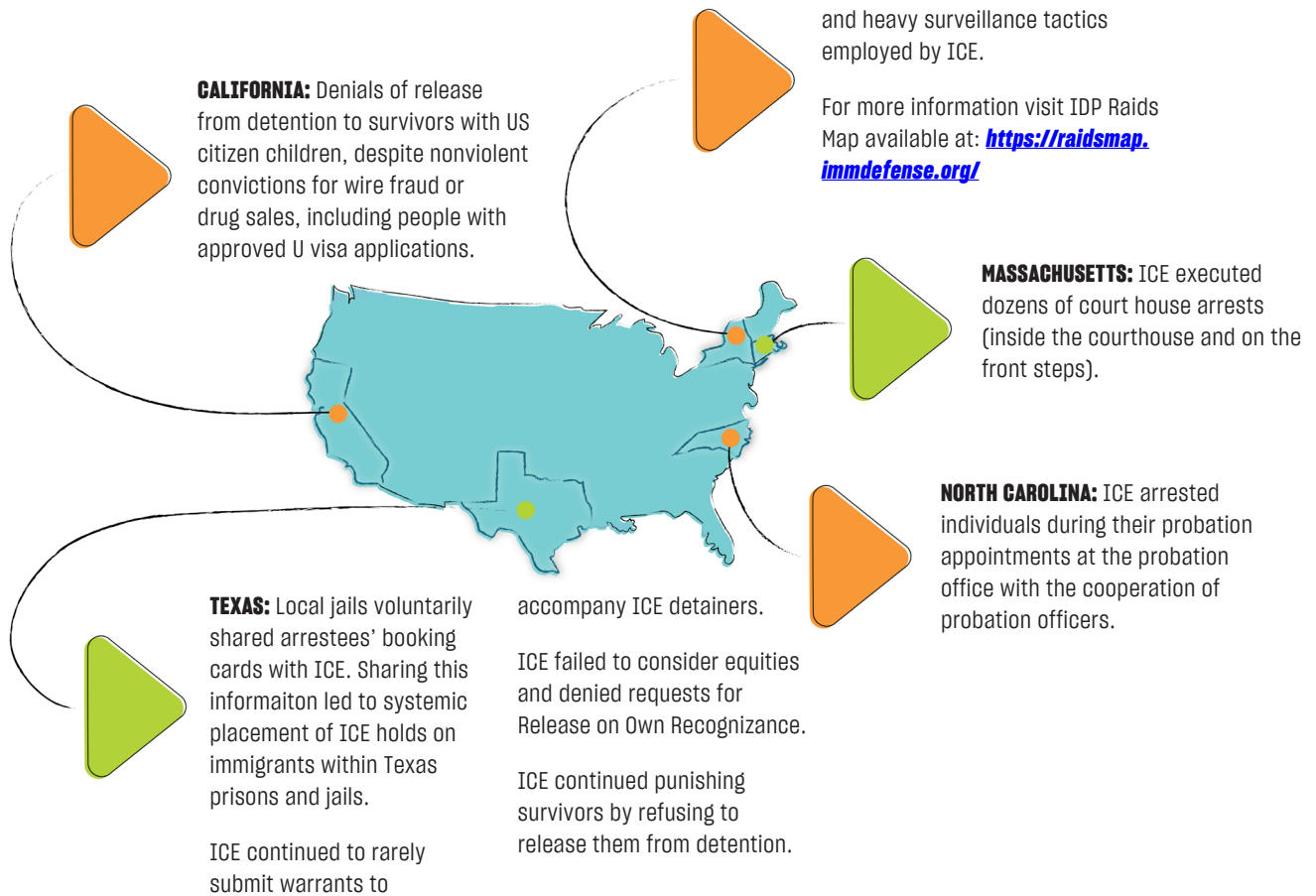


ICE TACTICS: TAKEAWAYS

1. ICE continues to use threatening and coercive tactics in order to arrest people at their homes and on the streets. Federal guidance does not prevent them from targeting and detaining people who do not meet agency priorities for enforcement.
2. Many of the encounters and arrests that people reported to us likely followed extensive data collection and digital surveillance that ICE has been expanding in recent years.
3. Sharing our awareness of enforcement patterns and tactics in our communities helps people be more prepared and organized to learn their rights and respond to ICE activity.

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STATEWIDE TRENDS



CONCLUSION

Immigrant communities continue to feel the impacts of immigration enforcement at their homes, workplaces and community settings, despite guidance from DC setting priorities. ICE interior enforcement regularly featured invasive and coercive tactics in people's homes and in front of their children, mass surveillance, and extensive co-opting of local law enforcement. Our work to limit the impacts of immigration enforcement by expanding the scope of sanctuary policies and the jurisdictions in which they are adopted continues to be an important mechanism to keep our communities safer and hold ICE accountable.

The Supreme Court in *United States v. Texas* ruled against states that had challenged the Biden administration's immigration enforcement policies, and cleared the way



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for DHS to reassert priorities and limits on ICE behavior. DHS has stated that “DHS looks forward to reinstating [Mayorkas’] Guidelines,” but the timeline remains unclear.² While federal guidance is important for setting standards and holding ICE accountable, our analysis is that across administrations, ICE has continued to operate in the same old ways. Our review of recent trends shows the continued impacts of immigration enforcement in the interior of the US and the underlying nature of ICE as an agency with a culture of racism and abuse.

² The Department of Homeland Security, Statement from Secretary Mayorkas Regarding the Supreme Court Decision on Immigration Enforcement, <https://www.dhs.gov/news/2023/06/23/statement-secretary-mayorkas-regarding-supreme-court-decision-immigration>, (June 23, 2023).

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