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Investigations

“Our Values at Stake: DHS Overreach and Violations of U.S. Citizen Rights”
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My name is Aaron Reichlin-Melnick, and I currently serve as a Senior Fellow at the American Immigration Council. The Council is a non-profit organization that envisions a nation where immigrants are embraced, communities are enriched, and justice prevails for all. We strive to create a society that values immigrants as vital contributors and where everyone is afforded an equal opportunity to thrive socially, economically, and culturally. We do this by shaping immigration policies and practices at the federal, state, and local levels through educating decisionmakers and the public and advancing sensible policy solutions through research and advocacy.

The Council has long studied immigration enforcement practices in the United States, including both interior and border enforcement. We have also reported on prior studies of the impact of immigration enforcement on U.S. citizens,¹ both directly through arrests and indirectly through the impact on U.S. citizen family members.²

For many years, the American public has experienced the consequences of an immigration system in desperate need of reform. People want an immigration system that is marked by order, not disorder; a system which provides opportunities for coming into compliance with the law for those who are otherwise law-abiding, while ensuring consistent, just, and proportionate penalties for those who are not. Building such a system is possible; we can couple order with compassion, forgiveness, justice, and other core American principles. But unfortunately, the administration at the helm of this system is primarily interested in generating a *perception* of order through performative cruelty, rather than *actual* order through meaningful reforms.

Since taking office, the Trump administration has supercharged the interior enforcement system, morphing it into a larger, more aggressive federal presence than ever before. This has occurred through not only shifts in formal policy, but also changes in agency priorities, diversion of resources from other parts of the federal government, and abandonment of long-standing internal policies which had previously limited interior enforcement under administrations of both parties.

¹ Melissa Cruz, “ICE May Have Deported as Many as 70 US Citizens In the Last Five Years,” *American Immigration Council*, July 30, 2021, <https://www.americanimmigrationcouncil.org/blog/ice-deport-us-citizens/>.

² American Immigration Council, “U.S. Citizen Children Impacted by Immigration Enforcement,” June 24, 2021, <https://www.americanimmigrationcouncil.org/fact-sheet/us-citizen-children-impacted-immigration-enforcement/>.

At its core, these changes rest on the Trump administration’s implicit view that immigration enforcement should be the most important law enforcement priority of the entire federal government. Virtually every law enforcement agency within the federal government, from the FBI to the U.S. Postal Inspection Service, has been co-opted into the mass deportation effort.

With over 14 million undocumented immigrants in the United States,³ U.S. Immigration and Customs Enforcement (ICE) has for decades focused its limited resources on those individuals it deemed most likely to be public safety threats or fugitives — primarily those with criminal records or prior orders of removal. Large-scale at-large arrests of individuals without criminal records were rare. Most Americans have no experience with large-scale immigration enforcement in their communities. But that is changing.

Department of Homeland Security (DHS) officers and related federal agents have dramatically expanded arrests, and subsequent detentions, of people who were not traditionally targets of immigration enforcement; specifically, people who have no criminal records (either a prior conviction or pending criminal charges), people who pose no safety threats or flight risks (those who have lived and worked in the United States for many years), and people who are seeking legal status through the immigration court system or through the legal immigration system.

This has been carried out through three major shifts in policy: 1) the widespread use of “collateral arrests” and “roving patrols;” 2) the expansion of worksite raids to a level not seen in the modern era; and, 3) the creation of new “re-arrest” policies which have seen ICE officers detaining immigrants dutifully appearing for court hearings and ICE check-ins.

It is these first two major changes which has resulted in a rising number of U.S. citizens and lawful permanent residents being arrested and at times detained for hours or days by immigration officers.

Historically, the majority of arrests in the interior involved ICE officers traveling to a local, state, or federal law jail or prison, and taking custody of a person who is already in the hands of a law enforcement agency. In the decade before COVID hit and disrupted ICE operations, 83 percent of all ICE arrests were “custodial” — they occurred when a person was already in law enforcement custody and was then transferred to the custody of ICE by a different local, state, or federal law enforcement agency.⁴

“At-large” immigration enforcement arrests, where individuals were arrested at their homes, worksites, or other public locations, were significantly rarer. From Fiscal Years 2008 through 2021, “at-large” arrests averaged roughly 36,000 per year, while custodial arrests fluctuated from a high of 274,937 in Fiscal Year 2010 to a low of 48,089 in Fiscal Year 2021 during the height of the COVID-19 pandemic.⁵

³ Jeffrey S. Passel, Jens Manuel Krogstad, “U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023,” *Pew Research Center*, August 21, 2025, <https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/>.

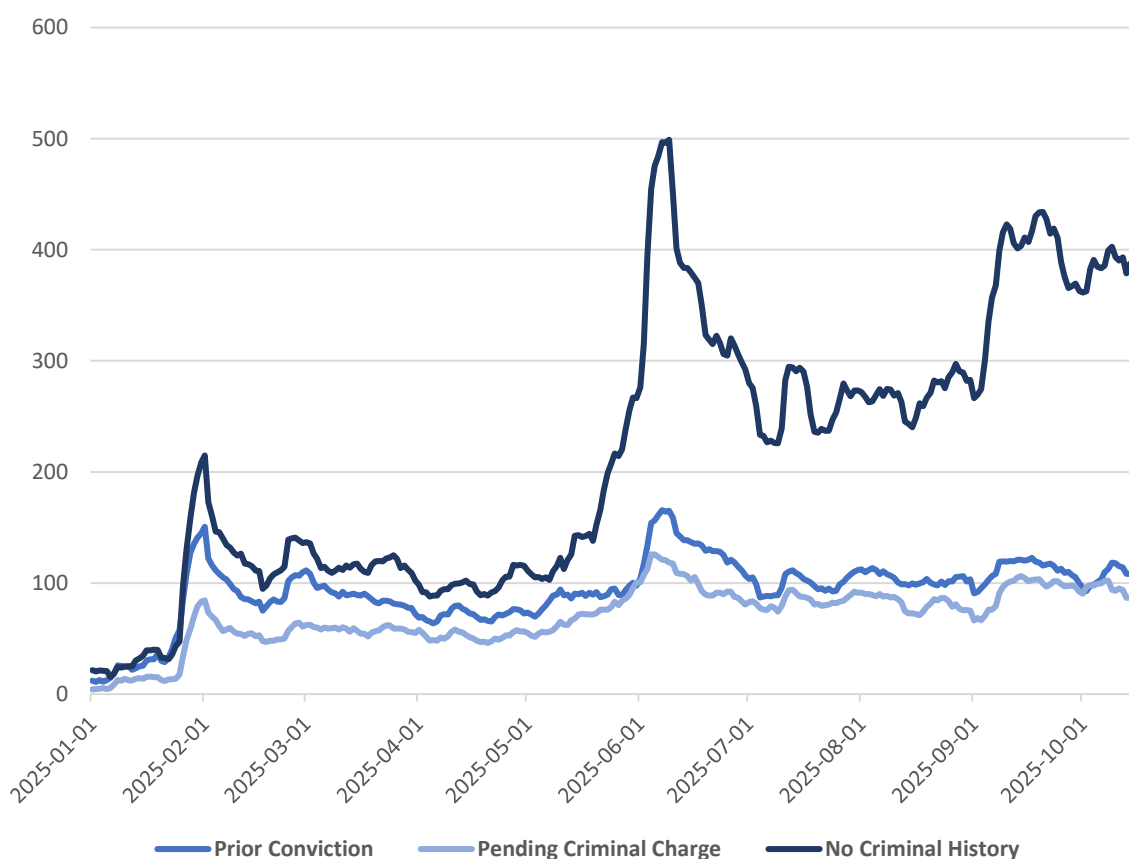
⁴ Analysis of arrest data produced in annual DHS congressional budget justifications, *available at* U.S. Department of Homeland Security, “DHS Budget,” last updated July 9, 2025, <https://www.dhs.gov/dhs-budget>.

⁵ *Ibid.*

Those arrested by ICE in the interior were typically individuals who had previously interacted with the criminal justice system, and either had a prior conviction or a pending criminal charge (most typically minor offenses and misdemeanors). As a result, arrests and “at large” detentions of people who had no criminal records were statistically rare. That is true no longer.

Since Trump took office, the number of “at-large” arrests in American communities has increased dramatically, rising from an average of 85 at-large arrests per day in December 2024 to an average of 590 per day in October 2025; a nearly 600% increase (see Figure 1). In total, from January 21 through October 15, ICE carried out nearly 110,000 at-large arrests. The largest increase in these arrests has occurred among people with no criminal record. From June 1 (after the White House ordered ICE to ramp up arrests) through October 15, fully 62% of at-large ICE arrests were of people with no criminal history.

Figure 1: Average Daily At-Large Arrests (7-Day Average), January 1 to October 15, 2025, by Prior Criminal History⁶



Source: Data produced by ICE under the Freedom of Information Act and published by the Deportation Data Project, available at <https://deportationdata.org/data/ice.html>.

⁶ “Criminal history” includes everything from traffic violations to low-level misdemeanors to immigration offenses to more serious offenses. Individuals with pending charges are innocent until proven guilty.

Under U.S. immigration law dating back over a century, “immigration officers” are empowered to stop and question any person suspected of being a noncitizen, and to arrest without a warrant those who officers have probable cause to believe are present in the country without authorization.⁷

But, of course, immigration status is not visible to the naked eye. So how can officers determine whether a person is a possible noncitizen? The obvious answer is profiling; and often racial profiling. As Gregory Bovino, the Border Patrol officer put in charge of Operation Midway Blitz in Chicago, stated to a tall, white reporter, officers use “the particular characteristics of an individual, how they look. How do they look compared to, say, you.”⁸ Under the direction of Chief Bovino, Border Patrol agents have fanned out across multiple American cities and engaged in “roving patrols,” a Border Patrol tactic previously limited to use along the southern or northern land borders, where agents drive around on patrol and stop and question people about their immigration status.⁹

The legality of these un-targeted practices, as expanded to American cities around the country, remains unclear. In July, a federal court in California in the *Vasquez Perdomo* case enjoined DHS from carrying out immigration stops in the Central District of California based solely on a person’s race and ethnicity, language, location, or occupation. In an unsigned and unexplained order issued on September 8, 2025, the Supreme Court temporarily halted that order.¹⁰

In a concurring opinion, Justice Kavanaugh appeared to accept the Trump administration’s framing that such profiling was not just lawful, but also necessary in neighborhoods with high numbers of undocumented immigrants: “Illegal immigration is especially pronounced in the Los Angeles area, among other locales in the United States. About 10 percent of the people in the Los Angeles region are illegally in the United States—meaning about 2 million illegal immigrants out of a total population of 20 million.”¹¹

Despite the evidence in the record, Justice Kavanaugh declared that U.S. citizens had little to fear from any encounters with DHS, stating that “If the officers learn that the individual they stopped is a U. S. citizen or otherwise lawfully in the United States, they promptly let the individual go.”¹² Since that point, the term “Kavanaugh stops” has come to describe arrests by DHS officers

⁷ See 8 U.S.C. § 1257(a)(1)-(2). However, the power to arrest without a warrant may only be exercised if the officer has probable cause to believe that the person will escape before a warrant can be obtained.

⁸ Chip Mitchell, “Transcript: Gregory Bovino says arrestees in Downtown Chicago chosen based partly on ‘how they look’,” *WBEZ*, September 30, 2025, <https://www.wbez.org/immigration/2025/09/30/transcript-audio-gregory-bovino-immigrant-arrests-downtown-chicago-chosen-how-they-look>.

⁹ See, e.g., American Civil Liberties Union, “ACLU demands transparency of Border Patrol’s extensive ‘roving patrol’ operations,” February 10, 2015, <https://www.aclusocal.org/en/press-releases/aclu-demands-transparency-border-patrols-extensive-roving-patrol-operations> (describing the practices of “roving patrols” carried out under the Obama administration).

¹⁰ *Noem v. Vasquez Perdomo*, No. 25A169, 606 U.S. ____ (2025).

¹¹ *Id.* at 2 (opinion of Kavanaugh, J. concurring).

¹² *Id.*

of individuals based on race and ethnicity, language, location, or occupation—the factors blocked initially by the lower federal court.¹³

DHS officers engaged in these “roving patrols” and carrying out collateral arrests have repeatedly questioned, detained, and arrested U.S. citizens.¹⁴ One of the first such cases was that of Julio Noriego, a U.S. citizen in Chicago who was handing out resumes in businesses in a Latino neighborhood in late January when ICE officers detained him and held him for 10 hours before even checking his wallet, where his ID was located.¹⁵ In Los Angeles, Border Patrol agents shoved U.S. citizen Jason Brian Gavidia against a fence and questioned him as to what hospital he had been born into.¹⁶

The decision to engage in these tactics did not emerge organically from the workforce of ICE. Instead, they are the result of explicit directives from the White House to ramp up arrests and to move *away* from the practice of targeted arrests which had been used by immigration enforcement agents for decades, and instead aim to hit politically motivated arrest goals, with the ultimate desire of the White House to reach 3,000 arrests per day.¹⁷

Public reporting reveals that in late May, the White House ordered every head of every ICE Field Office to come to Washington, DC for a meeting.¹⁸ At that meeting, White House Deputy Chief of Staff Stephen Miller, along with DHS Secretary Kristi Noem, ordered ICE to increase arrests and to abandon the traditional focus on targeted arrests. According to the Wall Street Journal, Stephen Miller reportedly yelled at ICE officers to *stop* focusing on arrests of people with criminal records and instead go to the nearest Home Depot and round up anyone they found there. Within days, major raids began in Los Angeles.¹⁹

Data produced under the Freedom of Information Act makes clear how much of a difference that meeting made. From January through May 2025, even in the first months of the Trump administration, daily ICE arrests of people in California who had no criminal record averaged below 10 people per day. Within weeks of the meeting, by mid-June, ICE arrests of people with no criminal records rose to 50 people per day. In mid-July, it peaked at 90 per day.²⁰ These were

¹³ Justice Wise, “ICE Apprehension of US Citizens Derided as ‘Kavanaugh Stops,’” *Bloomberg Law*, October 21, 2025, <https://news.bloomberglaw.com/us-law-week/ice-apprehension-of-us-citizens-derided-as-kavanaugh-stops>.

¹⁴ Jazmine Ulloa, Allison McCann, Jennifer Medina, “‘I’m From Here!’: U.S. Citizens Are Ending Up in Trump’s Dragnet,” *New York Times*, September 29, 2025, <https://www.nytimes.com/2025/09/29/us/trump-immigration-agents-us-citizens.html>.

¹⁵ National Immigrant Justice Center, “22 People Arrested in ICE Raids Announce Federal Court Action Challenging Unlawful Warrantless ICE Arrests Under New Trump Administration,” March 17, 2025, <https://immigrantjustice.org/press-release/22-people-arrested-in-ice-raids-announce-federal-court-action-challenging-unlawful-warrantless-ice-arrests-under-new-trump-administration/>.

¹⁶ Jennifer Medina, “‘I’m an American, Bro!’: Latinos Report Raids in Which U.S. Citizenship Is Questioned,” *New York Times*, June 15, 2025, <https://www.nytimes.com/2025/06/15/us/hispanic-americans-raids-citizenship.html>.

¹⁷ Brittany Gibson, “New data: ICE arrests surge as agency chases Trump quota,” *Axios*, December 4, 2025, <https://www.axios.com/2025/12/04/trump-ice-immigration-arrests-deportations>.

¹⁸ Elizabeth Findell et. al, “The White House Marching Orders That Sparked the L.A. Migrant Crackdown,” *Wall Street Journal*, June 9, 2025, <https://www.wsj.com/us-news/protests-los-angeles-immigrants-trump-f5089877>

¹⁹ *Id.*

²⁰ Data produced by ICE under the Freedom of Information Act and published by the Deportation Data Project, available at <https://deportationdata.org/data/ice.html>

not primarily targeted arrests. They were roving patrols, collateral arrests, and worksite raids; people at Home Depots, people standing at bus stops, or simply people going about their day.

The result of this change in practices and the pressure from the White House to increase arrest numbers has been a dramatic increase in the arrests of U.S. citizens and lawful permanent residents, especially those who are Latino. In the first nine months of the Trump administration, public reporting confirmed that 170 U.S. citizens were detained by DHS, 40 of which were detained for immigration reasons and 130 on allegations of assaulting DHS officers.²¹ The true number is likely higher, as that estimate comes from publicly available media reporting, not government data.

Beyond the expansion of collateral arrests and roving patrols, the Trump administration has also authorized the use of large-scale raids at worksites. Under previous administrations in the 21st century, worksite raids generally involved months of preparation and extensive coordination with local law enforcement. Establishing an employment verification process in the 1980s and 1990s reduced the need for raids at worksites, and previous administrations focused more on audits to ensure employer compliance with Form I-9 requirements than on largescale raids of factories, farms, and construction sites.²² As a result, these raids have been rare in recent decades: in 2018, for example, under the first Trump administration, ICE highlighted just three “high-profile [worksite] enforcement actions.”²³

This has changed dramatically under the second Trump administration, which has directed ICE’s Homeland Security Investigations (HSI) to focus on worksite enforcement.²⁴ Worksite raids now occur regularly, with HSI agents raiding everything from small businesses like nail salons,²⁵ restaurants,²⁶ and bakeries²⁷ to large construction sites,²⁸ meatpacking plants,²⁹ and racetracks.³⁰

²¹ Nicole Foy, “We Found That More Than 170 U.S. Citizens Have Been Held by Immigration Agents. They’ve Been Kicked, Dragged and Detained for Days,” *ProPublica*, October 16, 2025, <https://www.propublica.org/article/immigration-dhs-american-citizens-arrested-detained-against-will>.

²² American Immigration Council, “Understanding ICE Raids at American Workplaces,” October 9, 2025, <https://www.americanimmigrationcouncil.org/fact-sheet/understanding-ice-worksite-raids/>.

²³ U.S. Immigration and Customs Enforcement, “ICE worksite enforcement investigations in FY18 surge,” December 11, 2018, <https://www.ice.gov/news/releases/ice-worksite-enforcement-investigations-fy18-surge>.

²⁴ Brad Heath, Joshua Schneyer, et. al, “Exclusive: Thousands of agents diverted to Trump immigration crackdown,” *Reuters*, March 22, 2025, <https://www.reuters.com/world/us/thousands-agents-diverted-trump-immigration-crackdown-2025-03-22/>.

²⁵ FOX 5 Atlanta Digital Team “Federal immigration authorities arrest 12 undocumented workers at Marietta nail salon,” *Fox 5 Atlanta*, June 4, 2025, <https://www.fox5atlanta.com/news/federal-immigration-authorities-arrest-12-undocumented-workers-marietta-nail-salon>.

²⁶ Nicole Acevedo, “Pennsylvania restaurant employees say ICE raid left a trail of destruction for the business,” *NBC News*, August 15, 2025, <https://www.nbcnews.com/news/latino/ice-raids-pittsburgh-mexican-restaurant-emilianos-pennsylvania-rcna224726>.

²⁷ Berenice Garcia, “South Texas bakery owners housed undocumented workers next to business before ICE raid, feds allege in hearing,” *Texas Tribune*, February 21, 2025, <https://www.texastribune.org/2025/02/21/texas-rio-grande-bakery-undocumented-immigrants-los-fresnos/>.

²⁸ Tim Reid, “This construction project was on time and on budget. Then came ICE.,” *Reuters*, July 28, 2025, <https://www.reuters.com/world/us/this-construction-project-was-time-budget-then-came-ice-2025-07-28/>.

These worksite raids have drawn many claims of racial profiling and unnecessary use of force. For example, a raid at a legal cannabis farm in California in July 2025 led to the death of one man as he tried to flee from ICE, as well as the detention of multiple U.S. citizens, including George Retes.³¹

Because employees swept up in these raids have a combination of legal statuses, U.S. citizens have also been detained because of these raids. In Alabama, U.S. citizen and construction worker Leo Vanegas was detained at worksites twice, despite having a valid REAL ID in his presence.³² In both arrests, DHS officers appeared to adopt a presumption of *invalidity* when presented identification, detaining Mr. Vanegas in handcuffs despite his valid ID and only releasing him after a lengthy delay in which his identification was checked. These practices have occurred in other places around the country, where U.S. citizens, lawful permanent residents, and people with other valid statuses have been arrested, detained, transported elsewhere, and then only released once the officer confirmed their status.

As the Trump administration expands immigration enforcement, incidents such as these are likely to continue. Beyond these “Kavanaugh stops,” there will also be more arrests of individuals who confront immigration officers in protest of these new indiscriminate enforcement tactics. President Trump campaigned on a plan to improve the safety of American communities by deporting “criminals.” But since taking office, it has become clear that mass deportation means mass deportation, and generations of policies targeting public safety threats have been tossed aside in favor of hitting arrest and deportation numbers.

A major portion of this aggressive mass deportation operation is premised on an explicit goal of making immigrant communities feel unsafe; to frighten millions of immigrants into “self-deportation,” regardless of whether those people are public safety threats or not. And when communities feel unsafe, the natural reaction is to direct blame towards the most visible cause — increased immigration enforcement and the people carrying it out. In the end, this climate of fear makes everyone less safe, including U.S. citizens, non-citizens, and law enforcement officers themselves.

We have already seen an unprecedented street-level pushback against immigration law enforcement, and a resulting increase in the arrests of U.S. citizens who have been accused of interfering with law enforcement. Crucially, many of these arrests appear to be based on patently false accusations. The Department of Justice has repeatedly failed to obtain indictments in cases

²⁹ Nicole Acevedo, “How a city in Nebraska is recovering after the state's largest worksite immigration raid,” *NBC News*, June 15, 2025, <https://www.nbcnews.com/news/us-news/omaha-immigration-workplace-raid-aftermath-rcna212931>.

³⁰ Jack Brook, “Immigration raid at Louisiana racetrack ends with more than 80 arrests,” *Associated Press*, June 18, 2025, <https://apnews.com/article/louisiana-racetrack-ice-raid-arrests-delta-downs-629c62a2fc7dee46ac5c305ba7f664b5>.

³¹ American Immigration Council, “Understanding ICE Raids at American Workplaces,” October 9, 2025, <https://www.americanimmigrationcouncil.org/fact-sheet/understanding-ice-worksite-raids/>

³² Laura Romero, “US-born citizen sues after twice being arrested by immigration agents,” *ABC News*, October 1, 2025, <https://abcnews.go.com/US/us-born-citizen-sues-after-arrested-immigration-agents/story?id=126129734>.

brought against protestors,³³ dropped multiple cases after they were brought,³⁴ or failed at trial to convict people accused of assaulting immigration officers.³⁵ But despite these obvious flaws, the Trump administration continues to arrest, detain, and at times seek to charge U.S. citizens who are protesting or documenting immigration enforcement activity.³⁶

Taken together, the changes the Trump administration has made to immigration enforcement are a clarion call for Congress to step in. Not only is the need for oversight greater than ever, it's time for Congress to make fundamental changes to the law; professionalize the law enforcement officers charged with enforcing civil immigration laws--limit the use of facemasks, require officers to wear clear identification, ensure that immigration officers cannot question and detain people on the basis of race, and support safer public communities through broader immigration reform that replaces punitive and extreme responses to violations of civil immigration law by people who pose no safety threat with reasonable and proportionate consequences. Without these changes, we will see enforcement continue to escalate and even more U.S. citizens swept up by an administration that has expressed neither contrition nor concern for the issue.

³³ James Queally, Brittny Mejia, "Trump's top federal prosecutor in L.A. struggles to secure indictments in protest cases," *Los Angeles Times*, July 23, 2025, <https://www.latimes.com/california/story/2025-07-23/protester-charges-essayli>.

³⁴ Sam Levin, "Dropped cases against LA protesters reveal false claims from federal agents," *The Guardian*, July 28, 2025, <https://www.theguardian.com/us-news/2025/jul/28/doj-la-protesters-false-claims>.

³⁵ Sam Levin, "Jury finds LA protester not guilty of assaulting border patrol agent," *The Guardian*, September 18, 2025, <https://www.theguardian.com/us-news/2025/sep/18/los-angeles-border-agent-trial/>.

³⁶ See Aaron Reichlin-Melnick, "Trump's Mass Deportation Agenda Makes Everyone Less Safe — Including Immigration Agents," *American Immigration Council*, October 17, 2025, <https://www.americanimmigrationcouncil.org/blog/trump-mass-deportation-agenda-makes-everyone-less-safe-including-immigration-agents/>.