

- b. Federal Law Enforcement Training Centers, Legal Instructor ICE Administrative Removal Warrants recorded discussion transcript:

[T]he removal warrant used by ICE [I-205] is not a criminal warrant signed by a federal judge. a removal warrant does not authorize the ICE officer to enter into an REP [reasonable expectation of privacy] area to execute the warrant. ... **Well, what would happen if the ICE officer locates the person in an REP area, such as his or her home? ... Well, in that case the administrative removal warrant authorizes the ICE officer to arrest the subject, but not to enter into an REP area such as his or her home unless consent to enter is given. If the officer does not have consent to enter, even if the officer knows the person subject to the warrant is inside the home, the officer has no legal authority to enter the home pursuant to that removal warrant.**"²⁶

- c. **DHS's own Legal Training Manual**, issued in 2025 by its Office of Chief Counsel, states that "the 'physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed.' *Welsh v. Wisconsin*, 466 U.S. 740 (1984)"²⁷:

"For that reason, entering a home to arrest a person without a [judicial] warrant or an exception to the warrant requirement is typically a violation of the Fourth Amendment, regardless of whether the officer has probable cause to arrest the suspect. An officer who enters a person's home to make an arrest must have: (1) a warrant; (2) consent; or (3) an exigent circumstance."²⁸

- d. In June 2007 then-Secretary of Homeland Security Michael Chertoff, wrote in a letter to Senator Christopher Dodd that:

²⁶ Federal Law Enforcement Training Centers, ICE Administrative Removal Warrants, FLETC.GOV (accessed Nov. 21, 2025), <https://www.fletc.gov/ice-administrative-removal-warrants-mp3>.

²⁷ FEDERAL LAW ENFORCEMENT TRAINING CENTERS, OFFICE OF CHIEF COUNSEL, GLYNCO, GEORGIA, LEGAL TRAINING HANDBOOK, at 476 (2025), https://www.fletc.gov/sites/default/files/25_0106-LEG-LegalTrainingHandbook.pdf (section 18.10.3 Right of Access: Entering a Home to Arrest).

²⁸ *Id.*

“In regard to your questions related to warrants, DRO issues a Warrant of Deportation/Removal (I-205) upon an order of removal by an immigration judge. ... A warrant of removal is administrative in nature and does not grant the same authority to enter dwellings as a judicially approved search or arrest warrant.”²⁹

- e. Also in 2007, ICE’s then-Director of the Office of Congressional Relations, Karyn Lang wrote to Representative Zoe Lofgren:

“Warrants of removal are administrative in nature, and do not grant the same authority as a criminal search or an arrest warrant.”³⁰

- 19. Legal organizations and commentators have echoed the belief that ICE’s use of an administrative warrant (Form I-205) to enter a home without consent is unconstitutional, and thus unlawful. In doing so, these sources further illuminate why ICE rules had always prevented it. For example:

- a. *Cardozo School of Law, Immigration Justice Clinic: Cardozo Law’s* Immigration clinic conducted a comprehensive study of ICE authorities and operations, under the guidance of an Advisory Panel comprised of senior law enforcement including a number of former police chiefs and commissioners: **“When an ICE agent enters a home without consent, armed only with an administrative warrant, it is a constitutional violation that goes to the heart of the Fourth Amendment. ... DHS’s own regulations and policies incorporate the constitutional requirements...”**³¹

²⁹ Sec. Chertoff to Sen. Dodd, Regarding an ICE operations in New Haven, Conn (Jun. 14, 2007), <https://www.scribd.com/document/22093146/Michael-Chertoff-Letter-to-Senator-Christopher-June-14-2007>; see also Nina Bernstein, *Hunts for Fugitive Aliens’ Lead to Collateral Arrests*, N.Y. TIMES (July 23, 2007), https://www.nytimes.com/2007/07/23/nyregion/23operation.html?unlocked_article_code=1.9E8.ecL7.A35JMzw4CUI&smid=url-share (“The Fugitive Operations Teams responsible do not carry search warrants or arrest warrants approved by a judge, Mr. Chertoff noted, and their [ICE’s] administrative warrants of deportation do not allow entry into dwellings without consent”).

³⁰ ICE Dir. of Office of Congressional Relations Lang to Rep. Lofgren, Letter Regarding ICE Procedures, (March 14, 2007), <https://www.publiccounsel.net/wp-content/uploads/2014/07/ICE-Warrants-Practice-Advisory.pdf>.

³¹ Bess Chiu et al., *Constitution on ICE: A Report on Immigration Home Raid Operations*, 6, Cardozo Immigration Justice Clinic (2009), <https://larc.cardozo.yu.edu/cqi/viewcontent.cqi?article=1109&context=faculty-articles>; see also, *id.*, (“[A

- b. *Commonwealth of Massachusetts ICE Practice Advisory*: “These administrative warrants, because they are not true warrants issued by a neutral magistrate, do not give ICE officials authority to enter a place where there is a reasonable expectation of privacy.”³²
20. As articulated in longstanding ICE and DHS protocols, and by numerous legal commentators, our clients understand that to gain entry to constitutionally protected areas – especially the inside of one’s home – ICE agents require a judicial warrant or voluntary consent. The Fourth Amendment guarantee against warrantless entry into the home is a fundamental privacy protection against government overreach.³³
21. DHS’s new policy to permit arrests in an alien’s residence, without a judicial warrant or consent, is a complete break from the law and undercuts the Fourth Amendment and the rights it protects. As far as our clients understand, DHS has failed to articulate any change in the law to allow for a policy reversal of this magnitude.

search conducted without a judicial warrant issued by an impartial magistrate is presumed to be in violation of the Fourth Amendment of the Constitution. Administrative warrants do not authorize agents to enter homes without consent because they are not issued by impartial magistrates. However, even where probable cause exists to make an arrest, government agents may not enter a home without a judicial warrant. The nature of the arrest – criminal vs. civil-immigration – has no bearing on the constitutional protections applied to the home”).

³² Committee for Public Counsel Services, *A Practice Advisory on ICE Use of Administrative Warrants and True Warrants in Immigration and Criminal Enforcement*, Massachusetts (Feb. 19, 2013), <https://www.publiccounsel.net/wp-content/uploads/2014/07/ICE-Warrants-Practice-Advisory.pdf>.

³³ See *Payton v. New York*, 445 U.S. 573, 583 - 590 (1980) (describing the procedural and legal history protecting the sanctity of the home from warrantless searches).

Real Risks of ICE Overreach

22. It is hard to overstate the significance of basing such a large expansion in arrest powers entirely on a non-public, little substantiated agency policy memo. In light of the Trump Administration's goal to recruit 10,000 new ICE agents,³⁴ this expansion of ICE's arrest authority threatens the rights and safety of aliens and U.S. citizens alike. During the ongoing immigration enforcement crackdown, ICE agents have frequently targeted the wrong residence³⁵ and arrested many U.S. citizens.³⁶ The escalation of new reports about innocent US citizens being harmed by ICE agents are continuous, including:

- a. In April 2025, ICE agents mistakenly entered the home of U.S. citizens in Oklahoma.³⁷ ICE agents were seeking the previous owners, who had since moved out.³⁸ A mother and daughter were left traumatized after having their phones, laptops, and cash seized while ICE agents forced them to stand in the rain outside their home.³⁹
- b. On May 15, 2025, ICE raided the wrong home of a couple in Madison, South Dakota.⁴⁰ The couple discovered ICE's intrusion after they returned home from work to find their front doors open.⁴¹ Upon investigation, local authorities confirmed that ICE visited their residence in

³⁴ Zolan Kanno-Youngs & Hamed Aleaziz, *ICE Set to Vastly Expand Its Reach With New Funds*, N.Y. Times (Jul. 12, 2025), <https://www.nytimes.com/2025/07/12/us/politics/ice-expansion-concerns.html>.

³⁵ One of our clients is familiar with situations in which errors exist in the USCIS records, such as mismatched names and alien numbers. ERO has no systematic way to correct such errors and they usually persist until someone in USCIS makes an ad hoc correction. Errors can also happen in judicial orders, and these are usually only fixed when a DHS lawyer catches the error and seeks a correction from an immigration judge.

³⁶ Nicole Foy, *We Found That More Than 170 U.S. Citizens Have Been Held by Immigration Agents*, ProPublica (Oct. 16, 2025), <https://www.propublica.org/article/immigration-dhs-american-citizens-arrested-detained-against-will>. (reporting that ICE has arrested at least 170 U.S. citizens in recent months).

³⁷ Nicole Acevedo, *U.S.-citizen family 'traumatized' after ICE raided their Oklahoma home in search of someone else*, NBC NEWS (April 30, 2025), <https://www.nbcnews.com/news/latino/us-citizen-family-traumatized-ice-raid-rcna203700>.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Beth Warden, *Madison couple claims ICE raid at wrong house*, DAKOTA NEWS NOW (May 15, 2025), <https://www.dakotanewsnow.com/2025/05/16/madison-couple-claims-ice-raid-wrong-house/?outputType=amp>.

⁴¹ *Id.*

search of someone else unaffiliated with the couple.⁴² No warrant or notice was provided.⁴³

- c. On June 12, 2025, ICE raided the home of a pregnant U.S. citizen in Huntington Park, California.⁴⁴ ICE officers approached the mother’s residence with a warrant for her husband, Jorge Medina; however, the warrant was addressed to a “David Medina.”⁴⁵ She explained that her husband was gone, and watched as ten heavily armed ICE officers swept in to search her home.⁴⁶

Request for Investigation to Stop the Harm to Innocent People

- 23. Our clients submit that ICE’s new policy allowing entrance into individuals’ private spaces and homes to conduct arrests without a judicial warrant runs afoul of legal precedent and the Constitution. Further, DHS’s vague, and largely non-existent, justification of the policy change, is legally faulty. Moreover, the secretive rollout and retaliation against those who have pushed back against the May 12 Memo and its new policy require scrutiny from oversight authorities.
- 24. The public at large – including law firms,⁴⁷ non-government organizations,⁴⁸ and others offering immigration support – are operating with the understanding that, under the Fourth Amendment, ICE must have a judicial warrant to enter a residence to conduct an arrest. This disconnect sets the stage for angry – and potentially violent – interactions between ICE agents, and confused members of the public, believing the Fourth Amendment allows them to refuse ICE’s entry into their home.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Josh DuBose, *DHS Secretary Kristi Noem attends ICE raid at Los Angeles County home*, KTLA5 NEWS (Jun. 12, 2025), <https://ktla.com/news/local-news/dhs-secretary-kristi-noem-attends-ice-raid-at-home-of-pregnant-l-a-county-mother/>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Eric Castelblanco, *Does ICE Need a Warrant? Know Your Rights at Home and in Public*, Castelblanco Law Group APLC (Jun. 2, 2025), <https://castelblanco.com/does-ice-need-a-warrant/>.

⁴⁸ NIJC, *Know Your Rights if You Encounter ICE*, National Immigrant Justice Center (last accessed Nov. 21, 2025), <https://immigrantjustice.org/for-immigrants/know-your-rights/ice-encounter/>.

25. ICE’s decision to ignore the judicial warrant requirement when targeting residents’ homes impacts the due process rights of millions of undocumented immigrants;⁴⁹ any U.S. citizen spouses, children, and cohabitants - as well as any U.S. citizen in the way - when ICE targets the wrong residence.⁵⁰

Important policy changes to Fourth Amendment privacy rights should be made through a transparent statutory or legal process – not agency fiat.

26. We respectfully submit this disclosure for inquiry and investigation into ICE’s new policy regarding the use of Form I-205 to arrest aliens in their place of residence and its legality under the Fourth Amendment.

<signatures on the next page>

⁴⁹ Jeffery Passel & Jens Krogstad, *U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023*, Pew Research Center (Aug. 21, 2025), <https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/>.

⁵⁰ Nicole Foy, *We Found That More Than 170 U.S. Citizens Have Been Held by Immigration Agents*, ProPublica (Oct. 16, 2025), <https://www.propublica.org/article/immigration-dhs-american-citizens-arrested-detained-against-will> (reporting that ICE has arrested at least 170 U.S. citizens in recent months).

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Enclosures: As stated.

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