



MASS RAIDS & IMMIGRATION ARRESTS: WHAT TO KNOW AND HOW TO RESPOND

TOOLKIT FOR CONGRESSIONAL OFFICES: VER. JAN. 28, 2025

INTRODUCTION

Federal authorities have started to execute President Trump’s mass deportation campaign through raids and other enforcement actions in communities around the country. We urge members of Congress to speak out against and help to document harmful enforcement actions, including abusive and unlawful arrests. This toolkit is intended to assist members of Congress in responding to immigration enforcement operations with recommended information requests and questions to ICE, ways to directly support constituents, talking points, and answers to common legal and policy questions.

TABLE OF CONTENTS

- 1) Questions to Ask the ICE Field Office or Other Agencies Immediately After an Enforcement Operation. . . 2
- 2) Oversight Letter Template. 3
- 3) Key Actions For Hill Offices 4
- 4) Recommended Talking Points 5
- 5) Legal and Policy – Frequently Asked Questions 6
- 6) Additional Resources 8

1) QUESTIONS TO ASK THE ICE FIELD OFFICE OR OTHER AGENCIES IMMEDIATELY AFTER AN ENFORCEMENT OPERATION

BASIC INFORMATION TO ASSESS THE NATURE OF THE ENFORCEMENT OPERATION

1. Please identify all of the federal, state and local law enforcement agencies and components of those agencies coordinating or involved in this action [insert date] – including those involved in identifying the targets and providing a security perimeter, logistical or planning support.
2. How many individuals were interrogated, detained and/or arrested? (Seek the number of criminal arrests, referrals for criminal prosecutions, as well as civil arrests and those placed into removal proceedings) ? How many of those detained and/or arrested were on a target list in advance of the operation? How many were “collateral arrests” (people not the target of the enforcement action)?
3. Did the law enforcement agency act on the basis of a warrant, or were the arrests warrantless? What kind of warrant (administrative or judicial; search or arrest)?
4. Please describe the nature of the area(s) or facility(ies) where the operation occurred. Was the operation conducted in a public area? Did law enforcement enter any non-public areas and if so on what basis?
5. Were there any use of force incidents documented during the encounter? If so, please describe.

INFORMATION TO ASSESS HARMS INCLUDING POTENTIAL RACIAL PROFILING

1. How many people did law enforcement agencies interview or question regarding immigration status during the enforcement operation?
2. Of those detained or questioned during this action, how many were:
 - minors
 - U.S. citizens
 - lawful permanent residents (LPRs)
 - DACA recipients, parole beneficiaries or Temporary Protected Status holders or
 - Individuals currently holding unexpired visas
3. What languages were encountered during the action and how did the officers communicate with the impacted individuals?

INFORMATION TO FACILITATE ASSISTANCE TO IMPACTED INDIVIDUALS

1. Are any of the individuals arrested still in custody? If so, please confirm the federal agency maintaining custody and the location of the facilities where they are detained.
2. Have any individuals arrested been taken more than ten hours away from the location, to a staging facility, or placed on a removal flight? Please indicate where.
3. Were any children of arrested individuals left without a parent or legal guardian due to the ICE operation? [If apprehended individuals were the primary breadwinners, please gather information about impacted family members].

2) OVERSIGHT LETTER TEMPLATE

Dear Secretary Noem,

As members that represent [city/area, state], we write to condemn and demand answers regarding the immigration operation carried out by [law enforcement agencies] at a [location-e.g. place of business, school, hospital] in [city, state] on [date]. According to news reports and accounts we have received, [describe known information about who was targeted, arrested, questioned or not questioned, and any alleged civil rights violations e.g. excessive use of force in arrest, racial profiling, illegal detention.]

This operation, like many others reported in recent days, provokes fear and a sense of chaos in our communities, undermines public trust in law enforcement, and does nothing to make our immigration system function more effectively. This is a mis-use of taxpayer dollars and government resources. These enforcement operations are making people afraid to go to work, take their kids to school, go to the hospital for emergency care, and approach law enforcement for assistance or to report crime—lest they be interrogated or even detained, rightly or wrongly. The result is that we are all less safe, and less free.

We also have questions about the legality and wisdom of this particular operation. Accordingly, we request answers to the following questions:

1. Please describe any DHS component agencies that were involved in the operation. How many DHS employees outside of ICE Enforcement and Removal Operations (ERO) were involved in the planning or execution of this operation, and for how many hours? What cases or investigations were declined or delayed, and what customary responsibilities and duties were put to the side, for each employee who was involved in this operation?
2. Please provide a cost estimate for the operation, including personnel time, equipment and security arrangements.
3. In conducting an operation in [name of 'sensitive location' or highly trafficked area], what security risks were identified to those present, including DHS personnel and members of the public?
4. How many people at the operation site were questioned regarding their citizenship or immigration status? How many children, U.S. citizens, lawful residents were questioned/detained during this event? Please provide a breakdown of the country of origin, primary language, and race/ethnicity of those who were interrogated.
5. How many of those arrested were on a target list in advance of the operation?
6. How many of those arrested were issued Form G-56 call-in letters or otherwise instructed to appear for an ICE interview or appointment?
7. Did DHS make "collateral arrests" of people who were not the original targets but present at the site of the operation? If so, how many of the individuals who were collateral arrests have been identified as having a criminal conviction or pending criminal charges?
8. Were any of those detained and/or arrested in this operation already pursuing a claim for relief from removal, or otherwise in the process of obtaining lawful immigration status? Were any beneficiaries of a parole program terminated by the Trump administration?
9. Have those arrested been placed in expedited removal proceedings or 240 proceedings? For those placed in expedited removal, what is the basis for placing them in expedited removal? If ICE is contending they are inadmissible and should be in expedited removal because they have been in the U.S. less than two years, how was that determination made?
10. ICE is subject to a nationwide warrantless arrest [policy](#) under the settlement agreement *Castañon Nava et al. v. DHS*, No. 18-cv-3757 (N.D. Ill.), including requirements related to probable cause and documentation. For each warrantless arrest that occurred as a result of this operation, please describe compliance with the *Castañon Nava* settlement requirements.

We request a detailed response by no later than [date within 30 days].

Thank you for your prompt attention to this matter.

3) KEY ACTIONS FOR HILL OFFICES

IMMEDIATE ACTIONS TO SUPPORT CONSTITUENTS AND IMPACTED COMMUNITIES

We urge Members of Congress to express support for impacted communities during and following a major immigration enforcement action. Members of Congress can also exercise critical oversight authorities when constituents or constituents' family members or loved ones are targeted or apprehended by immigration authorities. We recommend that congressional offices should:

- Immediately make contact with local advocacy organizations and legal services organizations who are in touch with those arrested or questioned during the enforcement action. Offer to have the Member of Congress or a staff member speak at a community event if one is taking place in response to the raids. Ask what other support is needed.
- Work with local and legal service organizations to understand if there are community members in detention or facing imminent removal. Intervene in individual cases to express support for constituents' or constituents' loved ones. Members of Congress can support individuals in a number of ways, including: supporting a request for release on recognizance or bond from Immigration and Customs Enforcement; supporting a request for a stay of imminent removal so the person may make their case in immigration court; supporting a request that the person be put in regular removal proceedings instead of expedited removal so they may have a day in court.
- Request a briefing from ICE, CBP, and/or any other federal authority involved on how this enforcement operation was planned, including how and if it was planned in coordination with state or local government officials.
- If the enforcement operation involved civil rights violations, support community requests for or initiate a congressional request for investigations into civil rights complaints by the DHS Office for Civil Rights and Civil Liberties.
- Visit community members in immigration detention. Make sure any interviews or meetings with detained individuals are conducted with privacy, to address the risk of retaliation. Section 527 of the [FY2024 Appropriations Act](#) for the Department of Homeland Security effectively guarantees Members of Congress access to immigration detention facilities to conduct oversight, with no advance notice required.

LONGER-TERM SUPPORT FOR IMPACTED COMMUNITIES

- If your district or state is the target of raids, help impacted community members share their experiences and amplify the true stories of harm. We suggest the following:
 - Hold an in-district event such as a town hall or listening session, in coordination with local community organizations, to show your support for impacted community members and provide a safe space for them to share what they are experiencing;
 - Surge staffing resources to constituent services and case work;
 - Set up regular "office hours" for your in-district offices to receive requests for assistance.
- Elevate accurate information about people's rights, if they are approached by ICE.
- Use oversight hearings to demand answers of Trump Administration officials and request GAO and other oversight body reports regarding the financial costs of raids and the harmful tradeoffs – including taking government staff away from duties related to investigation and prevention of serious crimes.
- Work with state and local leaders to increase funding for legal representation; and convene law firms, legal aid providers and other stakeholders to discuss ways to increase access to pro bono or "low bono" legal assistance.

PUBLIC STATEMENTS AND ACTIONS TO OPPOSE HARMFUL ENFORCEMENT ACTIONS

We also urge Members of Congress to make public statements and to vote against harmful enforcement actions:

- Call on the Trump administration to suspend large-scale enforcement actions that include collateral arrests in light of the panic, fear, and chaos they are causing in American communities.
- Call on the Trump Administration to re-issue policies that had limited immigration operations at or near "sensitive locations" such as schools, hospitals, shelters, courthouses and places of worship.
- Oppose an expansion in funding for deportations and detention through the appropriations and budget reconciliation processes. Strongly oppose any proposals by Congress or the Trump Administration to defund or reduce the capacity of oversight offices including the DHS Office for Civil Rights and Civil Liberties.
- Call on Trump and the Department of Justice to immediately reinstate the Legal Orientation Program and the Immigration Court Helpdesk, which are federally funded programs that allow non-governmental legal service organizations to provide basic legal orientations to people in detention and immigration court proceedings.
- Call on Trump and Immigration and Customs Enforcement and Customs and Border Protection to ensure access to counsel for those arrested and detained as a result of these enforcement actions.

4) RECOMMENDED TALKING POINTS

- Mass raids and deportations, detention camps, and other extreme measures create terror in our communities and do nothing to make our immigration system function more effectively.
- While Trump and his surrogates are couching their claims in terms of crime, drugs, and cartels, it is all too clear that their mass deportation agenda extends to millions of our loved ones, neighbors, and co-workers.
- Immigration raids that target immigrant families and communities are a mis-use of taxpayer dollars and government resources.
- Immigration raids are another mechanism to inflict cruelty on children, like Trump's unlawful Zero Tolerance policy. These raids leave U.S. children without their beloved caregivers and expose them to a myriad of risks, including their unnecessary and traumatic placement in the foster care system.
- Immigration authorities should not be using a person's racial appearance, name, or language as a reason to stop and question a person encountered at a raid. This practice of racial profiling and abuse is blatantly unconstitutional and subjects community members to violence and abuse.
- No matter what someone looks like, sounds like, or what their immigration status may be, they should feel safe in their own communities. What took place in [insert State or city] undermines this value.
- [For individuals in the "interior" placed in expedited removal proceedings]: Putting people into fast-track deportation proceedings where a low-level DHS officer is making legal decisions about their immigration status and claims and is authorized to deport them violates due process and basic fairness. It also encourages racial profiling and will result in the erroneous deportation of people who may have claims to be in the U.S. We should not be risking the deportation of our longtime residents and the parents of U.S. citizen kids by expanding this rapid and error-prone process.
- [If raid took place at a sensitive location, such as a courthouse, school, or hospital]:
 - Police and prosecutors have repeatedly said that allowing ICE to conduct arrests at courthouses makes us less safe. When crime survivors fear deportation if they come forward to testify against an abuser, they will not report crimes, making it more difficult for police, prosecutors, and judges to keep our communities safe.
 - Schools, places of worship, and hospitals provide essential services to all community members. They shouldn't become symbols of fear as the site of immigration enforcement.
 - We shouldn't be wasting taxpayer dollars to have immigration agents staking out schools, healthcare centers, and other social services. Our communities are safer when families can send their children to school and everyone can access necessary care and help.

IMMEDIATE ACTIONS TO SUPPORT CONSTITUENTS AND IMPACTED COMMUNITIES

- We are disappointed to see that local law enforcement officers were taken away from their duties to protect and serve their communities – and local taxpayer dollars are being spent on Trump's mass deportation program and participating in separating families in our community.
- Trust is the foundation for good policing. But when local police play the role of federal immigration agents, many immigrants will be too afraid to call them.
- Many law enforcement leaders across the country [believe](#) it's best for police to stay focused on their jobs – not play the role of federal immigration agents.

5) LEGAL AND POLICY – FREQUENTLY ASKED QUESTIONS

WHO CONDUCTS ICE STREET ARRESTS AND RAIDS?

- Many arrests for civil immigration violations are conducted by ICE Enforcement and Removal Operations (ERO), consisting of about 6,050 law enforcement personnel who work at 25 field offices across the country. ERO also oversees detention and monitoring of non-detained immigrants.
- ICE Homeland Security Investigations (HSI), consisting of 8,800 employees, has also been redeployed to civil immigration enforcement, from its self-described focus of investigating “[transnational criminal activity](#)”

WHO ELSE MIGHT BE ASSISTING IN OR CONDUCTING IMMIGRATION ENFORCEMENT?

- ICE may seek support from other federal, state and local law enforcement agencies for street arrests, including to provide traffic perimeters and logistical support.
- The Department of Justice has retasked law enforcement officials to assist in civil immigration arrests. For example, a DOJ official told NBC News on Jan. 26 that he “is on the ground in Chicago this morning to personally observe DHS immigration enforcement operations and support the efforts of FBI, DEA, ATF, USMS, and federal prosecutors who are assisting DHS in this critical mission.”
 - The Trump administration is pushing federal law enforcement personnel to deviate drastically from their core mission, training and purpose. But Congress did not allocate funding to the DEA, FBI and other agencies for immigration enforcement purposes. The Trump administration is directing these agencies to harm communities that they should be serving and protecting.
- It is unclear the extent to which Border Patrol will be tasked with interior enforcement but we are concerned with the recent raids undertaken by the El Centro sector near Bakersfield, California, almost 100 miles from the Mexico border, and without the prior approval of CBP Headquarters.
 - During that multi-day enforcement action, Border Patrol officers set up checkpoints along roads, stopped, questioned and detained people of color (including U.S. citizens), and held those arrested in border patrol facilities. We understand that longtime residents were also swept up in these raids and rapidly deported. This is a chilling precedent that raises concerns for how Border Patrol will be involved in mass deportations, particularly given that agency’s history of abuse and lack of meaningful oversight and accountability.
- Right now, we do not have reports that federal troops or state national guard units are participating directly in immigration enforcement in the interior. However, we are closely monitoring this.

WHERE IS ICE CONDUCTING ARRESTS AND WHO IS BEING TARGETED?

- ICE [describes](#) itself as conducting “targeted enforcement operations” which it defines as “planned arrests of known criminal aliens who threaten national security or public safety.”
- In the first week of the Trump administration, ICE conducted between 1,000-2,000 arrests in multiple states, including [Illinois](#), Utah, California, Minnesota, New York, Florida, New Jersey and Maryland.
- Trump has ordered the rescission of the Biden Administration’s enforcement priorities, which set out broad categories of individuals prioritized for deportation: public safety, national security and border security. Trump has instead instructed ICE to pursue any immigrant who may be removable, which necessarily includes millions of longtime residents and people with no criminal history whatsoever.
- Trump has revoked the “[protected areas](#)” guidance and authorized arrests at [courthouses](#), schools, hospitals, and other sensitive locations, even though law enforcement have previously found that this impedes their ability to protect public safety. However, settlement agreements will continue to constraint Trump’s ICE, as set out below.

WHAT POTENTIAL CIVIL RIGHTS AND OTHER LEGAL VIOLATIONS SHOULD CONGRESSIONAL OFFICES BE LOOKING FOR IN EXAMINING AN IMMIGRATION ARREST OPERATION?

Here is a non-exhaustive list:

Indiscriminate stops and those based on racial profiling or other discriminatory behavior.

Under the Fourth Amendment, ICE and other agencies must have reasonable suspicion to make a stop and question individuals about their immigration status (except at the border). But in the past, ICE has repeatedly stopped, interrogated and fingerprinted people based on assumptions that people who speak Spanish (or other foreign languages), or “look Hispanic” are immigrants and are in the country unlawfully. These assumptions alone would not meet the legal standard of reasonable suspicion.

This may especially be at play in a workplace raid, home raid, or when agencies approach people on the street to ask about their immigration status. Agencies will likely claim consent for many of these interactions. Warrants, and what they authorize, need to be examined.

“Collateral arrests”

“Collateral arrests” are warrantless arrests of people who were not the original targets of an arrest action. Even if ICE is conducting what it calls a “targeted operation” it may arrest people for whom it lacks a warrant.

To make a warrantless arrest, ICE must have both “reason to believe” that the person is in the United States in violation of the law **and** that the person is “likely to escape before a warrant can be obtained.” 8 U.S.C. § 1357(a)(2).

People with jobs, homes, and relatives in the community would not typically be considered a flight risk—arrest of such individuals raises legal concerns.

If ICE is making lots of collateral arrests—for instance, arresting people during raids who were not the original target of the raid—ICE is potentially flouting this requirement.

A settlement agreement in the class action lawsuit, *Castañon Nava et al. v. DHS*, No. 18-cv-3757 (N.D. Ill.) requires ICE agents to document individualized reasons for flight risk on a person’s I-213 (removal charging document).

Racial Profiling and Warrantless arrests

If ICE has assumed based on race, language spoken and other general factors that individuals are a flight risk (i.e. they would not remain in their communities, with their families and based on their community ties), it may be acting in violation of the Immigration and Nationality Act, 8 U.S.C. § 1357(a)(2).

Additional areas of concern

Arrests involving local police in a “sanctuary” jurisdiction or otherwise in violation of state law: If local police provide information, logistical support, a security perimeter or otherwise collaborate in an immigration enforcement operation, they may be in violation of a state or local “sanctuary” law; check with local organizations to assess. State and local police that hold people for ICE may also lack authority under state law to do so. Arrests by local police that violate state laws limiting cooperation with ICE, or violate state law more generally (state law governs the arrest authority of state and local police, and can limit their ability to make arrests for immigration violations).

Unilateral immigration arrests by local police: In *United States v. Arizona*, 567 U.S. 387 (2012), the Supreme Court held that local police cannot make civil immigration arrests without a request from ICE; unilateral arrests are preempted. However, this would not apply to state and local law enforcement officers operating pursuant to a valid 287(g) agreement or a valid invocation of the “mass influx” provision.

- The administration declared a mass influx on Jan. 23, 2025, but has not indicated how it plans to use this “influx” declaration, or whether it plans to start signing agreements with state and local law enforcement agencies on this basis. We anticipate the administration may argue that it allows for the deputization of state and local law enforcement to participate in immigration enforcement, akin to the 287(g) programs but without the training or other limitations.

U.S. Citizen Arrests: ICE often arrests U.S. citizens despite a lack of probable cause that the person is removable. These arrests can violate the Fourth Amendment and due process.

“Knock-and-talk” arrests on people’s porches and yards without a judicial warrant: The Fourth Amendment does not permit ICE officers to enter people’s homes and surrounding areas for the purpose of arresting them, unless it has a judicial warrant.

Ruses where ICE pretends to be local police to get people to leave their houses and answer questions, grant entry into the home, or answer questions on the street. The Fourth Amendment does not allow ICE to lie in order to get consent to enter protected areas.

WHAT IS AN ICE WARRANT? IS IT SUFFICIENT TO ENTER A HOME OR NON-PUBLIC AREA OF A BUSINESS?

- An ICE warrant is a document issued by an immigration enforcement agent that directs other immigration enforcement agents to arrest the person named in the warrant. ICE warrants are contained in Forms I-200 and I-205.
- Generally, ICE and other law enforcement officers must have a valid judicial search or arrest warrant to lawfully enter homes and private or non-public areas of businesses, schools, and other buildings.
- ICE administrative warrants are issued for civil violations of immigration law, not criminal charges. They are not judicially issued or reviewed, and they are not equivalent to “judicial warrants.”

WHERE IS ICE CONDUCTING ARRESTS AND WHO IS BEING TARGETED?

- Based on the first week of operations, we think that ICE has dramatically scaled up the number of street arrests nationwide and the proportion of arrests in high-profile areas — in a show of force. It may have accomplished this by retasking ICE HSI from its transnational crime investigation work, to do civil immigration arrests. Under the Biden administration, in FY 24, only 29.3 percent of ICE’s total arrests were “street arrest; we do not yet know how that compares to ICE’s operations under the second Trump administration.
- We don’t yet know whether ICE under Trump is arresting more people who have no criminal history. Under the Biden administration, in FY 24, 71.7 percent of ICE ERO arrests were of people with criminal convictions or pending criminal charges.

6) ADDITIONAL RESOURCES

[This Deceptive ICE Tactic Violates the Fourth Amendment](#) (ACLU) - collection of accounts of ICE arrests involving deceptive tactics

[Immigration Arrests in the Interior of the United States: A Primer](#) (Congressional Research Service)

[ICE Ruses](#) (Immigrant Defense Project) - description of ICE policies and practices involving deceptive tactics

[Castanon Nava Settlement Agreement](#): Screening And Referring Individual ICE Arrests Without A Warrant Or During A Vehicle Stop (National Immigration Justice Center)