76 Ways Mass Deportation Is Breaking Our Democracy

A Record of the Damage and a Plan to Rebuild Our Immigration System

ACLU

Acknowledgments

The report is a product of the American Civil Liberties Union (ACLU). Principal report authors are Naureen Shah, Director of Policy & Government Affairs for Immigration, Sarah Mehta, Deputy Director of Policy and Government Affairs for Immigration, and Kate Voigt and Haddy Gassama, Senior Policy Counsels.

Research and editing support was provided by Mary Sadallah, ACLU Legislative Assistant. Data analysis was conducted by Lizzy Schick, Lead Analyst at ACLU Technology. Additional contributions, input, and review of this report were provided by ACLU National staff including Jonathan Blazer, Mike Zamore, Omar Jadwat, Anu Joshi, Esha Bhandari, Nathan Wessler, Hina Shamsi, Patrick Toomey, Sophia Lin Lakin, Carmen Iguina González, Jenna Leventoff, Xavier Persad, Rahel Boghossian, Jina John, Kia Hamadanchy, Jennifer Turner, Sara Robinson, My Khanh Ngo, and Kate Huddleston. Avideh Moussavian, consultant to the ACLU, and Danitza James, president of Repatriate Our Patriots, also provided contributions.

We also thank for their review the staff of ACLU state affiliates, including Molly Curren Rowles and Zachary Heiden, ACLU of Maine; Catherine Ahlin-Halverson, ACLU of Minnesota; Rebecca Sheff, ACLU of New Mexico, Lucas Cameron-Vaughn, Lindsay Zee, and Zee Scout, ACLU of Tennessee; Matthew Simpson, David Donatti, and Thomas Buser-Clancy, ACLU of Texas; and Mohammad Tajsar, ACLU of Southern California.

© 2026 American Civil Liberties Union

For information on copyright, usage rights, and privacy, please visit the ACLU Site User Agreement at https://www.aclu.org/about/aclu-site-user-agreement.

For information on accessibility, please visit the ACLU Statement on Website Accessibility at https://www.aclu.org/about/aclu-statement-accessibility.

ACLU

Contents

Acknowledgments ii

Executive Summary 1

Part I: Using Mass Deportations to Attack Civil Rights and Liberties 4

Part II: Using Mass Deportations to Attack Our Democracy's Integrity and Structural Checks 22

Part III: Using Mass Deportations to Dismantle Our Multiracial, Pluralistic Democracy 51

How to Save Our Democracy: Transformative Immigration Reform 63

Endnotes 69

AT A GLANCE

Part I: Using Mass Deportations to Attack Civil Rights and Liberties

Targeting Critics and Free Speech PAGE 4

1. Punishing Noncitizens for Their Protected Speech, Starting with Pro-Palestinian Students
2. Using Immigration Law to Target Journalism and Independent Reporting
3. Screening Applicants for "Anti-American" Views
4. Using Force Against Protesters and Observers to Suppress Dissent
5. Intimidating and Retaliating Against People Recording Law Enforcement Actions
6. Infiltrating and Surveilling Organizations Engaged in Peaceful Protest and Political Activism Events
7. Using "Administrative Subpoenas" Against Government Critics
8. Investigating Critics of ICE Violence
9. Retaliating Against Those Protesting Inhumane Detention Conditions, Including Through Hunger Strikes

Surveillance and Attacking Privacy PAGE 10

10 Forcing Face Scans on American Streets
11 Tracking Americans Through Our Cell Phones
12 Spying on Your Every Movement: Expansion of Automatic License Plate Reader Use
13 The Spy State: Accessing Personal Data from Government Agencies
14 Turning Airports Into ICE Deportation Zones
15 Owning You: ICE Operations to Purchase Personal Data and Evade the Fourth Amendment
16 Owning Your Body: DNA Collection
17 Expanding Biometrics Collection from Noncitizens to Citizens

Attacking Due Process PAGE 15

18 Inventing "Enemies" to Justify Lawless Deportations: The Alien Enemies Act
19 Activating a Terrorist Deportation Tribunal
20 Expanding Fast-Track Deportations Nationwide
21 State-Created Harms to Children, Refugees, and Others
22 Throwing Away the Key: Mandatory Detention
23 Denying Legal Services in Detention
24 Offshore Detention Camps at Guantánamo and Beyond
25 Mega Deportation Hearings with Limited Appeal

AT A GLANCE

Part II: Using Mass Deportations to Attack Our Democracy's Integrity and Structural Checks

Creating an Unaccountable Secret Police-Style Force and Expanding the Infrastructure for Abuse PAGE 22

26 Building a National Deportation Policing Force

27 Using Masks to Instill Fear of Secret Police

28 Racial Profiling in Street Arrests

29 Entering Homes Without Judicial Warrants

30 Normalizing Violence and Threatened Force by Federal Agents

31 Encouraging Law Enforcement Agents to Act With Impunity

32 Lying About ICE Shootings and Killings

33 Blocking Accountability and Investigations Into Deaths

34 Dismantling Internal Watchdogs

35 Hiding the Facts: DHS Refusing to Release Data on Its Operations

36 Hiding Detention Deaths Through Sleight of Hand

37 Building a Nationwide Immigrant Registry

38 Invoking "Mass Influx" to Expand the Deportation Force

39 Attempting to Build a Detention Camp Network

Attacking Federalism PAGE 33

40 Federal Law Enforcement Surges Into Cities and States

41 Blurring Immigration and Crime to Justify Indefinite Federal Patrols in States

42 Threatening to Sabotage International Travel and Border Management to Compel State Collaboration

43 Using Congress to Threaten America's Mayors

44 Weaponizing the Office of Management and Budget Against Cities and States

45 Using DOJ to Threaten American Cities and Counties

46 Using DOJ to Prosecute State and City Officials

Undermining Civil-Military Relations and an Apolitical Military PAGE 36

47 Deploying the National Guard to American Cities

48 Using Military Bases for Immigration Detention

49 Using Military Judges for Immigration Courts

50 Militarizing the Southern Border and Taking National Park Lands for "Border Security"

Attacking Congressional Independence PAGE 39

51 Using ICE to Coerce Congress Into Compliance with the Administration's Agenda

52 Attacking Congressional Oversight to Detention Facilities

53 Prosecuting Members of Congress Over Detention Facility Visits

54 Physically Endangering Members of Congress

55 Bypassing the Appropriations Process, Hoarding Billions Without Safeguards

Attacking Public Confidence in Our Elections PAGE 43

56 Using False Claims of Noncitizen Voting to Justify an Assault on Americans' Voting Rights

57 Redeploying ICE and USCIS to Investigate Poll Workers and Alleged Voter Fraud

58 Refusing to Rule Out Deploying ICE to Polling Sites

59 Failing to Release Documents on Potential ICE Deployment to Election Sites

Attacking Legal Institutions and the Rule of Law PAGE 46

60 Attacking Federal Judges

61 Skirting, Evading, and Defying Court Orders

62 Retroactively Manufacturing Claims in Court to Justify Illegal Actions: Kilmar Abrego Garcia

63 Purging Immigration Judges

64 Threatening Career Staff Within DHS

65 Attacking Immigrant Legal Service Providers

AT A GLANCE

Part III: Using Mass Deportations to Dismantle Our Multiracial, Pluralistic Democracy

66 Attacking Birthright Citizenship

67 Mass De-Legalization of More Than One Million People

68 Stripping Refugees of Their Status

69 Redefining "American" by Weaponizing the Denaturalization Process

70 Obstructing Naturalization to Citizenship for Longstanding American Residents

71 Closing the Door: The Immigrant Visa Ban

72 Banning People From Majority-Muslim and African Nations

73 Undermining Universities' Ability to Bring in International Students

74 Recruiting ICE Employees Using White Nationalist Dog Whistles

75 Attacking Equal Access to Education

76 Attacking Asylum and Other Humanitarian Protections

Executive Summary

In the past 20 months, the Trump administration has taken hundreds of actions to consolidate the president's grip on power, execute a radical redefining of who belongs in America, and enact the largest rollback of civil rights and liberties in recent history. Among the administration's most powerful and frequent tools in executing on its dangerous, anti-democratic vision is the mass deportation agenda.

This report traces 76 ways the Trump administration has used the mass deportation agenda to undermine America's multiracial democracy and civil rights and liberties. This dizzying array of actions fall into three major categories, which often overlap:

***Attacking Civil Rights and Liberties*:** Deportations have provided a pretext, a distraction, and a legal justification all at once, as the administration attacks our individual constitutional rights — impacting all Americans. As the administration's resources and reach grow, no one is safe from its ever-widening net of abuse. Examples include:

- Using immigration law to target journalism and independent reporting;
- Infiltrating and surveilling organizations engaged in peaceful protest and political activism;
- Deploying novel surveillance technology against noncitizens and citizens as part of deportation arrest operations, and against those involved in protesting mass deportations;
- Mass and hidden deportation hearings, including rushed pro se hearings for vulnerable children;
- Using extreme authorities like the Alien Enemies Act and Terrorist Deportation Tribunal; and
- Ballooning a deadly immigration detention network and expanding offshore detention camps at Guantánamo and beyond.

***Attacking our Democracy's Integrity and Structural Checks*:** The mass deportation agenda has also been a cover and a mechanism for the administration to dismantle traditional constraints and institutions that should check abuses of power and which function as safeguards in our democracy. The administration is expanding executive power, attacking the independence of Congress, individual states, and the judiciary — all while seeking to evade accountability for its violations of the law. Examples include:

- Building a national deportation policing force at unprecedented speed and scale, made up of tens of thousands of federal, state and local law enforcement, all acting at the administration's direction;
- Deploying federal patrols indefinitely in American cities and engaging in blatant racial profiling;
- Normalizing federal law enforcement violence while lying about the deaths they cause and refusing to disclose information;
- Evading and defying court orders, fundamentally eroding rule of law; and
- Bypassing the regular appropriations process and attempting to subvert congressional oversight.

***Attacking our Multiracial, Pluralistic Democracy*:** The administration is attempting to use immigration and border policy to dismantle our multiracial democracy and replace it with a society built on exclusion and marginalization — harkening to some of the gravest injustices in America's past. Beyond the visible chaos and cruelty of the mass deportation machine, we have witnessed an avalanche of policy changes, legal actions, and bureaucratic hurdles quietly erected, and which appear calculated to change the racial makeup of our country now and into the future. Examples include:

- Mass de-legalizing more than one million people, stripping them of legal status and work authorization;
- Attacking birthright citizenship and weaponizing the denaturalization process;
- Attempting to exclude non-white people from entering our country through extensive visa and travel bans and the exclusion of all but white South Africans from the refugee program; and
- Obstructing naturalization for longstanding American residents.

These three areas, and the numerous policies and actions they encompass, illustrate a serious attack on our democratic institutions and norms, on top of the dire harm to immigrant communities targeted by the administration's deportation agenda. Recognizing the breadth and impact of these operations on American democracy is critical because it illustrates the imperative of fixing our immigration system and rejecting an enforcement-only model that is harming citizens and non-citizens and undermining constitutional rights.

Key Recommendations

At all levels, policymakers should call for rebuilding our immigration system as a matter of repairing and future-proofing our democracy. In the near-term, Congress should pass legislation reflecting a vision to dismantle and replace the mass deportation machinery that has done major damage to civil liberties and democratic norms and institutions. Replacing this machinery with a new system — what we call Transformative Immigration Reform — is critical to reclaiming our democracy from a slide into authoritarianism and future-proofing it against democratic decline.

Specifically, we call on Congress and state and local policymakers to design and advocate for legislation reflecting these four pillars:

1. Create a broad path to citizenship to protect our pluralistic, multiracial democracy: Our broken immigration system leaves millions without a path to citizenship despite their longstanding residence and deep ties to our nation, rendering them vulnerable to abuse by federal immigration agencies and the myriad federal, state and local agencies working with them. This broken system consigns millions of people, many of whom are people of color, to a permanent underclass. These are people who contribute to our country — including through vital labor — but are denied the full recognition and protections of citizenship. This inequality is intolerable to a functioning democracy. Congress should pass legislation creating a broad and earned path to citizenship for American residents; and state and local policymakers should pass resolutions and take other measures to show their support for congressional action.

2. Replace our broken immigration system in light of its harms to our civil liberties. The dangers posed by the roving, national deportation policing force to our freedom of speech, privacy, and safety are apparent, and the harm of Big Brother-style widespread domestic surveillance to all Americans is growing more visible. In particular, Congress should:

- Pass an expanded and more robust version of the immigration enforcement reforms Congress debated during the 2026 Department of Homeland Security funding negotiations.

- Pass legislation to limit the administration's authority to divert federal, state and local law enforcement from their primary missions, including through 8 U.S.C. § 1357(g).

3. Modernize our border system, and take border policy out of the demagogues' toolbox.

The failure to invest in updating and modernizing our border has fueled a xenophobic and anti-democratic campaign, and justified anti-immigrant measures at both the border and throughout the United States. We can build a system that anticipates continued migration to the U.S. and effectively manages the border without sacrificing protection for the most vulnerable people. Congress should pass legislation to:

- Create additional lawful pathways for people to come to the U.S.;
- Invest in border processing;
- Modernize the arrival triage system;
- Support state and localities in welcoming newcomers; and
- Fund and bolster immigration court and asylum processing

4. Build new, better accountability, transparency and oversight structures to effectively compel the executive branch to uphold civil rights and civil liberties. Congress should enact legislation to:

- Create an oversight agency that has strong independence protections allowing it to make impartial, unvarnished judgements about the immigration management system's policies and practices, and to make those judgements public;
- Strengthen the Freedom of Information Act and require frequent, proactive disclosures of documents;
- Allow people to recover damages from federal officials who violate their constitutional rights, and hold federal law enforcement agencies accountable for violations; and
- Strengthen judicial review in the immigration context and roll back jurisdiction stripping provisions enacted in previous decades.

Part I: Using Mass Deportations to Attack Civil Rights and Liberties

The Trump administration's mass deportation campaign has involved a series of civil rights and civil liberties violations, carried out with a severity and on a scale that once would have been unimaginable. Deportations have provided both a means and a pretext to the administration — as it has moved continuously between targeting immigrants and the people, organizations, and communities protesting its abuses. The administration has used vast immigration law authorities to denigrate individual constitutional rights, impacting all Americans.

The attacks on civil rights and liberties detailed in this section show that, particularly as the administration's resources and reach grow, no one is safe from its ever-widening net of abuse carried out in the name of, and as part of, the mass deportation agenda. The victims of these rights violations stretch across traditional lines — they are citizens and noncitizens, residents of "blue" and "red" states, preachers and the non-religious, college students and the elderly.

Targeting Critics and Free Speech

The health of a democracy depends on people being free to criticize the government, organize for change, and make informed choices — without the government controlling or punishing them for their statements or beliefs. The Trump administration has repeatedly targeted immigrants whose views it disagrees with for arrest, detention, and deportation. These attacks on free speech and association have ramifications that go well beyond our immigration system. Weaponizing immigration law and targeting immigrants for their viewpoints advances a broader goal of suppressing political advocacy in the United States. Furthermore, the administration has attacked those who exercise their First Amendment rights to observe, record, or protest the government's actions in public, as we have seen most vividly in the violent attacks by federal agents on protesters and people recording law enforcement.

1 Punishing Noncitizens for Their Protected Speech, Starting with Pro-Palestinian Students

In spring 2025, the Trump administration attempted to revoke the visas and green cards of hundreds of noncitizen students who expressed support for Palestinian rights or criticized Israel. It also detained multiple students and scholars as punishment. The government framed its suppression of speech and protest as combatting antisemitism, but it aimed its punishment at constitutionally-protected expression — thereby using the power of immigration law to censor political viewpoints on an issue of fierce public debate.

The government has not stopped with punishing pro-Palestinian viewpoints, and has since invoked immigration law to punish an activist for his outspoken views on Colombian politics[1] and the head of a nonprofit organization who criticized the content moderation policies of online platforms like X, along with other technology platform researchers.[2]

The State Department is also reportedly denying visas to individuals who work on content moderation and fact checking, framing these

activities as "censorship" of Americans.[3] The Trump administration also cancelled the visas of several people who made comments criticizing social media influencer Charlie Kirk following his death.[4] It has also revoked visas and questioned arriving visitors for comments and social media posts critical of President Trump.[5]

A September 2026 report by the ACLU and Amnesty International USA traces the administration's censorship actions back to March 2025, when Immigration and Customs Enforcement's Homeland Security Investigations unit (ICE HSI) launched an operation to identify pro-Palestinian protesters on college campuses, relying on unverified lists of people engaged in protests.[6] The administration's weaponization of immigration law has had an extraordinary chilling effect on speech in the United States, with noncitizens and immigrant community members now afraid to express viewpoints the government disfavors.

These administration actions seek to normalize government use of authoritarian tactics to stifle speech that is lawful and constitutionally protected. The administration has also claimed that no federal district court has the authority to judge the constitutionality of its actions even when the censorship and detention harms are immediate and irreparable.[7]

Donald J. Trump
@realDonaldTrump

Following my previously signed Executive Orders, ICE proudly apprehended and detained Mahmoud Khalil, a Radical Foreign Pro-Hamas Student on the campus of Columbia University. This is the first arrest of many to come. We know there are more students at Columbia and other Universities across the Country who have engaged in pro-terrorist, anti-Semitic, anti-American activity, and the Trump Administration will not tolerate it. Many are not students, they are paid agitators. We will find, apprehend, and deport these terrorist sympathizers from our country — never to return again. If you support terrorism, including the slaughtering of innocent men, women, and children, your presence is contrary to our national and foreign policy interests, and you are not welcome here. We expect every one of America's Colleges and Universities to comply. Thank you!

11k ReTruths **49.1k** Likes Mar 10, 2025, 1:05 PM

Donald J. Trump Truth Social post, Mar. 10, 2025.[8]

2 Using Immigration Law to Target Journalism and Independent Reporting

This administration has taken several actions to restrict independent journalism, using the immigration system to limit who can report in the United States. In July 2026, the administration moved to dramatically shorten visas for journalists, imposing an additional restriction for journalists from China.[9] Then, in August 2026, the administration announced additional vetting of the social media accounts of journalists applying for visas to come to the United States.[10] These actions present a dangerous restriction on independent reporting by foreign news outlets and journalists, advancing this administration's attempt to censor voices critical of its policies.

The Trump administration has also manipulated immigration authorities to punish individual noncitizen journalists for exercising their First Amendment rights. Mario Guevara, for example, was arrested in retaliation for reporting on a protest in the Atlanta area.[11] He was originally charged with misdemeanor violations that were quickly dropped, but Immigration and Customs Enforcement (ICE) nonetheless argued he should remain in detention because he was livestreaming and reporting on law enforcement activities. In March 2026, ICE arrested another noncitizen journalist, Estefany Maria Rodríguez Florez, a lawful permanent resident who has reported on immigration and other issues for the Spanish-language news outlet Nashville Noticias.[12] She was released from detention after significant public pressure.[13]

3 Screening Applicants for "Anti-American" Views

U.S. Citizenship and Immigration Services (USCIS), a component of the Department of Homeland Security (DHS), has put in place policies to screen applicants for immigration benefits for "anti-American" views.[14] USCIS adjudicates applications and petitions for benefits such as green cards, citizenship, work authorization, and more. Under

this "Anti-American" policy, USCIS can deny benefits to people if an adjudicator decides they may support anti-American or antisemitic ideologies or activities. DHS could use this policy, in tandem with others described in this report, to target and retaliate against noncitizens who disagree with the administration's views.[15]

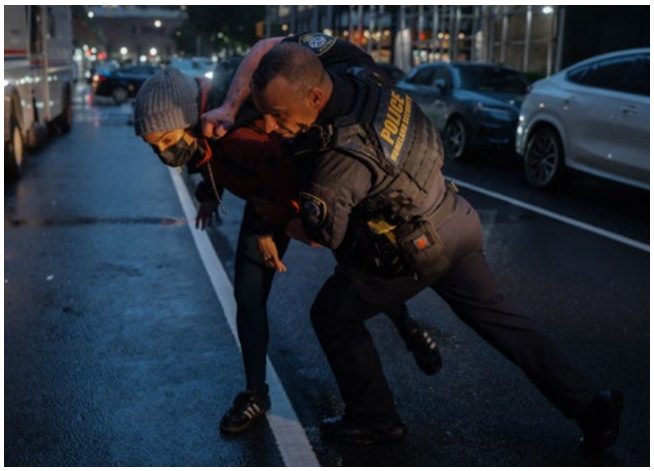
In 2026, USCIS also announced a new policy under which it would collect social media handles of lawful immigrants residing in the U.S. who want to change their immigration status.[16]

In June 2025, the Trump administration announced that embassies must vet student visa applicants for "hostile attitudes towards our citizens, culture, government, institutions, or founding principles."[17] As part of this expanded vetting, the Trump administration also announced new rules requiring certain student visa applicants to make their social media accounts public so that they could be vetted and scrutinized during the application process.[18] In August 2026, the administration announced it was expanding the categories of people required to undergo social media vetting for a visa to include journalists and others.[19]

These combined policies expand the Trump administration's surveillance of immigrants' and visitors' speech, and could lead to retaliation against individuals who express viewpoints the government disagrees with or who criticize its policies.

4 Using Force Against Protesters and Observers to Suppress Dissent

Officers have shot, killed, blinded, dragged, tackled, and beaten individuals attending protests as well as people seeking to record and observe immigration and law enforcement activities in public. A July 2026 ACLU report identified 782 people who were detained, arrested or subjected to law enforcement misconduct while protesting, observing, documenting, and recording the actions of law enforcement.[20] Physicians for Human Rights and the Human Rights Center at the University of California at Berkeley documented 412 incidents of law enforcement misusing crowd-control weapons during immigration-related protests from June 2025 to May 2026. Of those, 119 involved people with visible or self-reported injuries, including head injuries and blindness.[21]



A federal agent tackles a protester outside of the Varick Street immigration court in New York, May 28, 2025.

The ACLU and our partners documented numerous accounts of these abusive federal law enforcement actions in litigation.[22] For example, in Minnesota, attorneys filed over 130 declarations showing how federal agents have violated the rights of people observing, documenting, and protesting ICE activity in their neighborhoods.[23] The declarations describe individuals being pepper sprayed at close range, body-slammed to the ground, and threatened with being shot in the face, among other harrowing experiences.

Federal agents pin a protester to the ground and spray a chemical irritant directly into his face at 28th and Blaisdell Avenue South in Minneapolis, Jan. 21, 2026.

These abusive tactics have continued despite the removal of key administration officials, and they have extended well beyond the high-profile protests in Minneapolis, Chicago, and elsewhere. For example, a disturbing account came from 18-year-old Tucker Collins, a University of Southern California freshman majoring in astronautical engineering whose passion is photography. Collins attended a "No Kings" protest in Los Angeles in March 2026 to photograph the event. DHS shot him in the eye with a projectile, causing extensive damage and eventual removal of his right eye. In a court declaration, Collins wrote: "I keep thinking about what I was doing when it happened, taking photographs of a public event. I was not throwing anything. I was not threatening anyone...I am afraid of being injured again. As I told my family, it feels safer to climb a mountain than to exercise my First Amendment rights."[24]

5 Intimidating and Retaliating Against People Recording Law Enforcement Actions

Federal agents have repeatedly used intimidation and threats in retaliation for people exercising their First Amendment-protected right to record and observe immigration enforcement activities in public. The ACLU challenged these abuses in cities across the country, filing numerous declarations by residents describing intimidation, aggression, and violence against people documenting federal agent activity, including being tackled to the ground, surveilled, and followed.[25]

For example, when ICE agents swarmed a man in the parking lot of Downey Memorial Christian Church in Los Angeles, the church pastor told the officers that they didn't have permission to be on church property. When agents wouldn't leave or show her any identifying information, she pulled out her phone to record the arrest. In response, an agent pointed a gun at her.[26] Days later, while a man was videorecording a raid outside a Home Depot in L.A., DHS agents tackled him to the ground, arrested him, and held him in detention for more than twenty-four hours.[27]

The ACLU of Minnesota documented and challenged these abuses in Operation Metro Surge. For example, Emily Beltz, who conducted legal observations of federal agent activity in her neighborhood, described being confronted by agents:

> A woman wearing a gaiter-style mask then leaned out of the front passenger side window of the SUV. She yelled, 'Emily, Emily, we're going to take you home.' She then repeated my name again and repeated that they would take me home. She then said my address. She repeated, in a mocking tone, that they were going to escort me home. I was freaked out. I did not care that they had my name, but I was scared for my family. The agents had told me, in effect, that they knew where I lived and could come and get me and my family at any time.[28]

In Maine, Colleen Fagan was observing an immigration enforcement action when federal agents scanned her face with a smartphone and appeared to take down her license plate. One agent then told her she was being added to a "a nice little database" and would now be "considered a domestic terrorist."[29] This was not an isolated incident. Federal agents threatened at least two other Maine residents with placement on a "domestic terrorist watchlist."[30] In Minnesota, immigration agents told Ryan Doxsey, who was observing ICE operations at a school during morning drop-off, that he was also being added to a list of "domestic terrorists."[31] They also told another Minnesota resident that "what [he's] doing is domestic terrorism."[32]

A masked agent appears to prepare to deploy tear gas and stinger grenades as an observer films him outside of a Minneapolis restaurant, Jan. 19, 2026.

6 Infiltrating and Surveilling Organizations Engaged in Peaceful Protest and Political Activism Events

In August 2026, documents released through litigation revealed that DHS sent undercover agents to community meetings in New York and Minneapolis and infiltrated activist Signal groups engaged in First Amendment-protected activity as part of "Operation Puppet Master."[33] Agents surveilled online meetings and gatherings at libraries, parks, and churches. DHS agents reportedly made audio recordings of meetings regarding ICE brutality and collected license plate information of those who attended.[34]

The DHS operation aimed to identify people "providing material support to violent opportunists and agitators," and alleged that organizations like national labor unions, local labor unions, and left-leaning groups were connected to a criminal conspiracy.[35] One undercover agent noted that, during the meeting, "it was made clear that the [organization] focused on 'peaceful' protests."[36]

As part of the operation, DHS also obtained financial records of organizations, including the Service Employees International Union (SEIU), the Communications Workers of America (CWA), Voices for Racial Justice, and the Sunrise Movement.[37] DHS cited National Security Presidential Memorandum 7 (NSPM-7) as justification for opening the case.[38] NSPM-7 targets nonprofits, activists, and their donors and funders using vague, overbroad, and abused labels like "domestic terrorism."[39] The memo further encompasses First Amendment-protected beliefs unconnected to any actual criminal conduct like "Anti-Americanism, anti-capitalism, and anti-Christianity," "extremism on migration, race, and gender," and opposition to "traditional American views on family, religion, and morality."[40]

This post quotes another post from Insider Wire including a screenshot that reads, "#BREAKING: Trump confirms ICE proceedings against Ilhan Omar over alleged fraud." DHS X post, Aug. 24, 2026.[41]

Also in August 2026, U.S. Representative from Minnesota Ilhan Omar said that an undercover DHS agent appeared to be parked outside of the community center where she was hosting a monthly town hall. The undercover agent initially told local police she was providing security for the event, and later said she was there for an undercover drug operation in the area.[42] In a letter to DHS, Rep.

Omar stated: "At best, your agent was unable to assess that the parking lot of a community center hosting a Congressional event wasn't the best place to conduct a drug operation. At worst, it emphasizes many Americans' growing concern that the Trump administration uses ICE to surveil political opponents and may interfere with our democracy."[43]

7 Using "Administrative Subpoenas" Against Government Critics

DHS is using "administrative subpoenas" to demand that technology companies turn over information about users who criticize the administration online[44] and to gain access to the financial records of other organizations.[45] An administrative subpoena is a form of legal process that tells the recipient to provide the government with certain records relevant to an ongoing investigation. In some cases, federal laws let federal agencies, like DHS, issue administrative subpoenas, but only for specific reasons set out in those laws. This evidences a troubling pattern of DHS issuing administrative subpoenas that fail to comply with those laws and also violate constitutional requirements.

For example, in September 2025, DHS issued administrative subpoenas to Meta to unmask the identity of Meta users associated with the "MontCo Community Watch" Facebook and Instagram accounts, which aim to spread awareness of immigration enforcement activity in Montgomery County, Pennsylvania.[46] The subpoenas cited a federal customs statute as their authority, but there was no indication that the investigation related to imports, exports, or anything within the statute's reach.[47] The subpoena not only exceeded the authority of the statute, but also violated the First Amendment, which protects the right to discuss and criticize the government, and to do so anonymously online.

Similarly, DHS issued an administrative subpoena to Google demanding the private information of an individual who had emailed a DHS attorney and urged the attorney to apply "principles of common sense and decency" in an Afghan asylum seeker's case, after reading about the case in the Washington Post.[48] This subpoena cited a federal immigration statute that permits the use of subpoenas to investigate certain immigration-related offenses; but the statute does not permit DHS to issue subpoenas to investigate a person simply because they have criticized a DHS employee.[49] The subpoena also violated the Fourth Amendment by seeking records irrelevant to any permissible investigation, and it violated the First Amendment because it was issued to retaliate against protected speech.

In cases which involved the ACLU and others, after users' attorneys filed motions to quash the administrative subpoenas, DHS withdrew them.[50] But the administration has reportedly issued hundreds of subpoenas to social media companies to "unmask online critics," including some grand jury subpoenas — which are even harder to track and quash than administrative subpoenas.[51] DHS has also issued abusive administrative subpoenas to other types of recipients. For example, the New York Times recently reported that in the aftermath of a DHS agent killing Renee Good in Minneapolis, "officials used administrative subpoenas to obtain more than three years of financial records from the Sunrise Movement, an environmental action group, and a labor union, the Communications Workers of America."[52]

8 Investigating Critics of ICE Violence

ICE has also investigated ordinary American citizens for social media posts and emails critical of ICE's violence — claiming that such basic, First Amendment-protected activity is a potential violation of federal law.[53]

For example, in January 2026, after the fatal shooting of Alex Pretti in Minneapolis, David Streever of Rochester, New York emailed then-

acting ICE director Todd Lyons, calling him a "monstrous human being" and saying "you will be a sad, despised man who eats himself alive with shame."[54] Five months later, ICE's Office of Professional Responsibility attempted to contact Streever for a "consensual interview" to determine whether he "presented a threat."[55] ICE agents left a "Warning Notice" with Streever's wife asking Streever to "promptly remove and/or discontinue the aforementioned behavior" and warning that his email "may constitute a violation of Title 18 of the United States Code."[56]

Attorneys brought a legal challenge, arguing, "A society that tolerates ICE's policy — sending armed agents to the doors of those who speak their minds to hand out formal demands they 'discontinue' exercising their rights — is a police state."[57]

9 Retaliating Against Those Protesting Inhumane Detention Conditions, Including Through Hunger Strikes

Hunger and labor strikes spread across ICE's detention network throughout 2025 and 2026, with detained people at facilities from coast to coast resorting to starving themselves to protest inhumane conditions.[58] The descriptions of conditions are strikingly consistent from detention camp to detention camp: an unprecedented number of deaths, medical neglect, use of force, retaliatory use of solitary confinement, overcrowding, unsafe drinking water, inadequate or spoiled food, and transfers that separate detained people from family and legal counsel.[59] Five of the six facilities where strikes have occurred are run by private prison companies, four of them by GEO Group, a company that received over a billion dollars in federal contracts.[60]

A masked agent looks at an individual, likely a detainee, through the windows of Delaney Hall, a detention facility in Newark, New Jersey, during a protest, May 27, 2026.

Violent tactics such as force-feeding, involuntary hydration, catheterization, placing people in solitary confinement, and in some cases, transfers or retaliatory deportation have defined ICE's response to recent labor and hunger strikes.[61] ICE and its private prison partners have responded with pepper spray and force against both detained people inside their camps and people protesting in solidarity outside.[62] They've assaulted journalists, and retaliated against strike participants through solitary confinement and punitive transfers, while also limiting health inspectors' access and cutting off family visitation.[63]

Surveillance and Attacking Privacy

The federal government, and DHS in particular, has been amassing surveillance technology and tools without adequate oversight, transparency, or safeguards for decades.[64] To supercharge mass deportations, Congress gave the agency over $240 billion for immigration enforcement, which it has used to further acquire and deploy surveillance tools.[65] There is little transparency or oversight of DHS use of surveillance technology and data acquisition, including on even basic questions: what surveillance technology DHS is using, under what circumstances and legal standards, how DHS

is training personnel to use the technology, what data DHS is collecting or sharing, and how DHS is using that data.[66]

The Trump administration has attempted to share people's personal data widely among agencies, even when that data was purposefully siloed originally and/or when people disclosed that data with the understanding that it would be used only for an intended purpose.[67] We are watching the consequences in real-time, as the Trump administration weaponizes surveillance technology against immigrants and citizens alike and exploits personal data for political aims.[68] The administration has used immigration enforcement as its justification to use surveillance tools and personal data against people who disagree with it.[69]

The civil liberties implications extend far beyond immigrants and their family members. ICE accesses databases that include millions of American citizens. The tracking tools ICE deploys can and have been used to surveil U.S. citizens engaged in lawful activity.[70] Moreover, none of these technologies are likely to remain siloed within ICE.[71] The infrastructure and databases ICE builds will likely be shared with an expanding web of federal, state and local authorities.

There are inherent dangers of a vengeful, authoritarian-leaning government having vast amounts of people's private information. This administration has proved it is willing to use extreme methods to retaliate against its critics — and access to people's real time locations, travel patterns, biometrics, and other personal information is already making it easier for them to target people it considers adversaries. The infrastructure this administration is putting in place will have repercussions for Americans for years to come.

10 Forcing Face Scans on American Streets

ICE has aggressively ramped up its use of facial recognition technology under the Trump administration.[72] DHS is using a smartphone application called Mobile Fortify, which uses facial recognition and fingerprinting to attempt to identify individuals.[73] ICE officers are pointing smartphone cameras at people during stops on the streets and running the facial recognition software in real time. These images are then sent to DHS databases and systems for immediate attempted verification of individuals' identities and immigration or citizenship status. ICE has indicated it considers a match in Mobile Fortify as a "definitive" determination of someone's status,[74] and that officers can ignore evidence of U.S. citizenship including a birth certificate if Mobile Fortify says the person is undocumented. This policy exists despite evidence of facial recognition technology's markedly higher false match rates for people of color,[75] and with over 20 jurisdictions banning their local police from using the technology.[76]

Federal agents have used Mobile Fortify over 200,000 times since the start of the Trump administration,[77] including on undocumented people targeted for immigration enforcement, lawful residents who were likely racially profiled by federal law enforcement, and U.S. citizens protesting and observing law enforcement.[78] ICE even has plans to expand use of the problematic technology to state and local law enforcement officers helping it with immigration enforcement.[79]

Reports indicate that ICE and Customs and Border Protection (CBP) will also be using Clearview AI, a facial recognition tool that compares photos of individuals law enforcement is trying to identify with a database of more than 70 billion photos scraped from the internet.[80] ICE said it planned to use the technology to investigate "assaults against law enforcement officers."[81] Meanwhile, this technology appears to be being deployed without

any clear statutory restrictions, usage auditing, or accountability mechanisms. ICE is not stopping at using facial recognition in our neighborhoods; next it has plans to use a smartphone application that allows ICE agents to scan people's irises on the streets.[82]

11 Tracking Americans Through Our Cell Phones

ICE is heavily investing in cell phone surveillance technology that it has deployed on U.S. streets, and even at protests critical of Trump administration policies. ICE has bought vehicles equipped with "cell-site simulators," technology that allows it to surreptitiously identify and track individuals' phones in real time without a warrant.[83] Also referred to as stingrays or IMSI-catchers, the technology mimics cellphone towers to force nearby phones to connect to them.[84] It is also capable of sweeping up data from any other phones in the area, including the phones of U.S. citizens.[85] In fact, reporting indicates that a cell site simulator was likely used during highly publicized protests outside of an ICE facility in Portland, Oregon.[86]

ICE has also bought access to other technologies that track people's movements. For example, Tangles and Webloc are "designed to monitor a city neighborhood or block for mobile phones, track the movements of those devices and their owners over time, and follow them from their places of work to home or other locations."[87] Using this technology, ICE can search which phones have been in a geographic area during a certain time period and then get more details about those phones, including where the phones have traveled.[88] Additionally, ICE has invested $12 million in an AI-powered surveillance tool, called Project SAFE HAVEN, that will allow it to map people's "patterns of life," including the "habitual locations, routes, and behavioral patterns" of its targets."[89] Reporting indicates that the tool will link data obtained from Wi-Fi network connections, phones, smartwatches, and more.[90]

12 Spying on Your Every Movement: Expansion of Automatic License Plate Reader Use

DHS is leveraging automatic license plate readers (ALPR) to track and locate people. ALPR companies like Flock Safety and Axon are on track to build a nationwide mass surveillance system, with this administration's support. This surveillance technology records and tracks every car that comes into view, and then an AI algorithm catalogs the make, model, color, license plate number, bumper stickers, and even car scratches. This personal information is then uploaded into a nationwide database that any law enforcement agency with a Flock contract can search — with little oversight or regulations governing how agencies use what they find.[91] These cameras are in use in more than 5,000 communities around the United States, and increasingly, local police are performing lookups in the nationwide system for ICE.[92] The growing surveillance system offers federal immigration agents another tool to track and monitor immigrants they want to arrest and deport. ICE and DHS' backdoor access to ALPRs through state and local law enforcement means that there are "functionally no limits to what systems ICE can tap into with no public oversight or control into what they are tapping into."[93]

DHS is also using ALPRs in other ways. For example, the U.S. Border Patrol has secretly built a system of automated license plate readers across the nation that carries out dragnet surveillance of millions of Americans' movements.[94] Border Patrol intelligence operatives monitor this data for movements they deem suspicious, though we know little about what they consider suspicious or what kinds of algorithms they are using to monitor movements. This system uses Border Patrol's own plate readers along highways stretching from the southern border to places as far north as Illinois and Michigan, but the full extent of their placement and use is unknown. The agency also accesses a similar nationwide network of plate readers run by the Drug Enforcement Administration and has been

authorized to access systems operated by private companies. An important element of this program is the extent to which Border Patrol relies on local officers to assist, such as by carrying out pretext stops based on ALPR data.[95]

13 The Spy State: Accessing Personal Data from Government Agencies

DHS is demanding and gaining access to data held by state and other government agencies, including data provided by states, to support its mass detention and deportation agenda — potentially destroying firewalls that have protected Americans' privacy for years. The president issued two executive orders to set this data collection in place. The first, issued in February 2025, directed federal agencies to tighten enforcement of existing restrictions on public benefits for undocumented immigrants.[96] The second, issued in March 2025, directed federal agency heads to facilitate unfettered access for the federal government to comprehensive data from all state programs that receive federal funding.[97] In April 2025, after a whistleblower disclosure, it was reported that the Trump administration was building a centralized cross-agency database of sensitive information from the Internal Revenue Service (IRS), Social Security Administration, Department of Health and Human Services (HHS), and other agencies.[98]

In April 2025, the IRS and ICE finalized a Memorandum of Understanding that would allow the IRS to share sensitive taxpayer data with ICE for immigration enforcement purposes. Taxpayer data has traditionally been kept confidential except in very narrow circumstances in order to encourage people to pay their taxes. On November 21, 2025, Judge Kollar-Kotelly of the U.S. District Court for the District of Columbia issued a preliminary injunction, finding this data sharing likely violated federal law. Subsequent disclosures by the federal government, made in the course of this litigation, revealed that the government made incorrect disclosures of private information and had broken the law 42,695 times.[99] As noted in a letter from over 100 civil society groups about this unprecedented and dangerous information sharing, "If the executive branch can ignore explicit statutory limitations on taxpayer data, nothing prevents similar breaches of other confidential information systems. Any group that falls out of political favor is at risk."[100]

The IRS is only one agency that has been complicit in the Trump administration's attack on privacy. HHS similarly shared personal information from Medicaid enrollment records with ICE, including information on U.S. citizens, despite years of explicit assurances that such information would not be shared.[101] In May 2025, the U.S. Department of Agriculture demanded that states share highly sensitive information about beneficiaries of the Supplemental Nutrition Assistance Program[102] and subsequently reasserted its demands in a letter to states in July 2025.[103] Over 20 states filed a lawsuit challenging this data request,[104] in addition to a separate lawsuit filed by Protect Democracy, Student Legal Defense Network, EPIC, and the National Center for Law and Economic Justice.[105]

The government is using this information to fuel its mass deportation agenda. For example, Palantir created a tool for ICE called "ELITE," to help it decide where to conduct enforcement actions.[106] ELITE allows ICE to "populate a map with potential deportation targets, bring up dossiers on each person, and view an address 'confidence score' based on data sourced from the Department of Health and Human Services (HHS) and other government agencies."[107] Giving the Trump administration access to this sensitive information will have a chilling effect on mixed-status families, as people may avoid seeking basic medical services for themselves and their children, including U.S. citizens, for fear that it will expose them to enforcement. This is not just an attack on immigrants; it is an attack on low-income families.

14 Turning Airports Into ICE Deportation Zones

The Trump administration has also been using the Transportation Security Administration (TSA) to share information on passengers flying within the United States in a novel operation to arrest families and individuals at airports. In July 2026, with summer holidays underway, ICE accelerated its presence and arrests at airports.[108] Those arrested included people who had no prior arrests and who appeared to be following the immigration system's procedures by filing applications for protection, such as asylum, and benefits, such as adjustment of status through a spouse. Others had reportedly timely filed to extend or change their status, such as people here on work visas.[109] Reporting indicated that TSA had been sharing passenger information with ICE for immigration enforcement purposes, and that ICE was newly claiming that having an expired visa was grounds for arrest, even when the person had a pending immigration application and was authorized by the government to be inside the U.S.[110]

15 Owning You: ICE Operations to Purchase Personal Data and Evade the Fourth Amendment

DHS, including ICE, have also purchased access to troves of information from commercial data brokers that they would otherwise need a warrant to obtain.[111] These data brokers sell large amounts of information, including cell phone location data; information about people's race, ethnicity, gender, sexual orientation, income, and political and religious affiliations; and even information from people's visits to health clinics and period tracking apps.[112] The government has a long history of buying personal data, bypassing legal processes.[113]

16 Owning Your Body: DNA Collection

On January 20, 2025, President Trump directed that "[t]he Attorney General and the Secretary of Homeland Security shall take all appropriate action to fulfill the requirements of the DNA Fingerprint Act of 2005, title X of Public Law 109-162, for all aliens detained under the authority of the United States" and that "[t]he Secretary of Homeland Security shall take all appropriate action to use any available technologies and procedures to determine the validity of any claimed familial relationship between aliens encountered or apprehended by the Department of Homeland Security."[114] The administration has still not provided information on how it will keep and use DNA stored, despite litigation.[115] However, a report from the Georgetown Center on Privacy & Technology showed that this DNA information is being fed into the FBI's DNA database, the Combined DNA Index System (CODIS), and, as such, could be used for future policing and prosecution actions.[116] In late 2025, the Trump administration also proposed requiring a DNA sample from individuals applying for a tourist visa to visit the United States.[117]

The Trump administration is collecting U.S. citizen DNA as well. In early 2026, after many Americans were arrested for protesting aggressive immigration enforcement, it was revealed that ICE was taking DNA samples from protesters they arrested.[118]

Developing a massive database of citizens' and immigrants' DNA is a chilling misuse of government resources and gives the government far too much power for potentially invasive uses of the most sensitive and personal genetic information. By building a database composed of immigrants' DNA, the government will also gain information about their biological family members, including those who are U.S. citizens. Indeed, the directive to use available technology to verify familial relationships suggests that's partially the point.

17 Expanding Biometrics Collection from Noncitizens to Citizens

In November 2025, the Trump administration issued a notice and requested comments on a new rule that would massively increase biometric information collected from noncitizens seeking any immigration benefit, broadening the categories to include "any applicant, petitioner, sponsor, supporter, derivative, dependent, beneficiary, or individual filing or associated with a benefit request or other request or collection of information, including U.S. citizens, U.S. nationals and lawful permanent residents, and without regard to age," subject to exemptions.[119] It then announced a final rule that went into effect in December 2025, to expand CBP's collection of biometric data, including facial images, of noncitizens at entry and departure points in the United States.[120]

Attacking Due Process

One of the key tenets of the U.S. Constitution is that the government shall not "deprive any person of life, liberty, or property without due process of law."[121] Due process ensures that a government cannot arbitrarily punish or disappear its critics, religious or ethnic minorities, or other disfavored groups. Due process is a central part of fairness and equality, and it includes both a set of rules that the government must comply with and an obligation to provide a compelling reason when infringing upon fundamental rights.[122]

In its mass deportation campaign, the Trump administration is engaged in an unprecedented attack on due process — in many cases, taking a sledgehammer to core constitutional rights — in order to accelerate the pace of detentions and deportations at any cost. It is ignoring basic rules as it attacks the very principle of due process for immigrants — detaining tens of thousands of people (including children) with no path to release, deporting people to danger with no hearings, and denying even babies legal representation. The government is reportedly disappearing immigrants with final orders from its detention locator system, essentially hiding them from their lawyers and families who don't know if an individual has been deported or where they are being detained–potentially for months.[123]

Denying immigrants due process is not just a short-term tactic to achieve the Trump administration's 100 million deportations goal, however. When the administration brazenly flouts rights to a fair hearing and to be free from detention, there is a real risk it creates a new normal: a dangerous, undemocratic system where "unfavored" voices can be stripped of their rights, and which answers only to the president's agenda. As Judge J. Harvie Wilkinson III, appointed to the Fourth Circuit by President Ronald Reagan, noted in the 2025 case concerning the deportation of Kilmar Abrego Garcia:

> The Executive possesses enormous powers to prosecute and to deport, but with powers come restraints. If today the Executive claims the right to deport without due process and in disregard of court orders, what assurance will there be tomorrow that it will not deport American citizens and then disclaim responsibility to bring them home? And what assurance shall there be that the Executive will not train its broad discretionary powers upon its political enemies?[124]

Wilkinson also noted the stakes: "The government is asserting a right to stash away residents of this country in foreign prisons without the semblance of due process that is the foundation of our constitutional order."[125]

18 Inventing "Enemies" to Justify Lawless Deportations: The Alien Enemies Act

On January 20, 2025, President Trump issued an executive order directing the Attorney General and Secretary of Homeland Security 14 days to "make operational preparations regarding implementation of any decision" the president makes to invoke the Alien Enemies Act (AEA), and "prepare such facilities" necessary to expedite removals of those

designated under the act.[126] The AEA provides extraordinary powers that a president can invoke when the United States is at war with another country. Yet, in March 2025, President Trump secretly invoked the AEA, identifying as "enemies" not another nation's citizens or nationals of a country that had attacked or invaded the United States, but alleged Tren de Aragua gang members in the United States — and directed their removal without due process. Then-Attorney General Bondi issued an internal memorandum "on implementing" the AEA, which stated that AEA detainees were not entitled to "judicial review" or a "hearing" before removal.[127]

This unprecedented effort was swiftly halted by the courts in litigation brought by the ACLU. On the day it made the order public, the government deported hundreds of men to the Terrorism Confinement Center (CECOT) prison in El Salvador in violation of a court order, but no AEA removals have taken place since, because of the Supreme Court's stay order in a related case brought by the ACLU.[128]

Meanwhile, numerous reports have found that many individuals who were accused of being Tren de Aragua members had no connections to that or any other criminal organization.[129] Often the only "evidence" to allege an individual was a member of Tren de Aragua was an innocuous tattoo.[130] Litigation over the government's invocation of the AEA continues, as President Trump has not cancelled or revoked his March 2025 order.

19 Activating a Terrorist Deportation Tribunal

In July 2026, the Trump administration activated the Alien Terrorist Removal Court for the first time since the court's creation 30 years ago, seeking to deport a lawful permanent resident based on alleged association with and support for the Islamic State. Under the law establishing the court, the attorney general may prepare and submit an application for removal of a suspected "alien terrorist" to the court under seal.[131] If the court finds that the government's secret application establishes probable cause, the court must hold a public removal hearing, where the individual is represented by counsel (in this first case, by a federal public defender). If the court finds after that hearing that the noncitizen is an "alien terrorist" present in the United States and that removal under other available legal means would pose a risk to national security, the person may be deported.

Significantly, the rules governing this secretive court allow the government to use classified evidence to seek the person's deportation — information that the person may never see or have a full and fair opportunity to rebut.[132] This use of secret evidence and the lack of other basic protections raise multiple constitutional issues. Since the court has never heard a case before, its procedures remain obscure and have not yet been subjected to legal challenge. However, what is clear is that this is another attempt by the administration to activate novel, extraordinary powers to remove people with limited due process by labeling them "terrorists" with little evidence, while bypassing the criminal justice system and its more protective procedures and standards of proof.

To date, one person has been charged through this new court — a lawful permanent resident from Afghanistan accused of supporting a plan for a mass shooting in 2024.[133] On September 11, 2026, the federal government announced that the woman, who was not charged with a crime, had accepted deportation to Afghanistan.[134]

20 Expanding Fast-Track Deportations Nationwide

The Trump administration has moved to expand the use of "expedited removal," or fast-track summary procedures that allow a low-level immigration officer to order an individual deported with almost no opportunity for review.[135] Until recently, this error-ridden process has been limited to ports of entry and undocumented people encountered at the border who had been

in the U.S. for under two weeks. Even with that geographic and temporal limitation, U.S. citizens, lawful permanent residents, business visitors, visa holders, and asylum seekers have been unfairly deported without a hearing and in many cases, with no chance to challenge and undo their deportation order — given by an agent who is not a lawyer, let alone a judge.[136] The new policy makes expedited removal applicable to undocumented individuals encountered anywhere in the U.S. who have not been continuously present for two years.

Although the ACLU challenged this nationwide expansion, in July 2026 a federal circuit court allowed the expansion to go into effect,[137] putting many people at risk of rapid and erroneous deportation. Under this policy, people stopped by immigration agents and placed into expedited removal will have to assert and show that they have been in the country for more than two years in order to get a hearing. While we do not yet know how widespread implementation has been, the intent is clear: to deport as many people as possible, as quickly as possible, without court review.

21 State-Created Harms to Children, Refugees, and Others

Despite our numerous domestic and international commitments not to send people to places where they will face persecution or torture (*non-refoulement*), the Trump administration appears to be undermining those legal obligations — detaining children at risk of trafficking, people seeking asylum, and longtime residents who already won protection from torture and persecution.

Not only is the U.S. failing to prevent harm, it has been sending people to places where they are at risk and, in many cases, where they have already been in danger. It is detaining and isolating people who won refugee protection then dropping them into danger, with some individuals sent back to the same horrors they fled and others subject to indefinite detention in third country prisons. The Due Process Clause of the Constitution protects against the arbitrary deprivation of life or freedom, and these dangerous deportation operations fly in the face of those protections.

Deporting People to Known, Predictable, and Sometimes Calculated Dangers

The U.S. government has been sending individuals, including asylum seekers and others who won protection in court, to places where they could be persecuted or killed — and in some cases, deported people onward to the countries they originally fled.

Since its first week, the Trump administration has deported asylum seekers — including families, Iranian political activists, LGBTQ persons, and many more — to countries other than their countries of origin (known as third countries). These may be countries the individuals have no relationship with, have never visited, and where they may not speak the language or have any prospect of finding employment or building a life for themselves or their families.[138] The U.S. government has deported around 23,000 people to countries they are not originally from, including Afghans and Iranians sent to conflict zones like the Central African Republic;[139] others have been arbitrarily detained in South Sudan[140] and Eswatini.[141] Individuals deported to Equatorial Guinea have reportedly been assaulted at gunpoint.[142] Pursuant to a 2025 DHS memo, the U.S. government asserts that if a country has given diplomatic assurances that it will not persecute, torture, or refoule an individual, it can deport them to that country with no notice to the individual being loaded on a plane.[143] This policy has been weaponized to send people around the world with no chance to prepare or, in many cases, file court challenges to their removal.

Many of these agreements remain secretive, with their terms and conditions unknown to the public, but even countries that have allegedly given these assurances appear to be sending people back to danger in what is known as "chain refoulement." In several documented cases, people sent to third countries, including Ghana[144] and Equatorial Guinea,[145] have been deported onward to the

countries they have protection from, in violation of international human rights law on *non-refoulement*. The U.S. is essentially laundering its illegal deportations through third countries, without giving those deported any notice or the chance to contest their removal to a third country — putting people in danger of persecution, torture, and other abuse.

In September 2026, the First Circuit Court of Appeals held that the government's third country removal practice to date is unlawful and ordered that, if it attempts to deport people to third countries, the administration must seek first to remove people to countries they have designated or of which they are subjects, nationals, or citizens; provide effective notice of DHS's intention to remove them to a specified third country; and provide individuals with a meaningful opportunity to contest removal to that third country on the ground that they have a reasonable fear of being persecuted or tortured there.[146]

Moreover, it appears that the U.S. government is choosing to hand immigrants over to governments that the United States has reason to believe will harm them[147] — where that danger is a feature, not a bug. For example, in 2025, the U.S. government paid El Salvador to detain immigrants living in the United States in a notorious supermax prison, CECOT[148], with a reputation for torture and extreme abuse. Entering into this agreement with El Salvador, whose government has abused a state of emergency according to the U.S. State Department,[149] is already deeply problematic; and the torture people were subjected to was not incidental to this deal. President Nayib Bukele's government in El Salvador is notorious for its widespread human rights abuses, including enforced disappearances, extrajudicial killings, and widespread violations of due process often perpetrated under the aegis of crime prevention.[150]

An ongoing lawsuit alleges that the U.S. government shared sensitive information about Iranian asylum seekers with the Iranian government — even while the U.S. war on Iran continues.[151] Some of those who sought asylum in the U.S. are Iranian pro-democracy activists who will be in danger if deported back to Iran — all the more so if the government knows the basis of their claims. The U.S. government also deported Palestinians to the West Bank, using a private jet owned by a Trump ally.[152]

Deporting Children to Trafficking Dangers

The Trump administration has taken a range of actions that could strip unaccompanied children of key due process protections, particularly the right to receive legal assistance and be free from detention, by seeking to end the Flores Settlement and restricting other policies that help children get trafficking protections and lawyers.[153] These protections ensure that children at risk of trafficking get a fair hearing and a chance to apply for anti-trafficking and other protections, and are not subject to unnecessary, harmful, and coercive detention while their claims are heard.[154]

Over the last two years, the Trump administration has attempted to end legal services for unaccompanied children.[155] The administration ended a contract with a network of longtime legal service providers experienced in providing representation to unaccompanied children, replacing that contract with a new one with an organization that has no such experience.[156] It is now rushing to deport children, including those who won special protections for experiencing abuse and neglect, in mega master court hearings.[157]

In fall 2025, the Trump administration attempted to deport hundreds of unaccompanied children to Guatemala even as many had pending protection claims.[158] Instead of giving these children a fair process and opportunity to make claims for asylum and protection from trafficking, the administration attempted to secretly remove children from the U.S. in the middle of the night. During the summer of 2026, the Trump administration began to cluster detained children in Texas, in unlicensed facilities far from their families and lawyers, reportedly ahead of their planned mass return to Central America.[159]

22 Throwing Away the Key: Mandatory Detention

Since mid-2025, the Trump administration has dramatically expanded who is subject to mandatory, no-bond detention, departing from nearly 30 years of practice and reinterpreting the detention statutes to apply a provision limited to people "seeking admission" at the border to millions of people living in the country.[160] Central to this shift is a July 2025 ICE policy, later adopted by the Board of Immigration Appeals (BIA) in Matter of Yajure-Hurtado, that takes the position that noncitizens who entered without inspection, even those who have lived in the U.S. for decades, are subject to mandatory detention, stripping them of the right to a bond hearing before an immigration judge.[161] The agency has never interpreted the statute this way before, and in the over 19,000 cases where people have gone to federal court requesting review of their detention, judges have ruled against the government's expansive and novel use of detention more than 16,000 times.[162] Nine out of eleven courts of appeals have rejected the government's new interpretation.[163] Nevertheless, the Trump administration is actively arguing in court to expand mandatory detention and deny due process rights for even longtime U.S. residents.

That reinterpretation has swept up people arrested during routine check-ins, traffic stops, workplace raids, and other ordinary interior encounters — people who previously would have had a path to release while their cases proceeded.[164] This includes TPS holders and others who were previously authorized to remain in the country.[165]

Long-term green card holders, including some who served time for convictions decades ago and have lived crime-free since then, have also been swept into detention under a different law. Using old, sometimes sealed or expunged convictions as grounds for detention has become widespread under the current administration.[166] The Supreme Court recently dismissed as moot a case challenging this practice but only because the individual detained person's pardon eliminated the underlying conviction, not because the court rejected the government's position.[167] (The underlying legal question remains unresolved, and a new case raising the same due-process issues will likely return to the Supreme Court.) A ruling on this issue could determine whether long-term lawful permanent residents with certain criminal histories, including non-violent crimes, however old or minor, can be held indefinitely without the chance to seek release while their immigration cases are being heard.

23 Denying Legal Services in Detention

Since early 2025, the Trump administration has systematically dismantled the legal support infrastructure that once helped detained immigrants understand their rights and navigate removal proceedings.[168] In April 2025, the Department of Justice (DOJ) issued a stop-work order ending the Legal Orientation Program (LOP), a decades-old, bipartisan-supported initiative that had provided know-your-rights presentations and legal orientation to people in ICE custody since 2003.[169] Legal service organizations sued to block the termination, but a federal court dismissed the challenge in July 2025, and the case remains on appeal.[170] The administration has since tried twice more to permanently defund the program through the federal budget — in its FY2026 and FY2027 requests.[171] Alongside the LOP cuts, the administration also moved to terminate the National Qualified Representative Program, which funded legal representation for detained immigrants found to be unable to represent themselves due to "mental incompetence," prompting a separate lawsuit from legal service providers.[172]

The practical effect of these cuts has been to strip detained people of even the most basic legal information at precisely the moment detention has reached historic levels — with more than 73,000 people held in ICE custody in mid-January 2026, the highest figure ever recorded.[173] Because immigration proceedings carry no right to a

government-appointed attorney, detained people have long relied on programs like the LOP to understand the posture of their immigration cases, learn what relief might be available, and get referrals to pro bono counsel. Without that support, far more detained people are left to navigate complex removal proceedings entirely on their own.

24 Offshore Detention Camps at Guantánamo and Beyond

The Trump administration is attempting to bypass immigration laws to "transfer" people out of the U.S. while their cases are pending — in many cases, with virtually no due process, and even when individuals may have verified or potential claims to remain in the United States. In using these offshore detention camps, the U.S. is attempting to punish migrants and send a message of deterrence by sending people to be detained in a black hole synonymous with pervasive mistreatment and indefinite detention, far from their families, lawyers, and any independent oversight.

In late January 2025, the Trump administration announced that they were proceeding with plans to, for the first time, transfer people in immigration detention to be housed at the military base in Guantánamo Bay.[174] The administration said it intended to use Guantánamo for up to 30,000 noncitizens because as President Trump said, "Some of them are so bad we don't even trust the countries to hold them, because we don't want them coming back … So we're going to send them to Guantánamo … it's a tough place to get out."[175] In February 2025, the administration started to use the Guantánamo Bay naval station in Cuba to detain noncitizens, sending 839 individuals there from February through June 2026, of whom 376 were deemed "low-threat" by DHS.[176] Most recently, it has sent Somali immigrants to be detained there.[177]

The Immigration and National Act (INA) does not permit the government to detain people outside of the U.S.[178] The text of the INA, an Office of Legal Counsel opinion interpreting it, and the federal law governing deportation rules and procedures leave no doubt that the Guantánamo Bay base is not "the United States" for purposes of the INA.[179] The government's consistent position for decades has been that "[b]ecause Guantanamo Bay is not included in this statutory definition," the government "do[es] not believe that it is part of the United States for the purposes of the INA."[180] In addition, immigration laws only allow for detention pending removal proceedings or pending removal; they do not allow the government to run an overseas detention camp.

In December 2025, rejecting the government's motion to dismiss a lawsuit brought by the ACLU, a federal court found that, if true, the plaintiffs' allegations about the use of Guantánamo for immigration detention would mean that the practice is not permitted by the INA, is arbitrary and capricious under the Administrative Procedure Act, and is also "impermissibly punitive in violation of the Fifth Amendment's Due Process Clause."[181]

The Trump administration is reportedly looking for additional detention space in other countries that can be used, supposedly to serve as staging areas for deportations.[182] This would also obstruct access to counsel and transparency over detention conditions.[183]

25 Mega, Speedy Deportation Hearings with Limited Appeal or Public Access

Further undermining the fairness of immigration proceedings, the Trump administration is pushing people through mega master calendar hearings on an accelerated timeline — giving people less time to prepare and increasing the risk of erroneous decisions — while also restricting case appeals.[184]

Already, the expedited, mass hearing practice is resulting in a massive increase in deportation orders issued in courtrooms that are sometimes hearing 100 cases a day.[185] DOJ has been rescheduling hearings, including for unaccompanied children,[186] and putting them on a mega master calendar list with little notice.[187] When individuals miss their hearing, whether

because notice was sent to the wrong address or never received, or because they could not find child care or were in the hospital, they often receive a deportation order.[188] As one data analysis found, these mega master hearings are driving in absentia orders, where people are ordered deported without being seen or heard: "the increase in absentia removal orders has very much outpaced the increase in people with hearings. In other words, these hearings are generating more absentia removal orders than typical hearings."[189]

Even individuals who do manage to show up have limited time to get a lawyer and prepare for this first critical court appearance where they may join more than 100 others being processed through the same court, waiting for hours to get a few minutes to defend their case. On one day, for example, a judge reportedly ordered "50 deported in their absence — 49 of them in a group hearing that took about eight minutes once she had finished reviewing all of the documents.[190] In another case, six children who had been found by courts to have been abandoned by their parents appeared in a Chicago court where they were all ordered deported in a matter of minutes.[191]

Speeding up Hearings and Limiting Appeals

The administration is also undermining due process by attempting to severely limit immigration court appeals and dramatically increasing their cost. In September 2026, the administration reportedly ordered immigration judges to speed up their hearings by denying continuances to immigrants applying for green cards and other immigration benefits, in many cases after suddenly scheduling their hearings with little notice.[192] Again, this could mean that individuals miss their hearings because they cannot rearrange work or childcare, or cannot find a lawyer in time, making hearings even more error-prone. At the same time, the cost of filing an appeal has also exponentially increased, from $110 to $1,030, a prohibitive price for many people seeking to defend their claims and rights.[193]

In February 2026, DOJ issued an interim final rule that reduces the time for an immigrant to appeal an immigration judge's decision to the Board of Immigration Appeals from 30 days to 10 days.[194] The rule means people in most cases will have little time to prepare their appeals, including finding an attorney and preparing filings.[195] The same rule requires summary dismissal of the appeals that actually are filed unless a majority of permanent BIA members vote within 10 days to consider the case, which effectively blocks all appeals.[196] It would also permit cases to be summarily dismissed before transcripts are created, imposes strict briefing requirements, and eliminates reply briefs, among other fast track procedures.[197] In March 2026, a federal court blocked most of these rules to expedite appeals from going into effect.[198]

Hiding Courts and Blocking Public Access

In September 2026, the administration suddenly began to hold immigration hearings in abnormal locations, such as the FEMA headquarters in D.C., where in-person hearings had not previously taken place, and with limited signage or information for individuals to find their hearings.[199] In some cases, people are reportedly being told to appear in person at a court they have never been to, hours from where they live, only to find that the hearing has been moved.[200] Immigration hearings are supposed to be open to the public, with no notice required, except in very limited exceptions.[201] But increasingly, court observers and lawyers have said that the administration is refusing public access to these hearings.[202]

At a moment when immigration courts are rushing children through hearings pro se and ordering people deported after hastily scheduled hearings, public observation and scrutiny are more important than ever. These efforts to hide immigration court locations and block public access are a dangerous and kafkaesque trend that will harm due process. As Judge Damon Keith famously wrote in 2002, when President George W. Bush's administration attempted to have closed-door hearings to deport immigrants suspected of ties to terrorism, "Democracy dies behind closed doors."[203]

Part II: Using Mass Deportations to Attack Our Democracy's Integrity and Structural Checks

The mass deportation agenda has also been an excuse and a mechanism for the administration to dismantle traditional constraints and institutions that should check abuses of power and which function as safeguards in our democracy. The administration is expanding executive power, building a national deportation policing force that harkens to a secret police-style force — threatening citizens and noncitizens alike and operating with claimed impunity.

The administration's mass deportation campaign has also repeatedly involved attacks on our system's check and balances, including Congress, individual states, and the judiciary. The administration's attempts to evade accountability for killings and violations of the law undermine the rule of law. The administration's attack on public confidence in our elections undermines the very foundations of our democracy.

Creating an Unaccountable Secret Police-Style Force and Expanding the Infrastructure for Abuse

As detailed below, over the last year, we have seen militarized, masked, heavily-armed agents patrolling our communities, attacking people in front of their homes and dragging people from their cars. Masked agents have conducted night raids on apartment buildings and dragged children from their beds,[204] used tear gas on children,[205] and shot at and attacked protesters and those documenting these abuses.[206]

This is the most visible example of the administration's effort to expand executive power in our communities, despite legal and normative constraints. ICE, Border Patrol, and the agencies working with them have access to invasive surveillance technology and more funding than most countries' militaries. They increasingly appear to operate as an internal security force accountable to the president rather than the law. The administration has lied about agents' actions, dismantled watchdogs that previously constrained them, and refused to disclose information needed to hold them accountable.

The danger is not only the immediate violence these agents perpetrate. It is also a danger to safety when a secretive national policing force is allowed to operate outside of regular laws, norms, and values.

An agent armed with a rifle fitted with projectiles emerges from an armored vehicle during a protest at ICE's Broadview, Illinois, facility, Oct. 3, 2025.

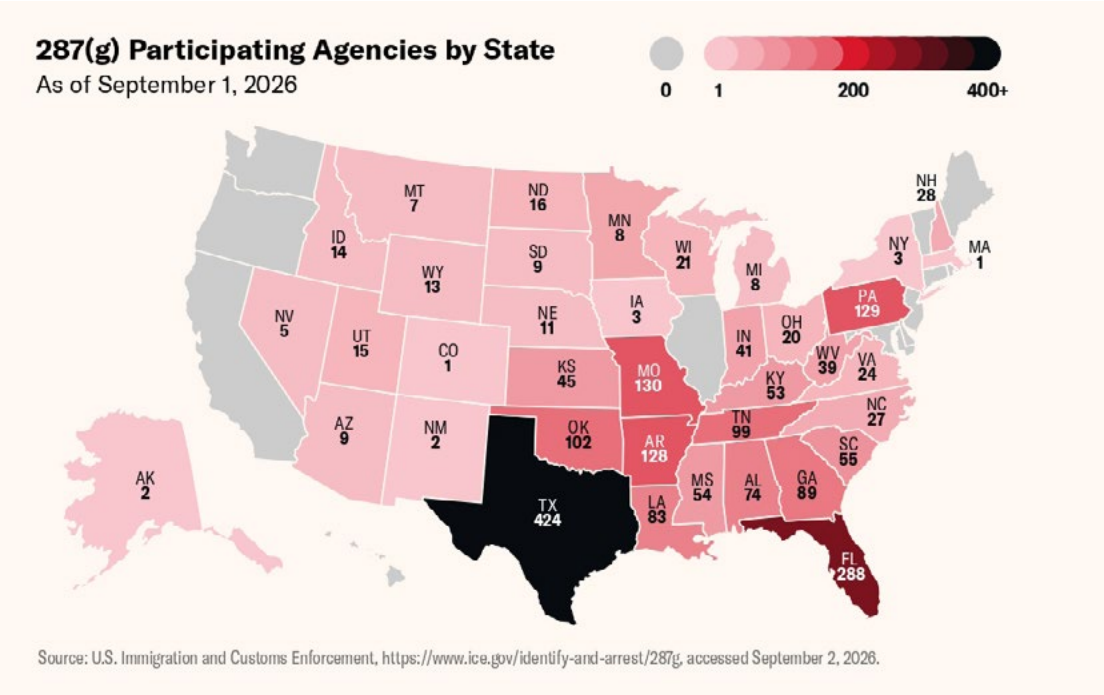
26 Building a National Deportation Policing Force

The Trump administration has built a national deportation policing force consisting of tens of thousands of federal, state and local law enforcement officers, across more than 2,000 distinct law enforcement agencies, that are acting at the direction of the White House to execute the administration's mass deportation agenda. The speed with which this force has been created, and the scale, raise profound civil liberties concerns.

In 2025, ICE went on a hiring spree. According to ICE, its force at least doubled in size, bringing on 12,000 new agents in record speed.[207] It loosened hiring standards to eliminate a college degree requirement and an age cap of 40, slashed mandatory training,[208] and gave a $50,000 signing bonus, among other tactics. It sacrificed vetting; a whistleblower complaint alleged "systemic breakdowns in vetting … placing DHS at risk of infiltration and insider compromise" that could "undermine its credibility as a federal law enforcement and security institution."[209]

The administration cannibalized federal agencies, diverting more than 25,000 federal law enforcement officers outside of ICE to civil immigration enforcement.[210] These agencies range from the U.S. Forest Service to the FBI.[211] It also redeployed ICE Homeland Security Investigations, which previously focused on complex criminal investigations. According to an August 2026 Office of Inspector General report, one office moved "approximately 99 percent" of work to immigration, "leaving almost no capacity for fentanyl investigations."[212]

ICE will use an estimated $1.4–$2 billion in federal funding in 2026 to enlist thousands of state and local police into its deportation force, offering startup funds of $100,000 — more than the annual budget of some of the local agencies that have enlisted.[213] The administration is enlisting state and local police by leveraging ICE's 287(g) program, named for the section of the Immigration and Nationality Act that authorizes it, in a manner and at a scale Congress never intended, as the ACLU previously documented.[214] As of early September 2026, 2,084 state and local law enforcement agencies participate in the 287(g) program — with



some agencies holding multiple agreements with ICE, delegating authority under three forms of the program.[215]

With little public notice, the national deportation policing force is now operating in communities across the country. State and local police are conducting traffic stops and setting up checkpoints on the basis of their criminal law enforcement authority, but for the actual purpose of carrying out indiscriminate "fishing expeditions," or looking for individuals to funnel to deportations.[216]

Multiple federal, state and local law enforcement agencies are coordinating massive surges of enforcement in communities, arresting people both on federal immigration charges and for local offenses — changing the nature of daily life in communities under siege from not just federal agents, but their own law enforcement agencies. For example, a Florida woman described waking up to masked agents, armored vehicles and machine guns during an August 2026 multi-agency surge in southwest Florida.[217] "Families in general, all our immigrant neighbors are scared to death," a local organizer said.[218] Local observers reported arrests near schools and school bus stops, as local and federal agents fanned out across neighborhoods.

The Trump administration set up a 287(g) National Coordination Center, awarding a $63 million contract to Koniag Services, Inc. in July 2026.[219] A contract notice describes the center as "using data-enabled technology to receive and process 6,000-7,000 calls per day" to assist in "partner encounters in the field," locating unaccompanied immigrant children, and "to reduce the Non-Detained Docket backlog. This is likely a euphemism for mass arrest and detention of individuals present in the interior of the country.[220]

27 Using Masks to Instill Fear of Secret Police

Under the Trump administration, for the first time in modern American history, federal law enforcement began to routinely mask themselves during street interactions — hiding their identity from the public and even state and local authorities to obstruct accountability for wrongdoing. While DHS claims this masking is necessary for officers' safety and to avoid doxxing, in reality, this masking strategy — which is not employed by other law enforcement agencies in routine operations — has helped agents avoid accountability for abuses, while also adding to the climate of fear.[221]

An agent holds his finger on the trigger of a pepper ball gun, reportedly pointed at press and protesters, outside of ICE's Broadview, Illinois facility, Sept. 26, 2025.

Law enforcement masking makes it difficult for people to know whether they are being criminally abducted, and impossible for victims and bystanders to know who to hold responsible for abuse. These tactics also "create confusion, fear, and mistrust among community members and responding agencies, potentially increasing operational risks and eroding public confidence," according to the International Association of Chiefs of Police.[222]

A retired deputy chief of the Los Angeles police department noted: "A nameplate, a badge number, an agency insignia — those aren't just pieces of metal and cloth. They're promises that those who wield the authority of the state can be identified, questioned and held responsible for their actions ... When the public can't distinguish law enforcement from a street gang in tactical gear, we're no longer

talking about policing — we're talking about power untethered from accountability."[223]

Masked, armed agents guard ICE's Broadview, Illinois facility during a protest, Sept. 27, 2025.

28 Racial Profiling in Street Arrests

Racial profiling occurs when law enforcement uses a person's actual or perceived race, ethnicity, or national origin to decide whom to stop, search, investigate, or arrest. Indiscriminate enforcement relies heavily on racial profiling, in violation of the Constitution, federal, and sometimes state law.

Under the Trump administration, racial profiling has become core to how federal agencies operate across our communities. The ACLU has filed numerous lawsuits documenting masked federal agents, often in unmarked cars, stopping people and arresting them without a warrant, in violation of federal law and the Constitution.

Vasquez Perdomo

In July 2025, a group of individuals and organizations brought *Vasquez Perdomo v. Noem*, a challenge to the federal government's large-scale immigration raids in Southern California.[224] They argued that federal agents targeted individuals based on their apparent race and ethnicity, and asked a federal judge to bar operations that relied on four factors — apparent race/ethnicity, speaking Spanish or English with an accent, presence in particular locations (e.g. near car washes, bus stops), and job type (e.g. day labor) — to detain people without individualized suspicion.[225] The district court found those practices likely unconstitutional and issued an injunction barring them in the area.[226] While under the injunction, federal law enforcement had to change tactics, leading to a 66 percent decline in immigration arrests, underscoring the extent of likely racial profiling in arrests.[227]

In September 2025, the Supreme Court (on the "shadow docket," with no full briefing or oral argument) stayed the injunction, effectively allowing ICE and Border Patrol to resume using those profiling-based stops while litigation continues.[228] The court's order sparked concern that it potentially authorized racial profiling by law enforcement. In reality, *Vasquez Perdomo* is a procedural stay that does not change existing constitutional limits on racial or ethnic profiling. Indeed, as Justice Kavanaugh noted in December 2025, "officers must not make interior immigration stops or arrests based on race or ethnicity."[229]

One year after moving for their initial injunction, the *Vasquez Perdomo* plaintiffs refiled a request for preliminary injunctive relief challenging these racist stops, this time adding an explicit race discrimination claim and supporting their renewed request with a more extensive record that includes body-camera footage showing agents using racist language to describe individuals they were targeting, primary source records from the government, and admissions gathered from deposition testimony of government witnesses of their policy to explicitly rely on apparent Latine ethnicity to decide who to apprehend.[230] That motion is now pending in the district court.

Ongoing Racial Profiling

The ramifications of the *Vasquez Perdomo* decision have played out painfully and predictably in places like Minnesota, where ICE and CBP agents indiscriminately arrested individuals, without warrants or probable cause, solely because federal agents perceived them to be Somali or Latine. In

a lawsuit brought by the ACLU, one individual — a U.S. citizen who exercised his Constitutional right and refused to show his identification — asked the ICE agent why he needed to show his documents and was told, "because of your accent."[231] The judge in that case found that ICE and CBP agents violated the constitutional rights of many individuals because the agencies had a policy authorizing agents to stop Minnesotans without reasonable suspicion of an immigration violation — the constitutional standard — and instead authorizing agents to unlawfully base their stops solely on individuals' perceived race or ethnicity.[232]

Federal agents continue to engage in warrantless arrests and likely racial and occupational profiling in communities across the country. For example, in July 2026 a Colorado man and business owner who has resided in the U.S. for about 20 years was followed and surrounded by four to six SUVs one morning. After he asked to see a warrant, the agents showed him a warrant with a different person's name on it. He recounted:

> I told the officers that I am not the person on the warrant. They said we don't care, you are arrested. I asked if I could show them my ID and I went to get my wallet from my pants and they told me not to move my hands. I followed their orders.[233]

The agents broke his car window, pulled him from his car and cuffed him so tightly that he bled. Agents didn't ask him any questions, including his name, until after transporting him to an ICE field office.[234] The ACLU of Colorado and other advocates sued ICE over warrantless arrests in October 2025, and obtained a preliminary injunction enjoining agents from making warrantless arrests until they were trained on how to lawfully conduct them.[235] In May 2026, a judge ruled that ICE continued to violate court orders and enjoined agents from making warrantless arrests until officers were trained.[236]

29 Entering Homes Without Judicial Warrants

The Fourth Amendment requires the government to get a warrant signed by a judge to enter someone's home. This basic principle governs every police department in the country. Immigration agents have followed the Fourth Amendment protections against unreasonable search and seizure for decades and have been forbidden from forcibly entering a home without a judicial warrant.[237] However, in May 2025, DHS issued a new memorandum authorizing its agents, including ICE, to essentially ignore the Fourth Amendment.[238]

The memo, made public by a whistleblower, purports to authorize DHS officers to forcibly enter any home if a DHS official — not an independent judge — concludes that an individual inside is subject to a final order of removal.[239] Under this policy, DHS can enter homes and make arrests on its own say-so — even if the targeted individual has rights to seek further review or resides with people who are not subject to deportation, including U.S. citizens.[240] The administration has confirmed in litigation that it conducted warrantless home arrests under this policy in Texas, Minnesota and Louisiana.[241]

In his confirmation hearings, DHS Secretary Markwayne Mullin said he believed home arrests require a warrant.[242] Secretary Mullin said he paused the practice pending a review.[243] Nevertheless, he has not rescinded this memorandum, and the administration continues to defend it in litigation.[244]

Multiple agents pin a protester to the ground outside of ICE's Broadview, Illinois, facility, Sept. 27, 2025.

30 Normalizing Violence and Threatened Force by Federal Agents

During and since large-scale immigration enforcement operations over the last year, federal agents have increasingly used force, threats of violence, and weapons in their immigration arrest campaigns. A July 2026 ACLU report documented 375 incidents involving use of force or threatened force by immigration agents in just eight states in 2025, and identified 81 times that agents used tactics so dangerous that they have been banned by many law enforcement agencies because they can cut off breathing and become deadly.[245]

In addition, federal immigration agents have repeatedly used "crowd control" weapons that carry life-threatening consequences, including tear gas, pepper spray, stun guns and so-called rubber bullets. A Physicians for Human Rights report documented repeated use of these weapons by federal law enforcement in its responses to protests in 2025 and 2026.[246]

Federal agents deploy tear gas in Minneapolis, Jan. 24, 2026.

In Chicago in 2025, Border Patrol used Black Hawk helicopters to conduct a nighttime raid on an apartment building, arresting immigrants and asylum seekers without criminal convictions and dragging children from their beds.[247] Then-Border Patrol Commander at Large Gregory Bovino himself used tear gas in a residential neighborhood against people protesting immigration arrests, even as a children's Halloween parade took place nearby.[248] This use of tear gas on and near children has become a pattern for federal immigration agents, with numerous documented cases of harm.[249]

In approximately six months, ICE and CBP spent $140 million on military weapons to use domestically against protesters and as part of their immigration enforcement campaigns.[250] In August 2026, ICE moved to spend up to $20 million to equip personnel with gloves designed to deliver painful electric shocks.[251]

In a doctored image, President Trump is depicted as Lt. Col. Bill Kilgore from the Vietnam War film *Apocalypse Now* (1979). The caption references a line from the film: "I love the smell of napalm in the morning." Earlier that week, the president threatened the deployment of National Guard troops to Chicago. Donald J. Trump Truth Social post, Sept. 6, 2025.[252]

The routine use and threat of violence by federal agents has occurred at the same time that President Trump has used imagery and slogans of war against American cities and in support of ICE and Border Patrol.[253]

31 Encouraging Law Enforcement Agents to Act With Impunity

Senior White House officials have made claims that federal immigration officers can take increasingly aggressive actions without facing accountability. In October 2025, as immigration operations in Chicago became increasingly aggressive and violent, White House Deputy Chief of Staff for Policy and Homeland Security Advisor Stephen Miller told ICE agents that they have "federal immunity" in their immigration enforcement duties and that any state or local officials who tried to impede them would face prosecution.[254]

In January 2026, after the killing of Renee Good by federal immigration agents, Vice President J.D. Vance claimed that the officer who killed her is "protected by absolute immunity."[255] Border Patrol Chief Gregory Bovino urged agents, "arrest as many people that touch you as you want to. Those are the general orders all the way to the top."[256]

The doctored image and caption reference the films *Sicario* (2015) and *Sicario*: *Day of the Soldado* (2018), which center around U.S. government agents' missions to disrupt Mexican drug cartels and human trafficking at the U.S.-Mexico border — with agents often acting deliberately outside of U.S. and international law. The image depicts then-acting ICE director Todd Lyons, then-Secretary of DHS Kristi Noem, and then-Commander at Large of Border Patrol Gregory Bovino. DHS and El Centro Sector Border Patrol Instagram post, Oct. 24, 2025.[257]

32 Lying About ICE Shootings and Killings

Through both DHS and DOJ, the Trump administration has repeatedly made unverified and demonstrably untrue statements blaming victims of DHS killings for their own deaths. Administration officials have repeatedly claimed that people shot in or near their cars during immigration stops were "weaponizing their vehicles" and that officers feared for their safety — as in the killings of Johan Sebastián Durán Guerrero, Ruben Martinez, Renee Good, Silverio Villegas González, and Lorenzo Salgado Araujo.[258] In some of these cases, video footage from bystanders and at times officers themselves contradicted these accusations against the victims,[259] but senior administrative officials still broadcast these claims and refuse to retract them or issue apologies. In January 2026, after DHS agents shot and killed Renee Good and Alex Pretti, administration officials quickly, without evidence, referred to both victims as domestic terrorists in public statements.[260]

Following Araujo's killing in July 2026, DOJ attorneys issued a statement alleging the FBI had executed a search warrant "in connection with possible narcotics trafficking and drug offenses" after "officers saw in plain view several small bags of a white, crystal-like substance inside the van."[261] Testing quickly revealed that the substance was not drugs. According to Araujo's family, it was an electrolyte mix.[262] DOJ's misleading and premature statement diverted public attention and served to malign Araujo at a critical moment of public concern regarding the killing. Meanwhile, after killing Johan Sebastian Durán Guerrero in Maine, ICE claimed the officer shot him when he attempted to flee in his car and "fearing for public safety," an officer discharged his weapon.[263] Video evidence and eye witness testimony contradicted this version of events.[264]

In other incidents where federal immigration agents shot and harmed immigrants and U.S. citizens, agency officials have similarly made quick, public, and inaccurate statements about the victim, blaming them for their injuries and accusing them of being a public safety danger. For example, when Marimar Martinez, a teaching assistant and U.S. citizen, was shot five times by a Border Patrol agent, she was accused of trying to ram her vehicle into agents and charged with a felony. Gregory Bovino praised the agent who shot her even as the charges against Ms. Martinez were dropped when video footage showed it was the agent who charged her vehicle.[265] Similarly, federal agents alleged that they shot an immigrant in Minnesota in the leg, firing into his home where children were present, after he attacked an agent and fled. Witness accounts and video footage contracted the agent account, and the U.S. Attorney's Office for the District of Minnesota ultimately dropped charges against the man because of "newly discovered evidence."[266]

33 Blocking Accountability and Investigations Into Deaths

In some cases, federal authorities have stonewalled state and local authorities seeking to investigate the shootings.[267] For example:

- Minneapolis, Minnesota: Local officials reported that the federal authorities refused to share evidence or allow access to crime scenes and interviews following the shooting deaths of Alex Pretti and Renee Good.[268] In July 2026, reporting suggested that federal authorities had finally started sharing information from the January killings, but the U.S. Attorney's office was still refusing to confirm any ongoing cooperation.[269]
- Houston, Texas: Harris County District Attorney Sean Teare testified on July 24, 2026 that federal authorities had not shared evidence from the July 7 killing of Lorenzo Salgado Araujo.[270] He stated: "My office has reached out to DHS on a number of occasions after this shooting, and not only have we not been told no, we haven't gotten anything back. We haven't gotten a response to anything … In the 20 years that I've been

in law enforcement, I've never seen behavior like this."[271]

Details about the investigation into ICE's July 13, 2026 killing of Joan Sebastian Guerrero remain sparse, with Governor Janet Mills initially saying there was "a level of cooperation" between state and federal authorities.[272] U.S. Senators Susan Collins and Angus King from Maine have both pushed for DHS to cooperate fully with the state's investigation.[273]

The agency's current policy permits it to restrict the public release of footage unless "it is in the best interests of the agency."[274] These actions undermine independent investigation and serve to cover up agency abuses and delay, if not foreclose, justice for victims.

34 Dismantling Internal Watchdogs

This administration has also systemically undermined, gutted, and eliminated internal oversight agencies with the authority to investigate DHS violations, such as the DHS Office for Civil Rights and Civil Liberties (CRCL). The Trump administration effectively dismantled CRCL in the first few months of the administration, calling the employees "internal adversaries that slowed down operations."[275]

Congress created CRCL in 2002 through the same bill that created DHS, then passed subsequent laws describing the department's "primary mission" to ensure that "civil rights and civil liberties of persons are not diminished by efforts, activities, and programs aimed at securing the homeland."[276] While CRCL never succeeded in holding the department to that standard, the office did process an estimated 3,000 complaints every year and at times took steps to stop problems informally before they worsened.[277] It issued recommendations to ICE and other DHS components, identifying needed policy changes and resource improvements.

In March 2025, without the approval of Congress, the Trump administration put the office's staff on administrative leave and ordered staff to immediately stop performing job functions — leaving 550 open complaints that were under investigation.[278] All but three staff were laid off in May 2025. DHS asserted at the time that it shut down the office, as well as other oversight entities, because by conducting statutorily mandated oversight, they acted as "roadblocks to enforcement," according to the DHS public affairs assistant secretary.[279]

35 Hiding the Facts: DHS Refusing to Release Data on Its Operations

Although the Trump administration is routinely issuing press releases about its arrest, detention, and deportation activities, the administration is releasing extremely limited data and other information about its detention population and deportation operations. For example, ICE has not been regularly releasing its semi-monthly "Detention Management" report on arrests, detentions, and deportations, often going many months without updates. Even organizations on the political right are raising concerns about the lack of transparency and proof.[280] The right-wing public policy nonprofit The Oversight Project sued the Trump administration in the summer of 2025 for data on its immigration enforcement operations, which have also remained secretive.[281]

DHS also refused to provide data or even respond to many congressional requests on its operations during the 2025 and 2026 federal shutdowns, claiming that the shutdown impacted its ability to provide this basic information, despite its record funding via the 2025 reconciliation bill.[282] Without data, congressional offices and civil society organizations have been stymied in their ability to conduct oversight of the scale of these enforcement operations and understand who is being targeted. In July 2026, the executive director of the Office of Homeland Security Statistics, Marc Rosenblum, announced his resignation from the agency after

more than 10 years in his position, citing the administration's "war on immigrants."[283]

36 Hiding Detention Deaths Through Sleight of Hand

In June 2026, the Trump administration announced that ICE would stop reporting the deaths of formerly detained people who died within 30 days of their release from custody.[284] The change, detailed in a memo from acting ICE director David Venturella, rescinds a requirement first introduced under the Biden administration that mandated ICE to investigate and report such deaths to Congress.[285] With the policy rescinded, once someone is no longer in ICE custody, the agency says it is no longer responsible for monitoring or reviewing any deaths that follow — even deaths that occur within hours or days of release.[286] The change comes amid a period of a record number of deaths in detention, with more than 50 deaths since January 2025.[287]

This change in policy will reduce ICE's mortality statistics without reflecting any real improvement in care. It will allow ICE, an agency with documented past instances of releasing brain-dead or critically ill people who subsequently have died within days,[288] to evade accountability and continue to ignore the egregious, dangerous medical neglect plaguing its detention centers all over the country.[289]

At the Delaney Hall detention facility in New Jersey, an unidentified man was reported to have had a seizure during intake in late July 2026 and was released from ICE custody on the spot and sent to the hospital, where he was pronounced dead.[290] U.S. Representative Rob Menendez said his office learned of the death only two weeks later, and only by chance, during an unannounced oversight visit to the facility following the death of another detained man at the facility, Edwin Lopez-Cornejo.[291] Since ICE had already granted the unnamed man a "discretionary release" to a hospital before he died, the death was never reported to Congress or the public. He is now the third known detained person to die at or in connection to Delaney Hall since it reopened. His death would likely never have come to light without the congressman's oversight visit.[292]

A similar scenario played out in Georgia with Prisciliano Trejo, a 29-year-old man who was held at the Stewart Detention Center. His family says he told relatives he was coughing up blood, feeling sick, had a bruise that would not heal, and waited eight days before ICE gave him any medical attention.[293] Two days after he was taken to the hospital, he fell into a coma, at which point ICE contacted his family and released him from custody before he died on July 24, 2026.[294] Similar to the man at Delaney Hall, ICE had not released any report on Trejo's death, consistent with the administration's rescission of the 30-day post-release reporting requirement.

These cases illustrate the same pattern: by releasing critically ill or dying people from detention just before death, ICE can keep those deaths out of its official statistics, distorting the death toll and truth about the rampant medical neglect and horrific conditions in detention camps across the country.

37 Building a Nationwide Immigrant Registry

At the same time that it has built and deployed its national deportation policing force with secret police-style tactics, the administration has moved to expand the infrastructure for abuse in ways not yet fully realized. A chilling example is its initiation of a nationwide immigrant registry. A requirement to register has existed since the 1940s, but the U.S. has never had a comprehensive immigration registration system. American and world history are "replete with population data systems weaponized as 'tools of oppression,'" including registration in connection with the imprisonment of Japanese and Japanese Americans in World War II.[295]

In spring 2025, a new registration requirement went into effect that required all noncitizens over age 14 to register within 30 days, and parents to register those under age 14.[296] The registration system

could be used to bring criminal charges against scores of people in the country on the basis of their failure to turn themselves over to ICE for arrest and detention. The Trump administration instructed prosecutors to pursue charges for "failure to comply" with the registration requirement.[297]

38 Invoking "Mass Influx" to Expand the Deportation Force

Another example of the administration's disturbing attempts to expand its power is its little-noticed invocation of an obscure federal statute to draw state and local police from across the nation into a single force under the direction of the president, on the pretext of a national emergency.

On January 20, 2025, President Trump issued a proclamation, "Guaranteeing the States Protection Against Invasion" in light of an alleged "ongoing influx of illegal aliens across the southern border of the United States."[298] Days later, the acting DHS secretary issued a finding of "mass influx" of noncitizens that "endanger[s]" the residents of all 50 states.[299] In so doing, the secretary said the conditions presented "urgent circumstances requiring an immediate federal response" and requested "the assistance of State and local governments in all 50 States."[300]

DHS Secretary Noem extended the finding, and Secretary Markwayne Mullin extended it again in September 2026, requesting the same assistance.[301] Two states, Texas and Florida, signed up in 2025.[302] The impact of these particular agreements vis-a-vis other enforcement collaborations between the states and the federal government remains unclear.

39 Attempting to Build a Detention Camp Network

The Trump administration has also attempted a mass expansion of detention camps, targeted at immigrants currently, but raising profound concerns about how such detention infrastructure could be used in the future.

Historically, mass expansion of detention infrastructure has proven a glaring indicator of gradual democratic erosion and consolidation of authoritarian power.[303] Whether in the criminal legal context or civil detention like the immigration system, incarcerated people are disproportionately deprived of the practical ability to exercise due process rights that exist on paper.[304] Once a government builds the physical infrastructure, staffing, contracts, and legal authorities to detain one population at scale, it has built the machinery to detain any population it later decides to target.[305]

Across the country, shuttered prisons are being recycled into immigration detention camps. It is all too conceivable that these camps can later be repurposed to detain other groups of people, targeted for their political leanings, voicing dissent, or gender identity.[306] The apparatus of detention does not disappear or downsize on its own; it looks for capacity to fill. Expanding detention capacity, then, is never just about the group it is built for today.[307] It creates the logistical precondition for future expansion and new precedent for who can be held and under what legal standard.[308]

Since taking office, the Trump administration has driven the largest expansion of immigration detention in U.S. history, funded largely by the One Big Beautiful Bill Act (OBBBA). The bill provides $45 billion through fiscal year 2029 to expand ICE detention capacity to 100,000 beds, alongside roughly $14 billion for deportation operations — a 400 percent increase to ICE's annual detention budget.[309] Former acting ICE director Todd Lyons described the administration's goal by saying that deportations should run "like [Amazon] Prime, but with human beings," envisioning convoys of trucks moving detained people at industrial scale.[310]

That expansion has produced a rapidly growing network of detention camps, many bearing nicknames that trivialize or even celebrate the inhumane conditions inside. Florida's "Alligator

Alcatraz," built in the Everglades and constructed in just eight days, was quickly followed by Indiana's "Speedway Slammer," Nebraska's "Cornhusker Clink," Texas's "Lone Star Lockup," and Florida's second site, "Deportation Depot."[311] Almost all of these new detention camps are located in remote, rural locations, a pattern that deliberately isolates detained people from family, community support, and the attorneys they need to fight their cases.[312]

To open these camps at a faster rate than brick and mortar buildings would allow, ICE has relied on tents and other "soft sided" structures, as well as other types of government installations never intended, or no longer fit, for long-term detention.[313] Detention camps brought online quickly and cheaply — whether tents, warehouses, or repurposed prisons — are especially prone to the overcrowding, poor ventilation, and inadequate medical infrastructure that have already been documented at sites like Camp East Montana at Fort Bliss and Alligator Alcatraz.[314]

Behind this expansion sits a clear profit motive for the private prison industry. GEO Group and CoreCivic — the two largest private prison operators in the country — reported a combined $1.4 billion in quarterly revenue in the spring of 2026 as immigration detention hits record levels, according to earnings calls held on August 8, 2026.[315] The companies' ties to the administration run deep: a former GEO Group executive, David Venturella, now serves as ICE's acting director.[316]

In late August 2026, ICE initiated a plan for mobile detention vans and courtrooms inside of its detention camps, showing the lengths to which it will go to accelerate and expand its detention network, while evading oversight. A federal contract solicitation ICE posted on August 29, 2026 seeks private contractors to build and run four new "turnkey" detention camps — in Pennsylvania, Colorado, Washington, and Florida — with each embedding immigration courtrooms, judges' chambers, and ICE attorney offices directly inside the privately-run facilities, alongside vans designed to function as mobile holding sites at the scene of an arrest.[317] The solicitation also declares that state and local laws do not apply to contractor performance whenever they would "regulate, dictate, or control" it — an explicit attempt to place privately-run detention beyond the reach of state oversight.[318]

Taken together with the aggressive rollback of other legal protections, narrowed judicial review, expanded expedited removal, and weakened access to counsel, the growth of detention infrastructure runs in lockstep with the growth of who can be detained, and for how long. The capacity comes first; the dangerous changes in legal authority to make use of it follow.[319]

Attacking Federalism

An authoritarian hallmark of the administration's mass deportation strategy is to compel cities and states to collaborate in mass deportations or face retaliation. Senior administration official Tom Homan repeatedly made threats to "flood the zone" against state and local governments described as "sanctuary" jurisdictions, and escalations of law enforcement personnel into many cities and arrests followed — culminating in the disastrous Operation Metro Surge in Minnesota.[320] The administration repeatedly threatened to cut funding of city and state governments,[321] and also threatened to prosecute individual sheriffs and other local law enforcement officials for failing to collaborate with ICE.[322]

These threats and retaliatory actions fly in the face of bedrock constitutional principles. The Tenth Amendment prohibits the federal government from commandeering the states, or their cities, counties, and law enforcement. The Supreme Court has specifically held that "[t]he Federal Government may not compel the States to enact or administer a federal regulatory program."[323] The Constitution's structure thus forbids immigration-related commands to state governments in any form,

including statutes, policies, and individualized directives or mandatory "requests." Lacking authority to demand state assistance, the federal government cannot then punish state officials for declining to facilitate deportations.[324]

The framers of the Constitution carefully divided and balanced powers between the federal government and the states as a check on an overly powerful executive encroaching on individual liberties. As the Supreme Court noted: "By denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power. When government acts in excess of its lawful powers, that liberty is at stake."[325]

The Trump administration has attempted to erode this division of powers — concentrating power given up by those cities and states that are collaborating with it, and shaking down cities and states that refuse to collaborate.

40 Federal Law Enforcement Surges Into Cities and States

Beginning in the spring of 2025, the Trump administration repeatedly escalated deployments of federal law enforcement officials into cities and states across the country as part of the mass deportation agenda. In cities like Los Angeles, Washington, D.C., New Orleans, Chicago, Minneapolis, Portland, Oregon, and Charlotte, North Carolina, federal — calculated to intimidate the public and recorded by law enforcement agents themselves for the purpose of spreading fear through social media. Their patrols, chases and brazen arrests in neighborhoods, worksites, schools and popular commercial areas sent a clear message that anyone could be a target. National Guard troops have now been deployed in Washington, D.C. for over a year, at enormous financial cost, forcing local communities to live in an essentially militarized zone.[326]

The administration falsely justified increased federal law enforcement presence and violent street arrests by vilifying sanctuary policies, which limit diversion of state and local resources to support federal immigration enforcement. In reality, only some of the cities and states the administration targeted had such policies. The administration wanted to send a chilling authoritarian message: Cities and states should bend to their will and actively collaborate with the mass deportation agenda and other administration objectives or else risk an indefinite, mass federal law enforcement presence in their communities.[327]

41 Blurring Immigration and Crime to Justify Indefinite Federal Patrols in States

In Memphis, Tennessee, the administration added the pretext of addressing crime, forming multiagency task forces with blurred responsibilities and expansive mandates. In September 2025, President Trump signed a memo establishing the "Memphis Safe Task Force." By November 2025, the task force had mobilized more than 2,000 agents from 31 participating agencies, including significant numbers of personnel from ICE and CBP. Tennessee's governor has said the task force will "last forever."[328] The Task Force's thousands of agents have engaged in dragnet traffic and street stop operations, and residents of neighborhoods that are home to immigrant communities and communities of color encounter task force agents daily or even multiple times a day. In May 2026, the ACLU filed a lawsuit, ongoing as of September 2026, challenging the Memphis Safe Task Force's systematic retaliation against individuals gathering information and recording the task force's activities as a violation of the First Amendment.[329]

42 Threatening to Sabotage International Travel and Border Management to Compel State Collaboration

In June 2026, days before the U.S. began hosting the World Cup, DHS Secretary Markwayne Mullin threatened to stop the processing of international travelers at airports in cities with Democratic mayors, in retaliation for alleged noncooperation with federal law enforcement. This included several cities hosting World Cup matches. If "radical left Democrats" aren't allowing federal authorities to enforce immigration laws in their communities, Mullin said, "then we shouldn't be processing international flights into their cities either."[330] It marked an escalation from his earlier threat in May 2026 to reduce CBP staffing at major airports that serve sanctuary jurisdictions.[331]

Mullin specifically singled out airport processing in Newark, New Jersey, which is also the site of Delaney Hall, where there had been a daily and growing presence of peaceful protesters. Mullin said he planned to pull CBP staff from the airport to protect agency employees leaving Delaney Hall at the end of their shifts.[332]

Mullin's threat sparked immediate backlash due to the disruption to travelers it would cause and the potential catastrophic economic impact, something not geographically contained along partisan lines. Indeed, the retaliatory political motivations behind this threat were so plainly transparent that the U.S. Travel Association issued a statement that said, "American citizens trying to get home, international visitors, and the success of a once-in-a-generation global event cannot be used as leverage — as a threat, a punishment or a catalyst for negotiation — in disputes over immigration."[333] Transportation Secretary Sean Duffy also voiced concern, telling Congress: "We shouldn't shut down air travel in a state that doesn't agree with our politics."[334]

43 Using Congress to Threaten America's Mayors

In March 2025, the House Oversight Committee summoned three major city mayors from Denver, Chicago and New York to appear before the committee and face hostile questioning about their policies toward their immigrant communities. One member of the committee told the mayors she would make a criminal referral to DOJ against them for upholding their state and city sanctuary laws.[335]

The Republican majority members concluded "Congress must not allow these policies to continue endangering these communities" and promised to "begin evaluating federal funding allocated to sanctuary cities."[336] The hearing was among the more public, high-profile ways the Trump administration's congressional allies have sought to intimidate mayors and threaten funding to these cities.

44 Weaponizing the Office of Management and Budget Against Cities and States

In January and February 2026, President Trump said the administration would begin cutting off federal funding to sanctuary jurisdictions.[337] At the same time, the Office of Management and Budget (OMB) ordered a sweeping review of federal funding to 14 states led by Democratic officials. While the OMB's memo described seeking detailed information to "facilitate efforts to reduce the improper and fraudulent use of those funds," the agency appeared to escalate targeting of cities and states run by the opposing party. OMB sought funding data not only on the states, but on city governments, universities and nonprofit organizations within them.[338] OMB's citing of fraud prevention echoed the pretext for the administration's mass federal deployment into Minneapolis, which was also grounded in both vilification of sanctuary policies and fraud investigations.

These actions were preceded by previous unsuccessful attacks on sanctuary policies by the Trump administration.[339] In January 2025, at the outset of his term, President Trump issued an order directing DHS to "ensure that so-called 'sanctuary' jurisdictions … do not receive access to Federal funds.'"[340] In April 2025, the president signed another executive order attempting to cut off funds to cities that limit their participation in immigration enforcement.[341] Affected states and cities have successfully challenged DHS' attempts to impose immigration conditions on grants.[342]

45 Using DOJ to Threaten American Cities and Counties

The Trump administration has also used DOJ to target and harass cities that it says are impeding its mass deportation campaign by failing to offer up their resources for immigration enforcement. In August 2025, DOJ published an initial list of 13 states, four counties and 18 cities it had "identified as sanctuary jurisdictions."[343] This list was preceded by a list published by DHS in May 2025 that included far more jurisdictions which was rescinded within days,[344] following criticism by the National Sheriffs Association.[345]

Both lists were published as a follow-up to President Trump's Executive Order 14287, issued on April 28, 2025.[346] The executive order set out a scheme in which the administration would list cities and states as "sanctuary" jurisdictions, threaten funding cuts and legal action against them, and provide an unknown timeframe by which they must meet demands. This is, in essence, extortion by executive order.

This executive order, and related memos and legal actions since January 2025, are a rehash of efforts by the first Trump administration to intimidate state and local governments. Cities and states have successfully challenged these actions.[347]

Some of these targeted cuts were effectuated by the Department of Government Efficiency (DOGE). A September 2026 Government Accountability Office (GAO) report found that in 2025, DHS "terminated 362 grants, deobligated about $1 billion, and added new requirements for grant recipients" as a result of which, "some disaster mitigation projects were delayed by nearly a year."[348]

46 Using DOJ to Prosecute State and City Officials

The Trump administration has repeatedly threatened to prosecute state and local elected officials over failure to collaborate in the mass deportation agenda, including their roles in carrying out state laws and policies. In August 2026, ICE threatened to seek criminal charges against two elected county sheriffs who declined to provide ICE access to individuals detained in county jails.[349] At the outset of the second Trump administration, DOJ directed federal prosecutors to investigate state and local officials who "threaten to impede" the Trump administration's deportation agenda.[350]

Undermining Civil-Military Relations and an Apolitical Military

Our nation has a foundational tradition of separation between the civilian government and the apolitical military it controls, rooted in the Constitution, federal laws, history and practice. The strong presumption against military enforcement of civil law reflects that tradition and laws, and is a core component of liberty and democracy, built into the country's founding. These principles apply equally in emergency and crisis situations.

In 2025, the Trump administration attempted to deploy federal troops into multiple states without congressional authorization and over the objection of the governors of those states, raising profound constitutional concerns. In an extreme and unprecedented move, the administration also diverted military troops to support immigration arrests and detention in the interior.[351] Military

troops have never been authorized to seize or arrest people for immigration enforcement, either at the border or in the interior, or to carry out removals as part of a deportation regime — for good reason. Military personnel — federal or state — simply do not have the training or skillset to carry out these functions.[352]

The administration's use of military troops to support immigration enforcement and related operations threatened to treat the military as a political tool. As U.S. Senator Jack Reed said in a May 8, 2025 floor speech:

> "Our constitutional system is fundamentally designed to separate military and civilian roles, reserving police powers for law enforcement agencies, and endowing the military with the superior weaponry and firepower necessary to fight and win the nations' wars. When we allow the military to be used in the routine exercise of the police power, the nation teeters on the brink of autocracy and military rule. One need not be a student of history to see how easily this backsliding can occur. It is all around us in the world today."[353]

47 Deploying the National Guard to American Cities

The Trump administration has repeatedly attempted to send National Guard troops to cities across the United States over governors' objections, often in retaliation for protests against his immigration enforcement operations and policies. As one federal court found, the president and secretary of defense intended to create a "national police force with the president as its chief."[354]

On June 7, 2025, the administration invoked a rarely used Title 10 provision to federalize California National Guard troops in response to protests against his abusive immigration enforcement operations and the arrest of a high-profile labor leader.[355] Officially, the rationale was to support police in controlling unlawful conduct during protests, although local authorities said they did not need this assistance.[356] The administration then sent several hundred National Guard troops and active-duty Marines to the greater Los Angeles area without advance planning or notice to state and city officials.[357]

The administration also sought to federalize and deploy Illinois and Texas National Guard members in Chicago to support Operation Midway Blitz under then-Border Patrol Commander at Large Gregory Bovino — at an estimated cost of $21 million.[358] The states of California, Oregon, and Illinois filed lawsuits challenging the president's attempts to federalize and deploy members of their National Guards. Federal district courts in all three states ruled against the president as did the Seventh Circuit Court of Appeals in the Illinois case.[359] The Supreme Court ruled against the president in December 2025, blocking his federalization and deployment of troops in Illinois, and noting that on the record before it, "the Government has failed to identify a source of authority that would allow the military to execute the laws in Illinois."[360]

Protesters stand in front of California National Guard outside of a federal building in Los Angeles, June 9, 2025.

Despite these court decisions, the administration has not ruled out future use of troops in American cities for a potentially broader set of enforcement activities. Indeed, in 2025, President Trump signed an executive order ordering the Secretary of Defense to ensure that each state's National Guard be "resourced, trained, organized, and available to assist … in quelling civil disturbances"

and establishing a "standing National Guard quick reaction force" to be "available for rapid nationwide deployment" with a vague reference to "when circumstances necessitate."[361]

48 Using Military Bases for Immigration Detention

The administration has expanded its immigration detention camps into military installations, most notably Fort Bliss in El Paso, Texas and the naval base at Guantánamo Bay, Cuba.[362] The tent detention camp at Fort Bliss officially opened in August 2025, and within days was holding 1,000 people, with plans to eventually house up to 5,000.[363] It is now the largest ICE detention camp in the country.[364]

In July 2025, Secretary of Defense Pete Hegseth authorized two additional bases for the same purpose: Joint Base McGuire-Dix-Lakehurst in New Jersey and Camp Atterbury in Indiana, both approved "for temporary use by the Department of Homeland Security to house illegal aliens."[365] Fort Dix would initially hold 1,000 immigrants; the Pentagon had reportedly approved expansion to as many as 3,000.[366] The administration had also separately arranged to detain roughly 1,000 people at Camp Atterbury, before abandoning that plan.[367]

Officials confirmed the facilities on these bases would take the same form as Alligator Alcatraz and Fort Bliss: temporary "soft-sided holding facilities" with tent-like walls and internal fencing surrounding the beds, rather than permanent structures.[368] Local officials and members of Congress have voiced alarm at the militarization of immigration enforcement these new facilities would represent. U.S. Representative Herb Conaway from New Jersey called Fort Dix's conversion the "Garden State Gulag."[369] U.S. Representative from Indiana André Carson said he remained "concerned on this use of Camp Atterbury given the deplorable and inhumane conditions at other ICE detention facilities nationwide," pointing to the rising death toll in custody.[370] In spite of this pushback, defense officials have signaled this is likely just the beginning: Defense Secretary Hegseth wrote a letter noting that similar tent facilities were being considered at additional, unnamed military bases as the administration continues searching for capacity to meet its 100,000-bed target, a strategy that folds the military ever more directly into civilian immigration enforcement.[371]

49 Using Military Judges for Immigration Courts

In August 2025, the Trump administration announced a plan to enlist up to 600 military lawyers (JAGs) to act as temporary immigration judges.[372] Around the same time, DOJ issued a rule making it easier to appoint temporary immigration judges, for example by dropping certain qualification requirements.[373] This plan has been criticized by military and legal experts as an inappropriate use of the military in the civilian judicial system.[374] Many of those roped in to act as immigration judges are reservists who have been involuntarily mobilized for this purpose.[375] The move to hire JAGs as immigration judges came as the administration was also purging immigration judges who were not ordering deportations or who were finding individuals eligible for relief.[376]

Being an immigration judge has been described as doing death penalty cases in a traffic court setting.[377] Immigration judges are tasked with applying a highly complex body of law in an adversarial system and rendering life-altering determinations. Immigrants in removal proceedings may not have formal education, speak English, or have any familiarity with the law but are nevertheless required to present their claims unrepresented. This presents a specific set of challenges and responsibilities outside the expertise of JAG attorneys.[378]

In addition to not being properly vetted and trained, if deployed by the military as part of the administration's deportation agenda, military JAGs could feel pressured to quickly order people

removed instead of carefully assessing whether they qualify for relief. Military attorneys may not have the training or experience in immigration law to properly vet claims for relief, and when combined with pressure from the administration to quickly dispose of cases, this may result in JAGs being misused to increase the rate of deportations.

50 Militarizing the Southern Border and Taking National Park Lands for "Border Security"

In April 2025, President Trump issued a memorandum entitled "Military Mission for Sealing the Southern Border of the United States and Repelling Invasions," building out military actions under an earlier executive order.[379] Through this memorandum, the president directed the Department of Defense (DOD) to take over federal public lands along the border — including the Roosevelt Reservation — for military activities. The memorandum specified wall construction and the placement of monitoring and detention equipment as anticipated military activities in these zones. The order also allows the defense secretary, in oblique and possibly expansive language, to identify "military activities that are reasonably necessary and appropriate" for border enforcement purposes, including to "protect and maintain the security of military installations" and exclude people from military installations.[380]

Based on those directives, the military has taken control of wide swaths of the U.S.-Mexico border, which were formerly managed by the Bureau of Land Management and other federal agencies. These militarized zones are known as "National Defense Areas." Federal prosecutors are now routinely bringing criminal charges against people entering the U.S. who have entered into or passed through these military-controlled areas, accusing them of trespassing on military property.[381]

The presidential memorandum on militarizing the border suggested an expansive role for the military that goes beyond surveillance or logistical support — and indeed, possibly beyond the identified militarized zones along the border. Section 2 of the memorandum states, "At any time, the Secretary of Defense may extend activities under this memorandum to additional Federal lands along the southern border."[382] Since April 2025, the Pentagon has been and continues to establish more National Defense Areas along the border. In August 2026, a DOJ Office of Legal Counsel issued an opinion allowing for military arrests of civilians "outside but within the 'immediate vicinity' of a National Defense Area" for alleged trespassing.[383]

Although the federal government treats the National Defense Areas as extensions of existing military bases, these areas are largely undeveloped lands. They have no fencing and only minimal signage indicating the perimeters of the militarized zones. The signs are small, only in English and Spanish, and often not readable until an individual has already entered the National Defense Area. This makes it almost impossible for many individuals to know they are even on military land.[384] Nevertheless, federal prosecutors have allegedly been ordered to prioritize prosecutions for trespass onto National Defense Areas.[385] In New Mexico, which appears to be a testing ground for this prosecution strategy, these charges are overwhelming the federal courts even as few have resulted in convictions.[386]

Converting federal public land into "defense areas" — potentially permanently and with little oversight or explanation — is not only troubling for border residents; rather, it suggests a novel strategy of taking public land at the president's whim and using it for unspecified military purposes.

Attacking Congressional Independence

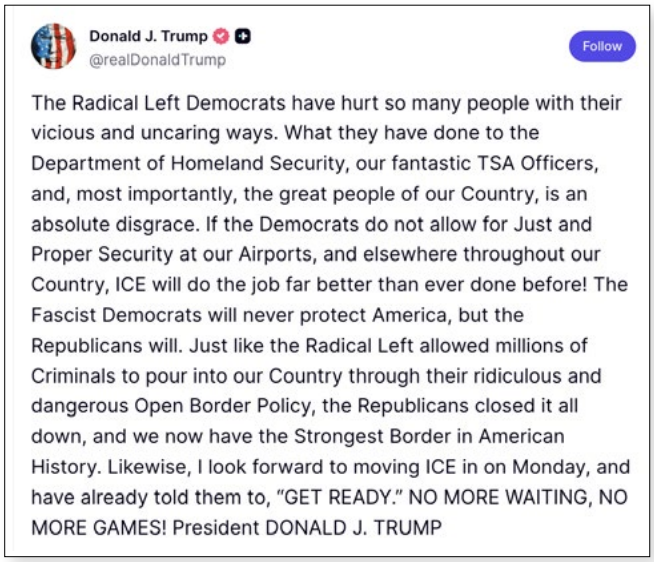
In its efforts to further consolidate executive power, the Trump administration has also gone after Congress — attempting to pressure Congress to serve the president's agenda, attacking individual members of Congress who oppose his policies, and working to undermine congressional oversight

in order to avoid accountability. These attacks put our system of check and balances in jeopardy at a time when independent oversight is more necessary than ever. They also have potentially long-term consequences for our democratic system of governance, if elected officials cannot question the executive and protect their constituents without facing retaliation from the president.

51 Using ICE to Coerce Congress Into Compliance with the Administration's Agenda

In winter and spring 2026, responding to the massive federal law enforcement surge and killings in Minneapolis, congressional Democrats demanded reforms to ICE and Border Patrol in annual funding negotiations. During the months-long partial government shutdown that followed, the Trump administration threatened to deploy armed ICE agents to airports in a brazen bid to pressure congressional Democrats.

"If the Radical Left Democrats don't immediately sign an agreement to let our Country, in particular, our Airports, be FREE and SAFE again, I will move our brilliant and patriotic ICE Agents to the Airports where they will do Security like no one has ever seen before, including the immediate arrest of all Illegal Immigrants who have come into our Country," President Trump wrote on social media. He later added: "I look forward to moving ICE in on Monday, and have already told them to, 'GET READY.' NO MORE WAITING, NO MORE GAMES!"[387]


Donald J. Trump
@realDonaldTrump
Follow

The Radical Left Democrats have hurt so many people with their vicious and uncaring ways. What they have done to the Department of Homeland Security, our fantastic TSA Officers, and, most importantly, the great people of our Country, is an absolute disgrace. If the Democrats do not allow for Just and Proper Security at our Airports, and elsewhere throughout our Country, ICE will do the job far better than ever done before! The Fascist Democrats will never protect America, but the Republicans will. Just like the Radical Left allowed millions of Criminals to pour into our Country through their ridiculous and dangerous Open Border Policy, the Republicans closed it all down, and we now have the Strongest Border in American History. Likewise, I look forward to moving ICE in on Monday, and have already told them to, "GET READY." NO MORE WAITING, NO MORE GAMES! President DONALD J. TRUMP

Donald J. Trump Truth Social post, Mar. 21, 2026.[388]

ICE agents were eventually deployed to at least 14 airports, marking the first time a president made such an order. Following the deployments, President Trump boasted, telling NewsNation that ICE would remain in airports "as long as it takes."[389] Trump also said that Democrats' interest in cutting a deal had grown since he announced the airport deployment but that he would not accept a standalone TSA funding measure: "Now that I did this, the Democrats want to make a deal. "He continued, "I don't think any deal should be made until they approve Save America,"[390] referring to legislation to limit voting, which he then attempted to make a precondition for government funding and subsequent major legislative deals.[391]

52 Attacking Congressional Oversight to Detention Facilities

Congressional access to detention facilities is grounded in federal appropriations law. Section 527 of DHS' annual appropriations acts states that no funds may be used to prevent a member of Congress from entering an ICE detention facility for oversight purposes.[392] Courts have repeatedly held that this provision guarantees members the right to conduct visits, including unannounced ones.[393] ICE has tested the limits of congressional oversight authority through several policy changes that are

now the subject of litigation.[394] In July 2025, a dozen House Democrats led by U.S. Representative from Colorado Joe Neguse sued the administration in *Neguse v. ICE*, arguing that a newly imposed policy requiring advance notice before oversight visits unlawfully obstructed their constitutional and statutory duty to inspect conditions.[395] A federal judge sided with the members of Congress in December 2025, temporarily blocking the notice requirement and affirming members' right to unannounced access.[396]

The win proved short-lived: After an ICE officer fatally shot U.S. citizen Renee Good in Minneapolis in January 2026, then-DHS Secretary Kristi Noem quietly signed a new memo reinstating a seven-day notice requirement for congressional oversight visits — without disclosing the policy change to the plaintiffs in the *Neguse v. ICE* case or the court.[397] The memo's existence only came to light when U.S. Representatives Ilhan Omar, Angie Craig and Kelly Morrison were turned away from the Bishop Henry Whipple Federal Building in Minneapolis on January 10, 2026, despite arriving with a standing court order affirming their right to unannounced entry. The three representatives said they were initially let inside before officials rescinded permission and ordered them out, citing the new Noem memo.[398] The plaintiffs in the *Neguse v. ICE* case returned to court, and in February 2026, the judge again ruled for the members of Congress, ordering DHS to restore unannounced visit access. ICE has appealed that ruling, but after the D.C. Circuit denied the administration's motion to stay the injunction pending appeal in May 2026, the lower court's order remains in effect while the case proceeds.

Even where visits are permitted, ICE has layered on restrictions. In May 2026, acting ICE director Todd Lyons issued a new policy requiring members of Congress to request meetings with specific, named detained people at least two business days in advance, along with proof that the detained person consented to the meeting.[399] Other members of Congress who have gotten inside detention camps describe the facilities as effectively staged for their arrival. Reps. Omar and Craig found the Whipple Building's holding cells "completely empty" during a February 2026 visit, with staff later confirming detained people had been transferred out shortly beforehand.[400]

As detention capacity races toward the administration's 100,000-bed target, oversight has become harder to conduct.[401] Each new measure — secret notice policies, named-detained individual requirements, last-minute transfers, building facilities in remote areas that are already difficult for lawmakers and attorneys to reach — closes another avenue through which the public might learn what is happening inside detention camps.

53 Prosecuting Members of Congress Over Detention Facility Visits

On May 9, 2025, U.S. Representatives Bonnie Watson Coleman, LaMonica McIver and Rob Menendez requested access to Delaney Hall to tour the facility.[402] Newark Mayor Ras Baraka and many community groups also went to Delaney Hall on the same day, in hopes of also conducting a visit to the facility.[403]

The government, media accounts and accounts of members of Congress differ regarding what transpired.[404] Some witnesses say several federal agents surrounded the mayor.[405] The members of Congress, who were inside the gate and nearby, reportedly asked what was happening, and ICE officers insisted that the mayor leave the gated area, which he did.[406] Several minutes later, however, at the apparent direction of now-Attorney General Todd Blanche, ICE agents came out of the gated area and approached the mayor, took him back into the facility space, and then arrested him.[407] When members of Congress came out of the facility to see what was happening, video footage indicates that ICE used force to restrain and block them, while prosecutors allege Representative McIver assaulted federal officers.[408] After the mayor was arrested for trespass, ICE did allow the members of Congress,

who had been waiting for around two hours, into the facility for a tour.[409]

Charges against the mayor were dropped, but federal officials charged Rep. McIver with forcibly impeding federal officers when they grabbed and arrested the mayor.[410] The ACLU of New Jersey called the charges "an outrageous and unprecedented escalation of the Trump administration's intimidation campaign against those who refuse to do its bidding."[411]

Over the last year, federal officials have repeatedly and publicly called Rep. McIver an "Antifa-aligned left-wing violent extremist[]" in an apparent attempt to make an example of her and deter other members of Congress from conducting oversight.[412] (A federal district court denied the congresswoman's motions to dismiss the indictment on constitutional grounds and as a selective and vindictive prosecution, and a Third Circuit court denied her appeal in August 2026.[413])

54 Physically Endangering Members of Congress

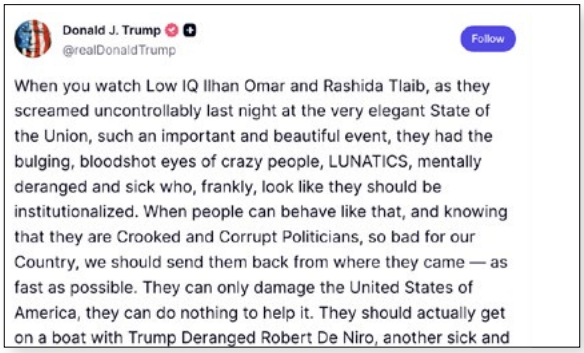
On June 12, 2025, federal officers forcibly removed U.S. Senator Alex Padilla from a federal building where he was attempting to ask a question to then-Secretary Kristi Noem.[414]

Secretary Noem was speaking at a press conference in Los Angeles when the senator, who had been escorted by federal agents into the room to watch the press conference, attempted to ask her questions about the photos of immigrants she had on the wall behind her. He was swarmed by federal agents who pulled him out of the room, pushed him to the ground, and put him in restraints. Officers released Sen. Padilla, according to him, extra space Corey Lewandowski's request.[415] This arrest, coming on the heels of Rep. McIver's arrest, illustrated how officials who object to the Trump administration's policies might be treated by the authorities.

In May 2026, ICE agents pepper sprayed U.S. Senator Andy Kim while protesters gathered outside Delaney Hall.[416]

A man is detained by security after charging Rep. Omar and spraying her with an unknown substance, Jan. 27, 2026.

Further, the administration's personal attacks on members of Congress who question his anti-immigration agenda have been followed by physical attacks on elected officials. The attack on Rep. Ilhan Omar at a town hall in January 2026, for example, and other death threats against her followed months of personal and vicious attacks on her and her family by President Trump, who also called on her to get out of the country.[417] President Trump has also repeatedly accused Muslim members of Congress and other officials, including New York City Mayor Zohran Mamdani of being terrorists, adding to the death threats and other dangers they face from racist, Islamaphobic language.[418]


Donald J. Trump
@realDonaldTrump
Follow

When you watch Low IQ Ilhan Omar and Rashida Tlaib, as they screamed uncontrollably last night at the very elegant State of the Union, such an important and beautiful event, they had the bulging, bloodshot eyes of crazy people, LUNATICS, mentally deranged and sick who, frankly, look like they should be institutionalized. When people can behave like that, and knowing that they are Crooked and Corrupt Politicians, so bad for our Country, we should send them back from where they came — as fast as possible. They can only damage the United States of America, they can do nothing to help it. They should actually get on a boat with Trump Deranged Robert De Niro, another sick and

President Trump's attacks of Rep. Ilhan Omar and other members of Congress continued even after Omar was physically attacked in a January 2026 town hall. This is part of a lengthy post, which goes on to attack actors and celebrities. Donald J. Trump Truth Social post, Feb. 25, 2026.[419]

55 Bypassing the Appropriations Process, Hoarding Billions Without Safeguards

The Trump administration pushed for two congressional bills that bypassed the traditional appropriations process and provided funding to DHS through the partisan reconciliation process. These two reconciliation bills — H.R. 1, signed into law in July 2025, and S. 2, signed into law in June 2026 — collectively provided over $240 billion in immigration enforcement funding, supercharging ICE and CBP at the same time that violent, abusive behavior by these federal law enforcement agencies was exponentially increasing.[420] Bypassing the appropriations process prevented oversight and accountability for these out-of-control agencies, thwarting reform and allowing both agencies to continue violating our civil rights and civil liberties.

Guardrails in prior appropriations bills included an explicit reference to allowing members of Congress access to detention bills, protections for pregnant women held in detention, and transparency provisions, among others.[421] Advocates fear that the administration could argue that certain basic guardrails and oversight protections regularly included in appropriations bills do not apply to money spent from the reconciliation bills.[422]

In January 2026, ICE and Border Patrol violence escalated dramatically after the Trump administration deployed thousands of federal agents to Minnesota. Two people, Renee Good and Alex Pretti, were fatally shot in Minneapolis, in daylight and on camera, causing widespread protests and outrage among the American public.[423] As a result, many members of Congress refused to fund ICE and CBP without significant reform measures to rein in the agencies.[424] Proposed reform measures included banning officers from wearing masks, requiring officers to wear uniforms identifying themselves, requiring officers to wear body cameras, and strengthening warrant requirements for ICE, among other reforms.[425]

Many of the proposed guardrails are standard procedures for state and local law enforcement. Yet, instead of working toward an agreement on reasonable guardrails in exchange for funding the agency, the White House and its allies in Congress pushed to bypass the appropriations process once again by funding ICE and CBP in S. 2 for three years — through 2029 — without any reforms. As a result, the White House and DHS were again able to avoid congressional oversight and reform.

Attacking Public Confidence in Our Elections

In a democracy, elections are the mechanism through which citizens consent to being governed. Elected officials derive their legitimacy from people holding the belief that the process by which they were chosen is fair. Yet the Trump administration, as detailed below, has repeatedly used immigrant scapegoating and blatant lies about noncitizen voting to attempt to undermine public confidence in our elections. Over the last year, the administration has threatened numerous voting procedures and rules, and taken aggressive actions in an attempt to interfere with state election processes — purportedly targeting "fraud" by noncitizens. These actions would create serious obstacles for U.S. citizens in exercising their voting rights.

56 Using False Claims of Noncitizen Voting to Justify an Assault on Americans' Voting Rights

In a major overreach of executive power, President Trump issued an unlawful executive order in March 2025 that sought to impose citizenship documentation requirements when registering to vote through the national mail voter registration form, among other harmful policies.[426] A federal court permanently blocked this provision since the Constitution gives states and Congress, not the president, the authority to regulate elections. Undeterred, President Trump again issued an unconstitutional order in March 2026, this time directing federal agencies to compile lists of U.S. citizens and transmit them to states before every election. The order also directed the U.S. Postal Service — an independent agency established by Congress — to create a list of "approved" mail voters, and instructed them to refuse to deliver ballots from voters not on that federally created list.[427] If implemented, this order would threaten the ability of millions of eligible citizens to cast their ballots, particularly military members, overseas citizens, the elderly, recently naturalized citizens, and voters with disabilities who rely on mail voting. Both executive orders are built on lies about widespread noncitizen voting.

In lawsuits across more than 30 jurisdictions, DOJ has demanded full, unredacted voter rolls for pretextual reasons, without a clear explanation of how this sensitive data will be used or protected. These voter rolls would include names, addresses, dates of birth, driver's license numbers and partial Social Security numbers.[428] Attempting to coerce states into giving up the sensitive personal data of millions of U.S. voters on the pretext of investigating purported noncitizen voting is an unprecedented and unlawful move. The federal government could use such data to attempt mass voter disenfranchisement and other constitutional violations.

On January 24, 2026, then-Attorney General Pam Bondi publicly issued a letter to Minnesota Governor Tim Walz suggesting that Operation Metro Surge was somehow tied to, among other things, Minnesota's refusal to turn over its voter rolls. Never before had the federal government used mass immigration arrests as a tool to coerce states into handing over private, sensitive voter data.[429]

The administration has also repeatedly attempted to bully Congress into passing the so-called SAVE America Act, a dangerous bill based on false claims about noncitizen voting that could prevent millions of eligible U.S. citizens from being able to cast a ballot. It would require all voters to present citizenship documents like passports, birth certificates, or naturalization certificates to register to vote and update their voter registration information. Millions of eligible voters do not have ready access to these documents, often due to logistical and financial barriers.[430]

Additionally, this administration is attempting to dramatically alter the Census in order to deprive immigrant communities of vital resources and fair representation.[431] The results of each decennial census are used to apportion seats in Congress among the states, draw congressional and state legislative district lines within each state, and distribute billions in federal funding for essential services. The Trump administration's latest unconstitutional effort to exclude broad categories of noncitizens from the count that determines congressional representation and resource allocation is a direct attack on our democracy.

57 Redeploying ICE and USCIS to Investigate Poll Workers and Alleged Voter Fraud

The Trump administration has diverted ICE HSI personnel from human trafficking and other transnational crimes to focus on elections-related investigations, in what some critics view as a bid to sow fear and chill people from exercising their right to vote.

In June 2026, an election worker in New York reported that ICE HSI agents entered a polling site during the state's primary elections. The agents reportedly warned her that she may have violated federal law when, several months prior, she posted on Instagram the name of the federal agent who shot and killed Renee Good in Minnesota. Democratic and Republican local elections officials alike were critical of the move, noting there was no emergency at the site and no need to issue the warning during voting hours.[432]

Also in June 2026, ICE joined the FBI in raiding the Ohio Organizing Collaborative, a group that conducts voter registration drives. ICE has reportedly diverted major resources to investigating lawful permanent residents and other residents for registering to vote, opening or reopening investigations into individuals who never intended to register and never voted.[433]

In August 2026, the Washington Post reported that the Trump administration has reassigned hundreds of USCIS personnel to "search for potential voter fraud" by noncitizens.[434] DHS also sought a contractor to collect publicly available voter data from across the country, including voter registration files, to support "fraud detection and data segmentation."[435]

DHS has urged states to use Systematic Alien Verification for Entitlements (SAVE), a federal immigration verification program the administration is using to identify noncitizens on voter rolls, though many of those identified as noncitizens are U.S. citizens.[436]

58 Refusing to Rule Out Deploying ICE to Polling Sites

In a possible attempt to sow fear and deter people from voting in the November 2026 midterm elections, senior Trump administration officials and the president himself have refused to rule out deploying armed federal law enforcement to polling sites, though federal law explicitly prohibits doing so. Most notably, at his March 2026 confirmation hearing, DHS Secretary Markwayne Mullin testified that he could send armed federal law enforcement to the polls "if there was a specific threat," though he did not describe what such a threat might be. A DHS statement in February 2026 noted that "ICE is not planning operations targeting polling locations," adding that "ICE conducts intelligence-driven targeted enforcement, and if an active public safety threat endangered a polling location, they may be arrested as a result of that targeted enforcement action."[437]

In May 2026, President Trump declined to rule out sending ICE or the National Guard to polling sites, stating: "I'd do anything necessary to make sure we have honest elections."[438] "His remarks raise a serious question about whether the Administration believes it possesses emergency authority to deploy federal personnel in connection with the administration of the November election," a group of U.S. senators wrote in July 2026.[439] In August 2026, the president declined to rule out declaring a national security emergency to take control of the election in November 2026. This heightens concerns that he would misuse executive power to undermine the right to vote and participate in a free and fair election.[440] We are not aware of any emergency statutes that grant the president any powers over elections.

59 Failing to Release Documents on Potential ICE Deployment to Election Sites

ICE and CBP have also failed to disclose documents regarding possible federal deployment to polling places, ballot-drop locations and elections. The Democratic National Committee submitted requests under the Freedom of Information Act in October 2025. During litigation, ICE initially claimed to have no responsive documents; ICE later admitted to possessing more than 11,000 records. On July 13, 2026, a federal judge ordered the agencies to process at least 1,000 pages of responsive materials a month. As of August 2026, CBP had not produced any of the documents and ICE's production of 576 pages consisted only of press clippings.[441]

Attacking Legal Institutions and the Rule of Law

Our democracy is not solely based on majority rule. Our system is also founded on the notion that laws constrain arbitrary exercise of government power and that laws apply to everyone, including those who hold power. As described below, since returning to office in January 2025, the Trump administration has attacked these laws and structural constraints, including federal judges and immigration judges whose rulings diverge from the administration's positions. In this administration's attempt to end lawful immigration and expand the power of ICE, it has repeatedly violated the law and court orders — attempting to effectuate the administration's operations with no legal limits. The administration has also repeatedly threatened to suspend habeas corpus, one of the most basic legal protections against arbitrary imprisonment that stops the government from disappearing its critics.[442]

Like other authoritarian regimes around the world, the Trump administration has attempted to silence dissent by targeting civil society. It is attacking universities, nonprofit organizations, media organizations, and law firms in an apparent effort to intimidate and discredit its critics.[443] In the immigration context, as described below, the administration's focus has been on threatening legal services organizations in order to expedite its mass deportation campaign.

This administration's attacks on legal institutions and the rule of law go well beyond its attacks on immigrants and the immigration system. But the administration has regularly used immigration as an excuse to experiment with increasingly lawless and dangerous operations that will have long-term consequences for the courts, DOJ, and American confidence in our government.

60 Attacking Federal Judges

A fundamental part of our democratic system is the separation of powers between the executive, judicial, and legislative branches. As Founding Father James Madison said in The Federalist Papers, "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."[444] An independent judiciary that is free from the influence of the president and able to make decisions based on the law is essential to a democratic state.

Federal judges who have ruled against the Trump administration, on issues ranging from striking down worldwide tariffs to upholding the Constitutional right to birthright citizenship, have been publicly disparaged by President Trump. Federal judges have been harassed, intimidated and threatened with violence at "a new level of intensity."[445] An investigative report involving 26 sitting and retired federal judges — 17 Republicans and 9 Democrats — found that sitting judges feel "under siege" and most are too fearful to appear on camera.[446] The judges reported having received bomb and death threats, with one judge reporting that police came to his door with their

guns drawn after receiving a fake report that he had murdered his wife.[447]

On immigration rulings, both President Trump and his Republican allies in Congress have suggested impeaching federal judges who have ruled against them, whether to stop a deportation,[448] block the administration's plan to end Temporary Protected Status,[449] or lift an indefinite "pause" on immigration applications for certain nationals.[450] This openly hostile posture toward federal judges dangerously undermines the rule of law and the authority and credibility of our independent judiciary.

61 Skirting, Evading, and Defying Court Orders

In a democracy, and consistent with our separation of powers doctrine, no one is above the law — certainly not the president and his Department of Justice. This administration has stood this foundational principle on its head, with even the most senior legal officials for the Trump administration casting doubt on the rule of law. At his confirmation hearing, the now solicitor general asserted that the president could defy federal court rulings in "extreme" cases.[451] Since then, DOJ has defied numerous federal court orders and rulings. A Just Security Tracker of over 800 habeas cases, for example, identified 740 cases where the government failed or refused to comply with a court order and 422 cases where the court then had to escalate compliance through sanctions, contempt orders, or other actions to force the government to follow court orders.[452] Just a few months into this administration, violations of federal judges' orders began raising the existential question as to whether and when these violations amounted to a constitutional crisis — a question that continues to reverberate.[453]

Even as courts around the country continue to find Trump administration actions unlawful, the administration is openly violating court orders, threatening separation of powers, rule of law, and the very integrity of our court system.[454] A July 2025 Washington Post review found that the Trump administration stood accused of violating court orders in one third of the cases against it.[455] A May 2026 Associated Press review identified at least 31 lawsuits where district court judges ruled that the administration was violating a court order, which is described as "an unprecedented level of defiance."[456]

Many of these examples include ignoring orders preventing the deportation of individuals who faced life-threatening conditions if deported. On March 15, 2025, Trump administration officials sent hundreds of Venezuelan men to El Salvador's notoriously dangerous CECOT prison under the Alien Enemies Act despite a federal court order not to remove the individuals. A federal district court held an emergency hearing on the evening of March 15, where the government contended it had no information on whether there were planes scheduled to depart. In fact, two Alien Enemies Act deportation flights took off before the hearing concluded.[457] The government was racing detainees out of the country before the district court could rule, at the same moment it was defying the court's request for flight information. At the end of the hearing, the court issued a temporary restraining order, ordering the government to return and disembark the planes, whether they had taken off or not; the court later memorialized this order in writing.[458] While aware of the court order, the Trump administration ordered the flights to continue on to El Salvador. On March 16, El Salvador's President Bukele posted a headline about the district court's order to return the flights, adding "Oopsie … Too late 😂."[459] Secretary of State Marco Rubio reposted the Salvadoran president's post.

The federal district court found that "the Government's actions on that day demonstrate a willful disregard for its Order, sufficient for the Court to conclude that probable cause exists to find the Government in criminal contempt."[460] A subsequent whistleblower disclosure outlined how then-senior DOJ official Emil Bove stated in a March 14 meeting with senior DOJ officials, ahead

of the illegal flight to CECOT, that the department would need to consider telling the courts, "fuck you," and ignore any court order halting Alien Enemies Act removals.[461] (Court proceedings on whether the criminal contempt inquiry can continue are still ongoing as of September 2026).

In the spring of 2025, despite a preliminary injunction preventing it from deporting certain individuals who won protection in court to third countries, the Trump administration first attempted to send non-Libyan nationals to Libya, then was able to deport immigrants from Myanmar and Vietnam to South Sudan in violation of the court's order and with no opportunity to claim protection before their deportation.[462]

More recently, a federal judge found DHS in civil contempt for repeatedly ignoring clear restrictions against deporting unaccompanied children seeking asylum, resulting in the wrongful deportation of at least 107 young asylum seekers before their claims could be evaluated.[463] In August 2026, a federal court held DHS in contempt for failing to turn over ICE agents' phone and text records, detailing racial slurs used against people targeted during immigration enforcement raids in Los Angeles.[464] These examples are alarming in number and flagrancy, as the executive branch repeatedly asserts its belief that it can simply disregard or veto unfavorable court orders.

62 Retroactively Manufacturing Claims in Court to Justify Illegal Actions: Kilmar Abrego Garcia

Another individual the Trump administration sent to El Salvador's CECOT prison was Salvadoran national Kilmar Abrego Garcia, a Maryland father who had won protection in court preventing his deportation to El Salvador. While the administration admitted in court that this deportation was a mistake — calling it an "administrative error"[465] — it also refused to facilitate Mr. Abrego Garcia's return and repeatedly doubled down on unfounded claims that he was a member of the MS-13 criminal organization.[466] President Trump personally alleged that Mr. Abrego Garcia's tattoos evidenced his gang membership, pointing to an altered photograph of one of his hands.[467]

A DOJ attorney filed a whistleblower complaint in July 2025, revealing that DHS officials discussed different fabricated and unsupported allegations they could make about Mr. Abrego Garcia to justify his erroneous and illegal deportation — while also contemplating how to strip him of protected status if he was returned.[468]

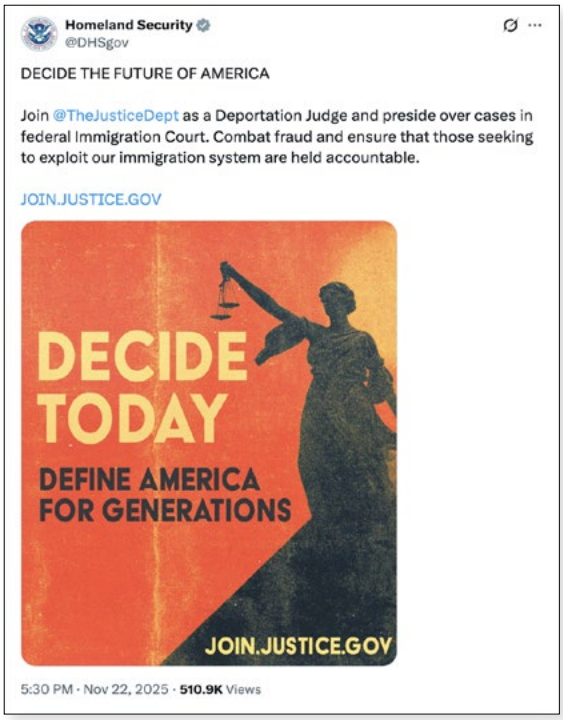
63 Purging Immigration Judges

Immigration judges are employees of DOJ; they are not Article III judges like federal court judges and as such are quasi-judicial officers. The Trump administration is fundamentally remaking the immigration court system to serve as a cog in its deportation machine, departing from and undermining its statutory purpose: to provide a place where the government must provide evidence, and immigrants can get a fair hearing on their claims.

The Trump administration has purged immigration courts by firing more than a 100 immigration judges out of approximately 750 across the country.[469] In San Francisco, the entire immigration court shut down,[470] while across the country, the number of judges in more than a dozen immigration courts was slashed in half.[471] The judges who were summarily fired were predominantly those who had higher asylum grant rates, prior experience representing immigrants, or were unwilling to bend to the administration's explicit pressure to deport more people.[472] Those remaining on the bench face threats of disciplinary action or firing if they are perceived as not supporting a mass deportation agenda.[473]

The vacancies left by this massive purge have been filled with former ICE attorneys, military

lawyers and private bar attorneys with limited or no immigration experience.[474] Many have been hired under a recruitment effort for "deportation judges."[475]



DHS X post, Nov. 22, 2025.[476]

Immigrants with cases pending in immigration court face the prospect of being denied due process and the chance for a fair day in court, as their fate increasingly lies with judges who may be either too afraid of or too ideologically aligned with the administration. In many cases, immigration judges who have granted relief and release for immigrants have been fired, while the administration is packing the bench with individuals rubberstamping detention decisions and quickly denying applications for relief — including for young, unrepresented children.[477]

64 Threatening Career Staff Within DHS

Trump administration officials have threatened career civil servants at DHS with investigation, forced reassignment or termination if they express concern or disagreement, even when flagging potentially illegal activity.[478] In the early months of the administration, there were reports of widespread use of polygraph tests that were used to create a climate of fear and intimidation.[479] These reports persist, as polygraphs continue to be administered with sufficient frequency and as open-ended fishing expeditions — in some cases, taking as long as six hours.[480] A reported "culture of fear" within DHS under former Secretary Kristi Noem led to an exodus of career civil servants with tremendous expertise and institutional knowledge across DHS headquarters and component agencies.[481] A September 2026 report from GAO noted that DHS takes "more than 3 years to investigate the majority of retaliation cases," further disincentivizing career staff from speaking out when they see misconduct or illegal actions.[482]

65 Attacking Immigrant Legal Service Providers

As stated by the U.S. State Department: "A robust and active civil society is the bedrock of any fully functioning democracy."[483] Yet over the last year, the Trump administration has redoubled its efforts to discredit lawyers and organizations that support immigrants in order to undermine their ability to stop mass deportations and challenge unlawful policies. These intimidation and harassment tactics undermine organizations' ability to defend vulnerable people. They could also have dangerous and potentially long-term impacts on our democracy by silencing organizations that are both exercising their First Amendment rights and protecting due process and other critical constitutional rights.

The Trump administration's allies in Congress have also sent harassing letters to legal services organizations serving immigrants, accusing them of helping people illegally remain in the United States to support the border "invasion."[484] These letters are part of an ongoing attempt to intimidate

and silence legal service providers who are not collaborating in Trump policies and operations.

Over the last year, the Trump administration has targeted legal services organizations representing unaccompanied kids, sending DHS agents to their offices to demand files on the children and in an apparent attempt to intimidate the lawyers.[485] At the end of 2025, the Trump administration proposed a new contract with these organizations that had several extremely limiting provisions — including cutting off many covered services, requiring lawyers to meet unreasonable caseloads or lose funding, and prohibiting lawyers from public advocacy on their clients.[486] Over the following several months, the administration made more demands on lawyers to share confidential information about their clients with the government — demands the organizations refused.[487] On July 31, 2026, the Trump administration ended its contract with Acacia Justice Center, the prime contract holder to provide legal representation to unaccompanied children. It has replaced Acacia with an organization founded by a former ICE agent with no relevant experience in deportation defense (although that contract is not currently in force).[488]

The Trump administration is working to discredit attorneys representing immigrants by claiming widespread fraud. In March 2026, the administration issued a memorandum on rooting out fraud in the U.S. immigration system,[489] and in May, the administration issued a directive to ICE attorneys, ordering them to aggressively pursue fraud charges against both asylum seekers and their lawyers.[490] In July, the Trump administration filed its first charges against a lawyer on these grounds, and it is reportedly investigating other legal services organizations for fraud.[491]

Part III: Using Mass Deportations to Dismantle Our Multiracial, Pluralistic Democracy

The strength of any democracy is tied to who gets to participate in it — who is protected by the rights it promises, and who is deemed worthy of belonging. A core tenet of democratic governance is the reciprocal bond between the state and the people: Citizens consent to be governed, and in exchange, the state guarantees their rights, security, and standing as equals under the law. That bond should not be conditional on race, religion, or country of origin.

Since its founding, the United States has been a multiracial nation. But throughout our nation's history, many Americans have been denied the full rights and protections of citizenship, and thus denied participation in our democracy. In the infamous case of *Dred Scott v. Sandford*, the Supreme Court held that, despite their birth in the United States, the descendants of enslaved people were "not included, and were not intended to be included, under the word 'citizens' in the Constitution."[492]

There are, of course, examples of purported democracies that are not multiracial. Apartheid regimes, for example, may hold regular elections and conduct day-to-day governance in ways that resemble general democratic practices, but for the fact that significant swaths of their population cannot participate in these processes.[493] The early days of our democracy resembled such regimes, holding all men equal and deserving of inalienable rights, except for Black people, women, poor people and many other groups.[494]

American history is a story of the struggle to expand the promise of citizenship — and with it, the meaningfulness of our democracy—across lines of race, class and gender. Our multiracial, pluralistic democracy is the product of centuries of political and cultural resistance against the idea that citizenship should be reserved for the privileged few, or that any one group has exclusive claim to the title of "American." Our democracy has remained imperfect, incomplete, and in need of further reform.

Now, the Trump administration is seeking to reverse progress and rewind our ever-fragile pluralistic democracy. Through a multi-pronged attack on civil rights, it is attempting to redefine who belongs in America — along exclusive lines of race, gender, religion and ideology. Immigrants may be the administration's primary target, but they will not be his last.

A History of Exclusion

It is no surprise that the mass deportation campaign is a cornerstone of this attempt to dismantle our pluralistic democracy. For generations, anti-immigrant voices have attempted to control who can enter and remain in the United States. Some of these same voices have explicitly worked to limit the legal rights of people of color in this country, from Native Americans to Black people and certain immigrants.

Our nation's immigration laws were, for much of American history, a tool of racial, ethnic and religious exclusion. Starting in the late 19th century, the U.S. government introduced racist laws that limited who could come to live and work in the U.S. The Chinese Exclusion Act of 1882 restricted

immigration by race, and the subsequent 1921 and 1924 laws created a quota system that favored immigrants from majority-white countries.[495] "The law's national-origins quotas were rooted in eugenics and designed to restore a Northern and Western European demographic majority," the Migration Policy Institute notes.[496]

These laws were applied with tragic effect. Many Jews fleeing Nazi Germany were turned back to danger or refused papers under quota laws enacted in the 1920s and subsequent executive measures during World War II.[497] The Alien Enemies Act was invoked in 1941 to detain Japanese, German, and Italian immigrants in internment camps.[498] Soon after in 1942, 120,000 Americans of Japanese descent had their homes and other property confiscated, and were also interned in prison camps until the end of World War II.[499]

Just as America's laws and historical precedents restricting the rights of immigrants and people of color went hand in hand, immigration reform and civil rights are also intimately linked. In the 1960s, the civil rights movement's momentum helped open the door to sweeping change to the explicitly race-based design of our immigration system. The Immigration and Nationality Act of 1965 followed closely on the heels of the Voting Rights Act. It dismantled the national-origins quota system that had allocated visas by race and barred most immigration from Africa, Asia, and the Caribbean. In its place, the new law established priorities based on family ties to U.S. citizens, occupational skills, and refugee status.[500]

The Trump Administration's Attack Through the Mass Deportation Agenda

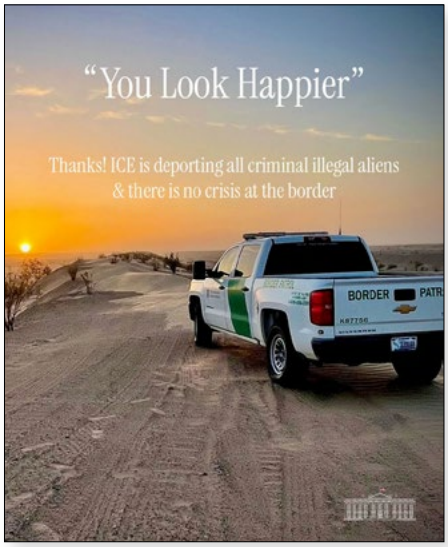
The Trump administration's actions, as part of its larger rollback of progress from the Civil Rights era, threaten to reinstitute racial and ethnic exclusion through vast changes to our immigration system and to dismantle our multiracial democracy.

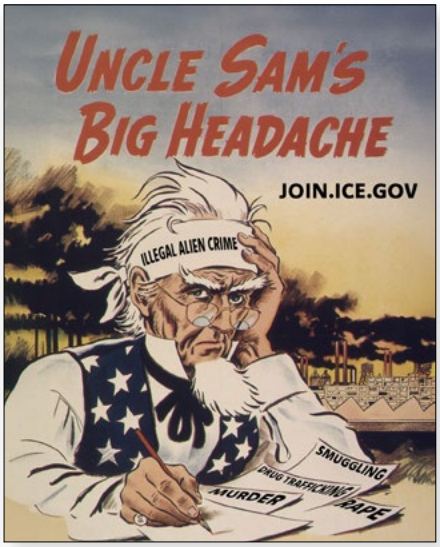
The harms of the Trump administration's anti-immigrant actions do not fall exclusively on non-white people. But people of color are the majority of those harmed by many of the actions described below, and some of the underlying policies expressly target people based on their country of origin. Perhaps most revealingly, when the Trump administration effectively ended the decades-old refugee resettlement program, it made an exception and created a special expedited process for white Afrikaners from South Africa.[501]

Below Left: The White House, ICE, and DHS Instagram post, July 30, 2025.[502]

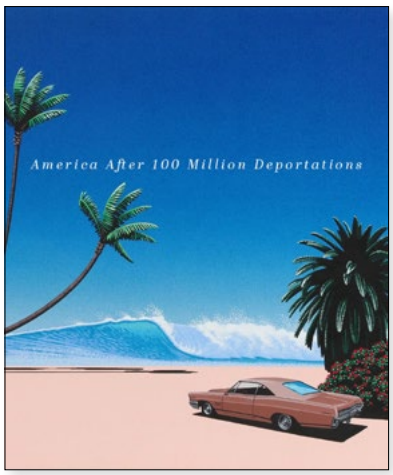
Below Middle: The White House and DHS Instagram post, Aug. 20, 2025.[503]

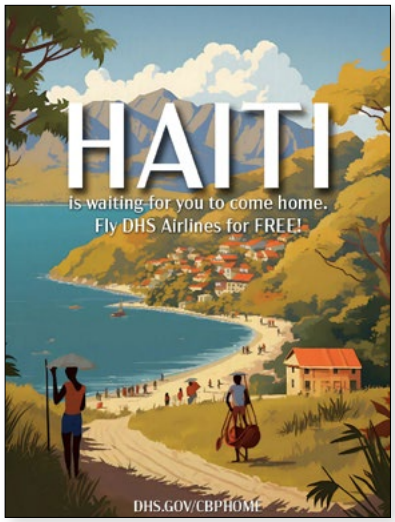
Below Right: DHS Instagram post, July 16, 2025.[504]





The administration's intent is clear from its rhetoric. President Trump, his administration and its allies have mainstreamed the Great Replacement Theory, the once-fringe conspiracy theory that people of color, Jews, and other minority groups are "invading" the United States and will overtake the majority white population as voters.[505] Under the Trump administration, DHS has used neo-Nazi and white supremacist phrases, lyrics, images, and spokespersons in their recruitment efforts and social media posts, prompting a congressional inquiry.[506] In December 2025, DHS posted a photo of an empty beach with the words "America After 100 Million Deportations" imposed on it, and accompanying text: "The peace of a nation no longer besieged by the third world."





Top: DHS Instagram post, Dec. 31, 2025.[507]

Bottom: DHS Instagram post, Mar. 30, 2026.[508]

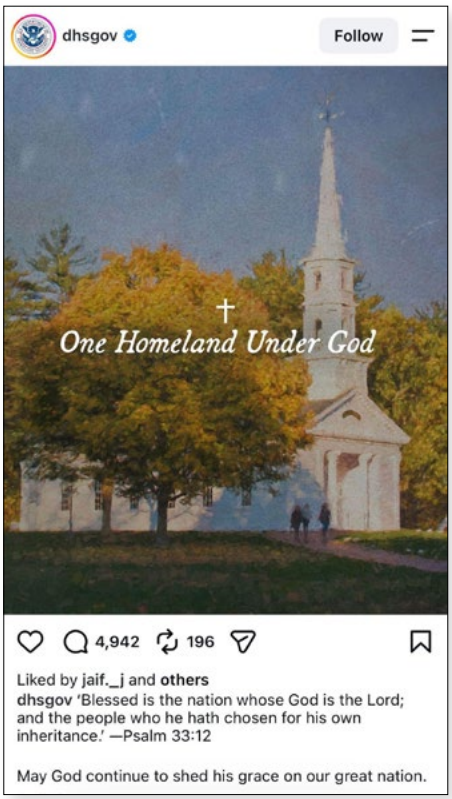
The administration's rhetoric has not been subtle. As Justice Elena Kagan noted in her dissent in *Mullin v. Doe,* a case concerning termination of Temporary Protected Status for Haitians and Syrians, the administration's "references — of filth, disease, and primitiveness — are shot through with racial stereotypes and tropes. It is hard to imagine the statements being made today of any white community."[509] This anti-immigrant rhetoric runs across the administration's platform and reflects American white nationalism — a movement seeking the preservation of a white national majority — fusing opposition to immigration and multiculturalism more generally. White nationalism has also fueled rising attacks on transgender people,[510] antisemitic violence[511] and misogyny.[512] We should view the administration's attacks on immigrants as part of its larger attacks on diversity, and the civil rights advancements for which generations of Americans have fought.[513]

This post includes the painting "American Progress" (1972), illustrating the concept of Manifest Destiny: as white settlers advance westward, Indigenous people are pushed into the shadows and displaced. The painting is often cited in white nationalist and Great Replacement Theory circles. DHS X post, July 23, 2025.[514]

Attacks on diversity and equality using our immigration laws are an attack on democracy itself, in multiple ways. First, the goal to remake America along lines of race, ethnicity and religion cannot

happen by democratic means; it has already led to vast abuses of power and civil rights and liberties violations, as discussed in Part I. Second, the administration's apparent goal to exclude people from citizenship and equality under the law would reduce who is entitled to the protection of our laws and mean that only a subset of the population's will is reflected in government. This harkens to the anti-democratic Jim Crow era the creation of a permanent underclass of people.

Finally, while it's true the world's democracies have varied border and immigration policies that determine who may enter and remain, and on what terms, this administration's border fortress approach and its anti-refugee and anti-humanitarianism attacks go beyond such policy decisions. They are couched in white nationalist terms, warning of an "invasion" of people of color.[515] This echoes the worst of America's past and is an attempt to dismantle a core ambition of the democracy that previous generations fought to achieve: dignity and equal protection of rights for all.



DHS Instagram post, Apr. 12, 2025.[516]

66 Attacking Birthright Citizenship

One of the Trump administration's first attacks on our Constitution on January 20, 2025, was an executive order that redefined and severely limited U.S. citizenship, effectively ending birthright citizenship for many babies born in the United States with immigrant parents.[517]

If implemented, this order would have created a permanent underclass of people, denied critical benefits, and led to stigma while undermining the values of equality and shared Americanness. The ACLU challenged this policy the same day the order was signed as a violation of the Fourteenth Amendment to the U.S. Constitution, as well as other federal statutes. The order never went into effect and was finally struck down as unconstitutional by the U.S. Supreme Court in June 2026.[518] The Trump administration's attacks continue even after the defeat.[519]

67 Mass De-Legalization of More Than One Million People

As part of its white nationalist agenda, the Trump administration is embarking on the largest de-legalization campaign our nation has seen in generations, targeting longtime U.S. residents from Haiti, Syria, Venezuela, and many other countries with primarily Black and Brown citizens. In early 2025, an estimated 6.1 million immigrants had temporary protections. This includes:

- Approximately 1.3 million people in the U.S. with Temporary Protected Status and 844,000 people who came with humanitarian parole;
- 535,000 Deferred Action for Childhood Arrivals (DACA) recipients and an additional 387,00 DACA-eligible individuals who currently lack DACA (a further 3.9 million "Dreamers" are not eligible for DACA generally because they missed the application cutoff or aged out of eligibility);

- 100,000 people on special immigrant juvenile visas, for kids who have been neglected or abused; and
- 4 million people with an active asylum claim.[520]

Under the current enforcement system, people who previously had protected status and had passed many administrative and legal tests to remain in the United States are no longer exempt from deportation. On the contrary, they are now the primary targets.

This administration has acted swiftly to affirmatively strip people of protections, even for those who in some cases have relied on these protections for decades. It has slowed the processing of applications — in some cases halting their review altogether for indefinite operational "pauses" — for those who are eligible for increasingly narrower pathways to permanent status. The effects of this extend beyond longer wait times. Applicants face the devastating risk of arrest, detention and deportation. For example, in 2025, the Trump administration deported 174 DACA recipients who were renewing their petitions.[521] In April 2026, the administration arrested a DACA recipient who was delivering milk to his baby in the NICU.[522]

Our government's consistent refusal to create pathways for individuals to apply for permanent legal status already means that millions of people are living, working and raising families while being excluded from many legal rights and benefits of the country they are contributing to. Now, as they lose status, these individuals are at risk of arrest, detention and deportation. They have lost work authorization, which carries the consequences of losing health insurance and the ability to support their families. They are living in a dangerous form of limbo.

68 Stripping Refugees of Their Status

In January 2026, the Trump administration undertook a campaign targeting over 5,000 refugees in Minnesota, arresting approximately 150 resettled refugees and flying them to a detention camp in Texas, claiming a need to "reexamine" their refugee status.[523] (Litigation stopped this operation before the arrests could expand.) This operation stemmed from (or at least was officially justified by) a new DHS memo that required officers to arrest and detain refugees who fail to file applications and appear for an interview to become a lawful permanent resident within one year of their arrival.[524] There was no such targeting of white South Africans who were rushed through the resettlement process in 2025.[525] Those arrested included many who had not been able to adjust their status to become lawful permanent residents due to processing restrictions that the Trump administration had put in place. While the majority were released and even, in several cases, able to adjust status, they were left stranded in Texas.[526]

There are very narrow grounds for taking away refugee status — namely, if the individual was not a refugee at the time they were granted that status[527] — precisely because of how exhaustively refugees are vetted and because of the significant humanitarian interests at stake. Nevertheless, the Trump administration is threatening to make this status temporary, harassing refugees who have followed all the rules.[528]

69 Redefining "American" by Weaponizing the Denaturalization Process

When a government moves to selectively strip citizenship by disproportionately targeting naturalized citizens from specific countries, racial backgrounds, or religious groups, it erodes the idea of citizenship as a sacred status that provides equal protection. Citizenship becomes a conditional, revocable and racially coded privilege extended provisionally only to some. This logic

has always underpinned white supremacist and ethnonationalist visions of the nation-state and the belief that true belonging is rooted in bloodline, origin or race. It suggests that naturalized citizenship for people outside those categories is a formality that can be undone at the whim of the state.[529]

Aggressively excluding populations for removal, denaturalization, mass detention, and forced disappearance is not a new tactic.[530] It is emblematic of the early stages of democratic collapse, a pattern visible across the 20th and 21st centuries in states that moved from targeted legal exclusion toward authoritarian consolidation. The mechanism is consistent: redefine who counts as a "real" citizen, strip legal protections from the rest, and use state apparatuses to enforce that hierarchy; through paperwork and courts, through detention, and in the worst cases, through violence and death.[531] We are seeing the early stages of this pattern now in the growing use of denaturalization proceedings against naturalized citizens.

On December 16, 2025, USCIS reportedly issued internal guidance stating that USCIS field offices should "supply Office of Immigration Litigation with 100-200 denaturalization cases per month."[532] This would be a huge increase in the number of denaturalization cases filed compared to prior years. The USCIS memo followed a June 2025 memo directing DOJ's Civil Division to "prioritize and maximally pursue denaturalization proceedings in all cases permitted by law and supported by the evidence." The June 2025 USCIS memo laid out broad categories of Americans that DOJ plans to target for denaturalization, including categories that do not require criminal convictions. These categories could be used to launch denaturalization proceedings, for example, against people who have baselessly been accused of being affiliated with a gang or shoplifting when they were teenagers.

Federal law currently allows for denaturalization only under limited circumstances, and only by judicial order.[533] Prior administrations generally limited the use of denaturalization to extreme cases, for example cases involving people accused of involvement in war crimes and serious terrorism offenses.[534] Between 1990 and 2017, DOJ filed approximately 300 denaturalization cases total. During the Trump administration's first term, DOJ filed approximately 168 denaturalization cases. The number of denaturalization cases filed by the administration jumped in late spring and summer 2026.[535] In August 2026, DOJ touted having filed 123 civil denaturalization applications — "the most in recorded history."[536]

While the actual number of denaturalization cases is, for now, limited, this novel and extreme weaponization of the denaturalization process is causing fear in communities of naturalized citizens and their children.[537] As Asian Americans Advancing Justice noted: "We're hearing from parents whose children — U.S. citizens — cry themselves to sleep, afraid their family will be next. And we are hearing from naturalized citizen community members that they fear facing denaturalization under vague policy changes."[538] Fears were exacerbated when the Trump administration raised the possibility of stripping then-mayoral candidate Zohran Mamdani of his citizenship based on his support of Palestinian rights and threatened to have him arrested for opposing masked ICE agents.[539]

70 Obstructing Naturalization to Citizenship for Longstanding American Residents

As part of its project to restrict who can be "American," the administration has introduced bureaucratic hurdles, dismantled processes, and halted the progress of thousands of individuals in the process of becoming citizens.[540] These actions often throw individuals with extensive ties to the United States into limbo, including those with U.S. citizen spouses and children and those serving in the military. Taken together, these restrictions suggest that the goal of this administration is not limited to cracking down on unauthorized immigration.[541] Rather, they suggest an effort to limit the number of new citizens and exclude

longstanding residents from citizenship, along with its privileges and benefits.[542]

The administration has canceled naturalization interviews and oath ceremonies, abruptly halting the lengthy, years-long process for many Americans in waiting.[543] Its naturalization rate has dropped by 75 percent, compared to two years prior; and its rejection rate has more than doubled since September 2024 — from 9.2 percent to more than 20 percent in July 2026.[544]

Military Naturalization

Since the Civil War, Congress has passed successive laws to provide a swifter path to citizenship for service members and veterans — in recognition that those who put their lives on the line in service to our nation should be afforded citizenship. Under the second Trump administration, the government has begun to dismantle processes that were in place to help service members begin the naturalization process prior to deployment, particularly in light of potential deployment to active hostilities overseas. These processes are vital to fulfilling the promise of citizenship for service. Failure to naturalize while in service has left thousands of individuals in limbo and at risk of deportation. There are nearly 50,000 noncitizens currently serving in the military.[545] At least 75 percent of noncitizen veterans were identified as non-white in a 2022 census survey, compared to about a quarter of citizen veterans.[546]

Hurdles to naturalization include policy changes that have occurred with little fanfare. For example, on September 26, 2025, USCIS announced it would no longer coordinate with CBP to perform naturalization interviews and oath ceremonies at ports of entry.[547] Previously, DHS had worked with the Department of Veterans Affairs (VA) and DOD to launch the Immigrant Military Members and Veterans Initiative, an inter-agency initiative meant to support deported veterans. As part of the program, deported veterans who were eligible for citizenship could attend a naturalization interview at a port of entry. If approved, they could also become naturalized citizens at ports of entry.[548] With this change, veterans living outside the U.S. must seek permission from DHS to enter the country for a naturalization interview.

In August 2026, members of Congress launched an inquiry into ICE's deportation of service members and their families, noting that it "betray[s] America's promises to the people who put their lives on the line for our nation."[549]

Restricting Access to Citizenship Based on "Good Moral Character"

In August 2025, USCIS issued a memorandum distorting the legal requirements for being granted citizenship in ways that could lead to qualified individuals losing the ability to naturalize, and deterring others from applying in the first place.[550] As background, immigrants applying for citizenship are required to show that they are a person of "good moral character" (GMC), in addition to satisfying other eligibility requirements. The Immigration and Nationality Act and implementing regulations list certain offenses and behavior that bar someone from having GMC, such as being convicted of an aggravated felony.

The August 2025 USCIS memo, however, contorts GMC to require particular "positive" activities, rather than just the absence of negative factors and a totality of the circumstances. For example, the memo states adjudicators will now consider "sustained community involvement and contributions," "educational attainment," and "employment history and achievements."[551] These factors are not listed in statute or regulation and are not defined by the new policy guidance. However, it is easy to imagine that they would heavily favor people with the time and resources to pursue higher education, job promotions and volunteer opportunities — in other words, people with advanced degrees and people who do not have to work multiple jobs to make ends meet. The administration could try to use these factors to justify denying citizenship to people who are qualified under current law. If applied in the extreme, this could allow the administration to cut off religious minorities, people of color, government critics and many others from citizenship while

curating an immigrant class made up only of those adhering to the administration's preferred ideological or political lines.

The Citizenship Test

The Trump administration has made the citizenship test longer,[552] harder and more complex in ways that may discriminate against people with disabilities and fewer resources.[553] Naturalization applicants generally must show an understanding of the English language, U.S. history and U.S. government to be granted citizenship.[554]

While we do not yet know the scale, these policies working in tandem with attempts to denaturalize citizens could allow the administration to slash the number of people who have citizenship through naturalization; as noted above, the naturalization rate has already dropped by 75 percent.[555] With these policies, more people will stay in immigration statuses that are more vulnerable, while others may be stripped of their lawful immigration status altogether and be vulnerable to arrest.

The result would be an underclass of noncitizens without the full rights and protections granted by citizenship, who are subject to the whims of the administration. These policies appear to be another attempt to rewrite what it means to be an American, erasing our history as a nation of immigrants and ignoring contributions of our immigrant neighbors.

71 Closing the Door: The Immigrant Visa Ban

In January 2026, the Department of State announced that it would suspend the issuance of immigrant visas to nationals of 75 countries. The administration claimed the suspension was necessary to prevent immigrants from becoming a "public charge," relying on broad and unsubstantiated assumptions about entire nationalities.[556] It labeled certain countries as "high risk" for public benefits usage without transparent criteria or evidence, effectively imposing race and nationality-based barriers to immigration.[557] The suspension blocked immigrant visas, which include family-based visas, keeping U.S. citizens and lawful permanent residents separated from spouses, children, parents, and other close relatives.[558] The suspension also disrupted employment-based immigration, preventing U.S. employers from filling critical roles with sponsored workers.

The suspension has penalized families and workers who were already navigating rigorous, sponsor-based vetting processes designed to ensure financial support and self-sufficiency. It has undermined U.S. economic growth by excluding investors, entrepreneurs, and individuals with extraordinary abilities who contribute to innovation, job creation, and local economies. The policy has weaponized existing immigration processing delays, turning what are meant to be permanent, lawful pathways into prolonged uncertainty for families and employers alike.

The Trump administration's decision to suspend immigrant visa processing was yet another step in its drive to virtually gut the legal immigration system. According to the Cato Institute, "This new ban brings the number of banned nationalities up to 93, 42 percent of those in the world, and the total population banned up to nearly half of those who immigrated legally from abroad in 2024."[559] The move furthered the administration's thinly veiled racist agenda, with the ban affecting many African and Muslim-majority countries.

72 Banning People From Majority-Muslim and African Nations

In December 2025, the White House announced an expanded travel ban that prohibited or significantly limited the entry of people from numerous countries that the administration says have "deficiencies in screening, vetting, and information-sharing."[560] The proclamation maintains full entry bans on 12 previously listed countries (Afghanistan, Burma/Myanmar, Chad, Republic of the Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Somalia, Sudan,

and Yemen). It also added full entry restrictions on five additional countries (Burkina Faso, Mali, Niger, South Sudan, and Syria, and individuals holding Palestinian Authority–issued travel documents).[561] In addition, it upgraded two countries that were previously under partial restrictions (Laos and Sierra Leone) to full bans. [562]

The expanded travel ban also imposed partial entry restrictions on 15 more countries (Angola, Antigua and Barbuda, Benin, Côte d'Ivoire, Dominica, Gabon, The Gambia, Malawi, Mauritania, Nigeria, Senegal, Tanzania, Tonga, Zambia, and Zimbabwe), while exempting lawful permanent residents, existing visa holders, certain diplomats, and other narrow categories. [563] Consistent with earlier versions of the Trump administration's travel bans, these restrictions have disproportionately impacted individuals from majority-Muslim and African nations. This attempt to close pathways for Black and Brown people to enter this country — taken together with the de-documenting and targeting of Black immigrants who have been part of our communities for decades for detention — appears to be a deliberate reshaping of the very makeup of this country.[564]

73 Undermining Universities' Ability to Bring in International Students

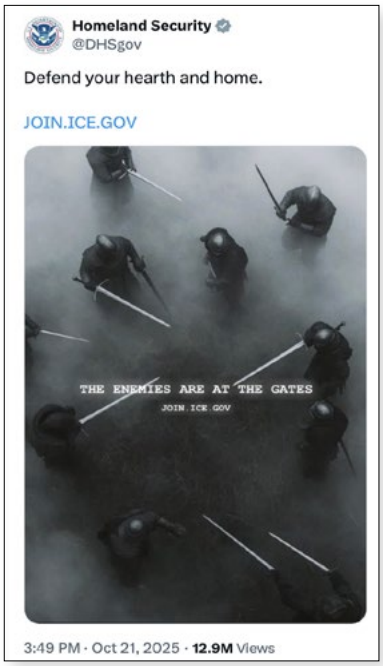
The Trump administration's expanded travel and entry bans left international students facing mounting restrictions to begin or continue their education in the United States. The December 16, 2025 proclamation suspended the issuance of F and J nonimmigrant visas for nationals of 38 countries, barring most prospective students from those countries from obtaining new visas, and placing those with existing visas in a precarious position.[565] A separate DHS rule finalized July 17, 2026 eliminated the longstanding "duration of status" admission framework for student visa holders, replacing it with a fixed program-length admissions capped at four years and requiring costly USCIS extensions for students who need more time to finish their degrees or programs.[566] These policies — layered with expanded vetting, and other visa revocations — have created a climate of uncertainty and fear among international students and the institutions that host them.

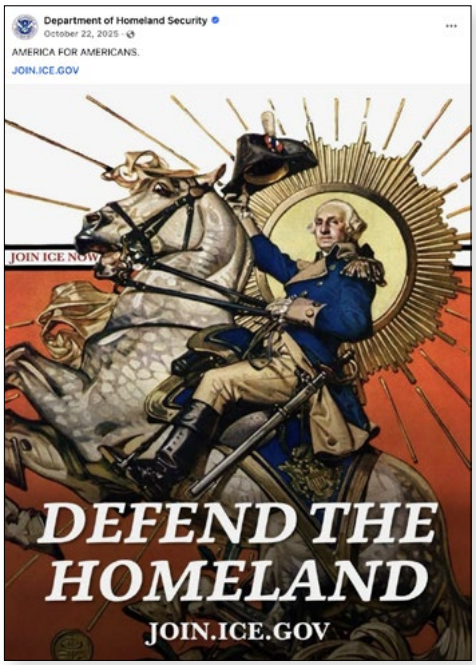
The enrollment consequences of the Trump visa and travel bans are glaring.[567] International student enrollment fell approximately 20 percent in the 2026 spring semester compared to the prior year, with graduate programs experiencing a 24 percent average decline, and 63 percent of surveyed colleges expect further enrollment drops in 2026-27, with the large majority attributing the anticipated decline to visa barriers and travel restrictions.[568] The resulting financial strain for these institutions is projected at about $7 billion in lost revenue and 60,000 lost jobs nationally.[569]

74 Recruiting ICE Employees Using White Nationalist Dog Whistles

DHS has deployed an aggressive social media recruitment campaign for ICE, with a series of posts from official government accounts that used images, phrases, and references to books and manifestos that are revered by white nationalist groups.[570]

ICE and DHS Instagram post, Aug. 5, 2025.[571]





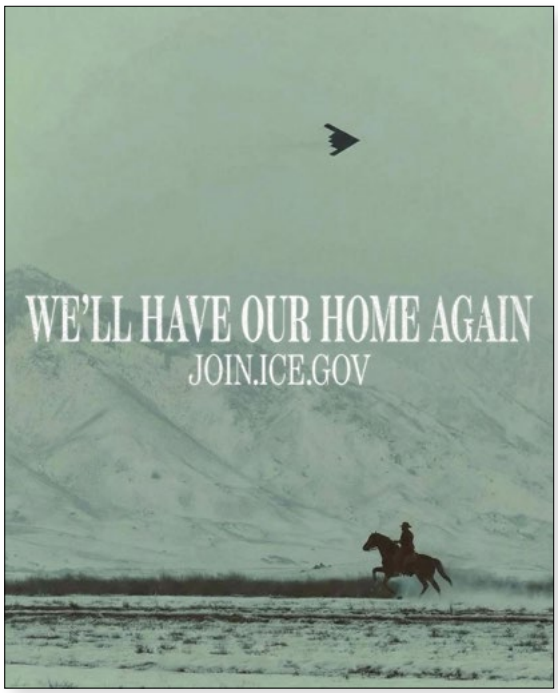
Above Left: DHS X post, Oct. 21, 2025.[572]

Above Middle: DHS Instagram post, Oct. 22, 2025.[573]

Above Right: DHS X post, Aug. 11, 2025.[574]

Members of the Proud Boys and others who share a white nationalist world view heard these dog whistles as these ICE recruitment posts circulated on messaging apps and social media.[575] In March 2026, law enforcement officials in Colorado tasked with preventing terrorism issued a bulletin cautioning that these materials could create a "permissive environment to engage in vigilante action and/or violence against individuals perceived to be immigrants."[576]

These dog whistles appeared at a time when ICE was engaged in a massive hiring spree with severely diminished vetting, as noted previously. The agency claimed to have hired 12,000 new officers and agents in just four months.[577] Members of Congress have raised concerns about hiring of white nationalists including members of the Proud Boys, and news outlets reported that new ICE recruits were "discovered to have tattoos associated with gangs and white supremacists when they stripped off their shirts during workouts."[578]



DHS Facebook post, Jan. 9, 2026.[579]

75 Attacking Equal Access to Education

As the ACLU has long argued, equal access to education is the critical foundation of a democratic society.[580] Yet the Trump administration and its allies have taken actions that exclude immigrant children and young adults from educational opportunities.

On its very first day in office, the Trump administration rescinded a longstanding policy that generally protected certain areas, including schools, from immigration enforcement.[581] ICE arrests at and near schools, bus stops, and routes to and from school have made children and parents afraid to go to school. Schools across the country have seen the impact in lowered enrollment rates[582] and the detrimental effect that extends beyond their undocumented students. Additionally, HHS moved to restrict access to the Head Start Program — historically open to all children — by unlawfully attempting to disqualify those unable to prove that they are U.S. citizens or "qualified" immigrants.[583]

More largely, senior White House official Stephen Miller has pushed states to exclude undocumented students from access to K-12 schools, in clear violation of Supreme Court precedent.[584]

Over 20 states and the District of Columbia have enacted laws enabling undocumented students admitted to state colleges and universities to pay the same in-state tuition rate offered to other students. This policy, which has been adopted by a politically diverse range of states, helps ensure that the states' higher education institutions are enrolling the most qualified students. The policy also enables students to achieve their full academic potential, regardless of their immigration status. The Trump administration is currently engaged in an aggressive effort to force states to discriminate against undocumented students who are otherwise eligible to pay the in-state rate.

On April 28, 2025, President Trump issued an executive order: "Protecting American Communities from Criminal Aliens" directing the attorney general to identify and take legal action against states that provide in-state tuition eligibility to undocumented students. As of August 10, 2026, DOJ has filed 17 such lawsuits.[585] If these lawsuits succeed, the Trump administration will prevent many highly qualified students from even considering a college education, given the nearly 300 percent jump in tuition that accompanies a switch from the in-state to out-of-state tuition rate.[586]

76 Attacking Asylum and Other Humanitarian Protections

Throughout U.S. history, people have come seeking protection from persecution, violence and wars, and torture and discrimination in order to build a new life for themselves and their families. People initially come in pursuit of safety, but go on to be part of the fabric of this country and make major contributors to our society and economy. But in this administration's rush to remove as many people as it can and reshape the racial makeup of the country, it is attacking the very human rights laws and doctrines that the U.S. helped draft in the wake of World War II. Indeed, the U.S. State Department's migration office has created an "Office of Remigration" unit, using the term of a right-wing, white nationalist movement that promotes the mass deportation of non-white immigrants.[587]

Attacking Asylum

President Trump issued an executive order on his first day back in office that attempted to end access to asylum by declaring an emergency at the southern border.[588] Specifically, invoking his presidential authority to "suspend the entry" of certain noncitizens under 212(f) of the Immigration and Nationality Act, President Trump declared an "invasion" at the southern border. His order attempted to eliminate all access to asylum and other humanitarian protection at the border until he determines the invasion has ended.[589] This order was found illegal by the D.C. Circuit, and the government has appealed to the U.S. Supreme

Court. While this order was in effect, individuals with strong claims were being turned away at the border or detained, denied an asylum review, and deported, even to third countries, despite having protection needs.[590] If allowed to go forward, this rule would not only harm people in need of protection, but would expand this administration's use of "border policy" to exclude non-white immigrants from the United States.

Destroying the Refugee Resettlement Program

The U.S. refugee system was built during the Cold War with a recognition that democratic states have a responsibility to provide safe haven to people fleeing violence, totalitarian governments, and religious and ethnic persecution. The creation of this system was also a reaffirmation of the U.S.'s commitment to democratic norms and values. As Professor Idean Salehyan wrote for the Niskanen Center, restricting refugee admissions "tarnishes the United States' reputation as a welcoming, multicultural, and tolerant champion of human rights and democracy."[591]

In one of his first executive orders on January 20, 2025, President Trump indefinitely halted the entry of vetted refugees to the U.S. through the U.S. Refugee Admissions Program.[592] Meanwhile, while putting on hold this multi-year vetting and processing system, President Trump created a new fast-track refugee application and arrival system for white Afrikaners from South Africa.[593] In October 2025, doubling down on this policy, President Trump published his Presidential Determination on Refugee Admissions for Fiscal Year 2026, setting the refugee admissions goal at a historic low of 7,500 and clarifying that admissions would be "primarily" allocated among white Afrikaners and other victims of illegal or unjust discrimination in their country.[594]

Gutting the refugee resettlement program while creating a racially discriminatory route for white South Africans has been catastrophic. Tens of thousands of individuals who passed security and multiple other layers of vetting have been trapped in limbo, in refugee camps around the world, with no path forward to safety.[595]

DHS Facebook post, October 2, 2026[596]

How to Save Our Democracy: Transformative Immigration Reform

The mass deportation agenda has proven a dangerous weapon for attacking all our rights and dismantling our democratic system. We are on a dangerous course, taking our country back decades, to a time when Americans were less equal and free under the law. Senior officials and their allies want to reshape our country's future according to an exclusionary vision of what it means to be American.

Still, the reverse can also be true: We can defend, strengthen and future-proof our rights and democracy by repudiating the mass deportation agenda. In principle, this means recommitting to equal protection under the law for both citizens and noncitizens. In policy terms, this means fixing our nation's broken immigration system.

While policymakers have increasingly condemned the administration's abusive and cruel mass deportation agenda, and called to roll back discrete policies, the gravity and breadth of harm we have described underscores the need for something much bigger: a hard reset to our immigration system and, with it, a recommitment to the legal rights and democratic freedoms essential for a free and equal society.

Four Pillars of Transformative Immigration Reform

Nearly 25 years have passed since the creation of the Department of Homeland Security and the establishment of its component agency, ICE. From the beginning, we have warned that DHS' concentration of federal law enforcement power, resources and vast, ambiguous legal authorities posed a threat to civil liberties.[597]

The last 20 months of the Trump administration have vindicated many of our worst fears about DHS' threat to our democracy. Particularly in light of the brazen and repeated abuses documented in this report, it is easy to envision this agency's larger-than-ever arsenal of resources deployed not just to target immigrants and those who protest, but against any individuals who do not pass the administration's test of who rightly belongs in America based on national origin, race, religion, gender, sexuality and belief.

In light of this grave threat, it is particularly important that policymakers and advocates who seek to reclaim and protect our democracy tackle the thorny issue of reforming DHS. Among other vital reforms, the pro-democracy agenda should take on what we call Transformative Immigration Reform. These reforms will defang ICE and the agencies working with it, protect from a future administration seeking to weaponize grievances and scapegoat immigrants, and reverse the creation of an unequal, underclass-based society.

There are four pillars of Transformative Immigration Reform, each of which is critical to our democracy:

1. ***Create a Path to Citizenship:*** Congress must prioritize legislation that provides a path to citizenship for our loved ones and neighbors. Our democracy cannot survive with an unequal society that deprives millions of Americans of the full rights and protections of citizenship.
2. ***Replace ICE with a New Immigration Management System:*** We should dismantle the national deportation force and replace

ICE. We should create a new cabinet-level immigration management agency with a mission to keep families together, support American communities, and meet the needs of the American workforce.

3. ***Modernize Asylum and Border Management:*** We need to revitalize and modernize our asylum, refugee and humanitarian protection system in ways that create a workable border entry process, address the case backlogs, and ensure that vulnerable people can get protection and an opportunity to rebuild their lives.
4. ***Fail-Safe Accountability:*** We need system-wide change to ensure that immigration agencies, along with other federal law enforcement, are accountable to Congress and the law, including by ensuring the right to sue these agencies and individuals who commit abuse.

These are overdue reforms to our broken immigration system, but as described below, they are also essential projects to strengthen our democracy and undo the harm of the Trump administration's attacks on our institutions.

A Path to Citizenship — Not a Permanent Underclass

Our broken immigration system leaves millions without a path to citizenship despite their longstanding residence and deep ties to our nation, rendering them vulnerable to abuse by ICE and the federal, state and local agencies working with them. This system consigns them to a permanent underclass made up of millions of people who contribute to our country, including through vital labor, but are denied the full recognition and protections of citizenship.

In this unequal society, only some are recognized as enjoying the full protection of the law, while the rights and protections of millions of others are repeatedly attacked and challenged. These individuals are perpetually vulnerable to arrest, detention, and separation from their loved ones. Their legal limbo leaves them susceptible to unscrupulous employers, undermining labor protections and fair wages for all.[598] They are easy prey for perpetrators of serious crime, who leverage the fear of immigrants and their family members who are afraid to contact police — undermining everyone's safety.[599]

These individuals are already a significant part of our economy. Until the Trump administration's de-legalization campaign, work authorized immigrants comprised around 13 percent of the U.S. labor force.[600] These individuals are paying taxes, contributing nearly $100 billion in federal, state and local taxes,[601] and playing crucial roles in our workforce, in industries like healthcare, construction, transportation, and agriculture. And yet, despite their significant contributions, these individuals often do not have a path to citizenship even when they are raising U.S. children, married to U.S. citizens, employing U.S. citizens, and providing care and other support to their communities.

Without citizenship, they are denied the right to vote and have a say in the policies and laws that regulate their lives. The administration challenges our view that they enjoy the same First Amendment protections as citizens. If the administration's view prevailed, it would mean a society where some speak freely with the assurance of protection under the law, and others live in fear of speaking out or appearing to dissent. This inequality is intolerable to a functioning democracy.

After the Civil War, Congress proposed the Fourteenth Amendment, with its Citizenship Clause that provides that "[a]ll persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States."[602] It came as a response to laws passed in former Confederate states that prevented Black people from entering professions, owning or leasing land, accessing public accommodations, serving on juries and voting. The Fourteenth Amendment negated the notion of American citizenship based on lineage or race, and affirmed citizenship was equally open to all regardless of their parents' heritage.[603] To

perpetuate a system now where some people — generally from some 'disfavored' countries — can never be U.S. citizens is antithetical to the principles of equality and fairness enshrined in our Constitution.

Dismantling the Deportation Force and Creating a New Immigration Management System

We should replace our broken immigration system in light of its vulnerabilities to exploitation and weaponization against all our civil liberties. The dangers posed by the roving, national deportation policing force to our freedom of speech, privacy, and safety are apparent, and the harm of Big Brother-style widespread domestic surveillance to all Americans is growing more visible.

In the immediate-term, Congress should conduct rigorous oversight of abuses committed by immigration agencies across our nation. Oversight has already shown the need for reform. Congress should build on the immigration enforcement reforms it debated during the 2026 Department of Homeland Security funding negotiations. While important, reforms such as banning law enforcement masking and requiring the use of body-worn cameras are insufficient to address the myriad abuses and threats to our civil liberties.

Beyond those measures, Congress should amend our laws to dismantle, once and for all, the national deportation policing force, which cannibalizes federal, state and local agency personnel and diverts them to a single force that can be wielded not just against immigrants, but those who disagree with a government's actions. This would entail repealing provisions of federal law that the Trump administration has used to divert federal, state and local law enforcement from their primary missions, including 8 U.S.C. § 1357(g), and prohibiting federal funding from being used to divert state and local law enforcement to federal missions in ways that effectively substitute them for federal workers, including through payment of salaries and performance bonuses.

Congress should also act to prevent the federal government from deploying federal agents to retaliate against or compel obedience from state and local officials on political grounds, such as by enacting H.R. 4476/S. 2386, the Preventing Authoritarian Policing Tactics on America's Streets Act.

Finally, as continued aggressive congressional oversight reveals the depth of systemic problems, Congress should consider legislation to replace ICE with a new immigration management agency. Such an agency could be oriented toward service, with a mission to keep families together, support American communities, and meet the needs of the American workforce. This new agency would reorient the domestic immigration system toward effective management — with clear rules to qualify for termination of removal proceedings and lawful status, including a pathway to citizenship. A forthcoming report from the ACLU will provide a detailed blueprint for this management system.

Modernizing the Border, and Taking Border Policy Out of the Demagogues' Toolbox

For too long, policymakers have advanced border policies that essentially amount to: seal it shut and forget about it. These proposals have never addressed real needs at the border, including improved processing and management systems, as well as the lack of any durable and lawful pathways for people to come and build their lives in the United States. Equally dangerous, these proposals ignore the ongoing need for protection for people who come to the border desperately seeking help.

We can build a system that anticipates continued migration to the U.S. and creates a better border management system without sacrificing protection for the most vulnerable people. To create a long-

term functioning border and asylum system, Congress should:

- **Create additional lawful pathways for people to come to the U.S.** The U.S. needs to expand the number and range of family, employment and other humanitarian visas available so that people can apply and come to the U.S. with authorization to work and the opportunity to stay. People coming to work in key industries are not exploiting the system; they are contributing to our society and economy, bringing needed skills, and helping to address the affordability crisis in the U.S. Improving family reunification and other visa schemes will reduce the number of people coming to the border and ensure that people who may have claims beyond asylum can be processed without inundating the asylum system.
- **Invest in border processing and modernize the arrival triage system.** The U.S. needs to invest in the services and staffing that would improve border processing and help to manage large group arrivals. This investment would entail a major upgrade of the nation's ports of entry and staffing. There must be more ports where people can present themselves and present claims in a timely fashion rather than waiting in danger on the Mexico side of the border. In addition, these ports must be staffed by trained professionals, including agents trained in a trauma-informed approach to correctly screen people seeking protection.
- **Support states and localities in welcoming newcomers.** There is a longstanding disconnect between our legal obligation to provide protection to people seeking safety and our own national interest in having more workers join communities that need them and are ready to receive their talent. A better, coordinated arrival and reception system could ensure that people can come to the U.S. with prior approval, and help people who show up at the border in search of protection reach the communities that want them, with the services and support to facilitate their initial months in the United States.
- **Fund and bolster the immigration court and asylum processing system.** Our system needs to invest in staffing and training for USCIS and immigration courts so that cases are handled more fairly, and people are not in limbo for months or years. Further, the government can invest in legal services for people in the interior and arriving at the U.S. border to advise people on whether they have claims to pursue and, if not, help them figure out the best options.

The Trump Administration's Border Approach is Bad for Democracy

The failure to invest in these solutions doesn't just mean that our border and asylum systems are outdated; it has also fueled a xenophobic and anti-democratic campaign and justified anti-immigrant measures at both the border and throughout the United States. The Trump administration's approach, which builds on years of prior policy, treats questions of how to manage the border, whether to accept newcomers and on what terms, and whether to provide a path to citizenship to residents as questions of threat. It relies on a narrative of resource scarcity, national security, and preservation of American culture. As explained below, it also emphasizes a sense of crisis and disorder, in part to manufacture justifications for invoking emergency powers.

There are common sense steps, as outlined above, to address and modernize our border. Instead of investing in solutions, the Trump administration has created a punitive system that is inherently dependent on sustaining a perception of crisis and chaos. This benefits the Trump administration and its anti-democratic agenda.

Historically, casting immigration and new immigrants as a threat offers fertile ground to anti-immigrant ideologues who pit citizens against noncitizens and Americans against "foreigners," and stir up resentments on racial, religious and ethnic grounds whenever crime, public safety threats or terrorism provide them opportunity. Demagogues weaponize ethnic and racial animosity, as well as narratives of chaos and crisis, to win political power,

obscure corruption and systemic inequality, and justify broader repression of civil liberties and consolidation of power. This is straight from the authoritarian playbook. We have seen it play out in other countries where right-wing populists have relied on xenophobic messages to win elections and, once in power, expanded these policies to both focus the public on a "common enemy" and undermine critical democratic rights like free speech and privacy.[604]

Lasting Stability and Order at the Border and in the Interior

The current border policy of simply shutting everyone out has not brought durable order or stability, and it has created enormous harm. Instead of bringing lasting solutions to complex policy questions, it simply ignores the problem by pretending it will never have to grapple with it, leaving it for a future administration to inherit. People arriving at the border to request asylum have not only been detained but deported to third countries.[605] Unaccompanied children coming to reunite with family and seek protection are being flown to southern Mexico and denied the chance to get to safety.[606]

Meanwhile, a "closed border" is an unsustainable fiction, and it does not end migration. Whenever the U.S. government has closed its border, it has not eliminated people's desire to come; it has only created pent-up demand — as we saw at the end of the COVID-19 pandemic[607] — that a future administration will have to deal with. Shutting down and militarizing the border is not a sustainable solution that responds to the global rise in migration, and at some point, the demand for border access will likely grow — absent other pathways and given the mounting international conflicts and instability.[608] Meanwhile, the invasion rhetoric used by the Trump administration to vilify immigrants and deport refugees and asylum seekers to harm is being used to justify this administration's broader attacks on civil liberties and rights, including its deployment of federal agents to American cities.[609]

To take the border and the purposefully manufactured sense of disorder out of the demagogues' toolbox, we need an efficient and visibly well-functioning system. While some observers argue that this requires policymakers to restrict asylum and maintain some of the Trump administration's draconian enforcement policies, in reality that would continue to leave a future administration grounds to manufacture crises and justify repression.

Fail-Safe Oversight, Transparency, and Accountability to Protect Our Democracy

Our constitutional system depends on a balance of powers, where the executive, legislative, and judicial branches serve as checks on the other branches' powers. The Trump administration has shown us, through the immigration-related actions described in this report and many others, that it is willing to disregard the laws and even our Constitution for its own objectives. The status quo checks on the executive branch have been woefully insufficient in the face of this administration's mass deportation campaign. We need powerful, enforceable tools to prevent the executive branch and the president from consolidating power and undermining our democracy.

The structural reforms to our immigration system described in the other three pillars are vital to shoring up our democracy. However, they must go hand-in-hand with strong oversight, transparency, and accountability measures that can effectively compel the executive branch to uphold our civil rights and civil liberties. These tools include:

- **Oversight**: Within the new immigration management system described in Pillar 2, Congress should create an oversight agency that has strong independence protections allowing it to make impartial, unvarnished judgements about the immigration management system's policies and practices, and to make those judgements public. These protections will need

to be paired with robust enforcement authority that enable the oversight agency to compel compliance by the immigration management system. Similarly, congressional oversight should be consolidated and improved.

- **Transparency**: "Sunlight is said to be the best of disinfectants."[610] Civil society and individuals must be able to know how the immigration system is performing its functions and what policies are impacting their communities, as well as assess whether the system is upholding our civil rights and civil liberties in the process. Congress should strengthen the Freedom of Information Act (FOIA) and require frequent, clear, proactive disclosures of documents to the public. It should also strengthen the collection and dissemination of statistical reporting and data on immigration, including independence protections to ensure that data and statistics are not politicized.
- **Accountability**: Oversight and accountability are important, but we also need accountability measures that are in the hands of the people. We have seen a clear pattern of civil rights violations arising from immigration enforcement, at a scale and severity without precedent in our nation's recent history.[611] Law enforcement officers and agencies need to know that they can and will be held accountable for such violations. Congress should enact legislation that would allow people to recover damages from federal officials who violate their constitutional rights, as well as legislation that allows people to hold federal law enforcement agencies accountable. Congress should also strengthen judicial review in the immigration context and roll back jurisdiction stripping provisions enacted in previous decades. Judicial review is what ensures that the executive branch complies with the laws and our constitution, and the actions described in this report show what happens when Congress takes that power away from the courts.

These measures will help future-proof our immigration system by ensuring that a future administration cannot side-step our laws and the Constitution to commit abuses with impunity.

Endnotes

1 Tiago Rogero, "Activist forced out of US after criticising Trump-aligned Colombian politician," *The Guardian*, Aug. 19, 2026, https://www.theguardian.com/world/2026/aug/19/activist-forced-out-of-us-after-criticising-trump-aligned-colombian-politician

2 Reuters, "Judge blocks Trump administration from detaining British anti-disinformation activist," *NBC News*, Dec. 26, 2025, https://www.nbcnews.com/tech/misinformation/judge-blocks-trump-Administration-detaining-british-anti-disinformatio-rcna251016; Center for Countering Digital Hate, "'We will not be silenced': Imran Ahmed responds to court ruling," Sept. 10, 2026, https://counterhate.com/blog/we-will-not-be-silenced-imran-ahmed-responds-to-court-ruling/.

3 Shannon Bond, "State Department to deny visas to fact checkers and others, citing 'censorship'"*NPR*, Dec. 4, 2025, https://www.npr.org/2025/12/04/nx-s1-5633444/trump-content-moderation-visas-censorship.

4 Brandon Drennon, "US revokes visas over comments made about Charlie Kirk's death," *BBC*, Oct. 16, 2025, https://www.bbc.com/news/articles/cz0x4e3zn2jo.

5 "Reported: CBP denies travelers entry because of anti-Trump comments," *Immigration Policy Tracking Project*, Mar. 19, 2025, https://immpolicytracking.org/policies/reported-french-scientist-denied-entry-after-phone-search-revealed-messages-critical-of-trump/.

6 ACLU and Amnesty International USA, Student Speech Under Attack: Suppression of Pro-Palestine Speech and Dissent on Campus (Sept. 23, 2026), https://assets.aclu.org/live/uploads/2026/09/Report_CampusProtest-2.pdf.

7 *Id.*

8 Donald J. Trump (@realDonaldTrump), "Following my previously signed Executive Orders, ICE proudly apprehended and detained Mahmoud Khalil, a Radical Foreign Pro-Hamas Student on the campus of Columbia University. This is the first arrest of many to come. We know there are more students at Columbia and other Universities across the Country who have engaged in pro-terrorist, anti-Semitic, anti-American activity, and the Trump Administration will not tolerate it." Truth Social, Mar. 10, 2025, https://trumpstruth.org/statuses/30043.

9 Finya Swai, "US dramatically shortening visas for foreign journalists," *The Hill,* July 17, 2026, https://thehill.com/homenews/administration/5974924-trump-mullin-foreign-journalist-visa-updates/; Didi Tang, "China warns of reciprocal countermeasures after US shortens foreign journalist visas," *Associated Press*, July 17, 2026, https://apnews.com/article/journalist-visas-trump-administration-china-357189fdffc55daecbc2585c4276a6cc.

10 Simon Lewis, "US to vet social media of foreign journalists applying for visas, report says," *Reuters*, Aug. 6, 2026, https://www.reuters.com/legal/government/us-vet-social-media-foreign-journalists-applying-visas-report-says-2026-08-06/.

11 Catherine Jones, "Mario Guevara reported on immigration. After he was deported, he became the story," *Atlanta Magazine*, Jan. 22, 2026, https://www.atlantamagazine.com/news-culture-articles/mario-guevara-reported-on-immigration-after-he-was-deported-he-became-the-story/.

12 "ICE arrest of non-citizen journalist in Tennessee raises serious First Amendment concerns," *Reporters Committee for Freedom of the Press*, Mar. 19, 2026, https://www.rcfp.org/estefany-rodriguez-ice-detention-tennessee/.

13 Anita Wadhwani, "Nashville journalist released from ICE detention details retaliation claims," *Tennessee Lookout*, Apr. 1, 2026, https://tennesseelookout.com/2026/04/01/nashville-journalist-released-from-ice-detention-details-retaliation-claims/.

14 U.S. Citizenship and Immigration Services, "USCIS to Consider Anti-Americanism in Immigrant Benefit Requests," Aug. 19, 2025, https://www.uscis.gov/newsroom/news-releases/uscis-to-consider-anti-americanism-in-immigrant-benefit-requests; Jessie Yeung, "US to screen for 'anti-Americanism' in immigration applications, a move critics liken to McCarthyism," *CNN*, Aug. 19, 2025, https://www.cnn.com/2025/08/19/us/us-immigrants-Screening-anti-american-hnk.

15 Corey Williams and Valerie Gonzalez, "Legal Pathway to US Now Gives Authorities Ability to Screen Applicants for anti-Americanism | AP News," AP News, August 19, 2025, https://apnews.com/article/immigration-uscis-antiamerican-7240aac0437487ddd5441c49a290db4c.

16 Emile Ayoub, "Trump Administration Will Collect Social Media Handles from Legal Immigrants and U.S. Citizens," *Brennan Center for Justice*, Feb. 18, 2026, https://www.brennancenter.org/our-work/analysis-opinion/trump-administration-will-collect-social-media-handles-legal-immigrants.

17 Jennifer Hansler, "US embassies must vet students for 'hostile attitudes' but can resume visa appointments, State Department says," *CNN*, June 18, 2025, https://www.cnn.com/2025/06/18/politics/us-embassies-vet-student-visa-applications.

18 Miranda Jeyaretnam, "What to Know About New Social Media Screening Rules for Student Visas," *TIME*, June 19, 2025, https://time.com/7295949/international-student-visas-colleges-universities-social-media-state-department-trump/.

19 Simon Lewis, "US to vet social media of foreign journalists applying for visas, report says," *Reuters*, Aug. 6, 2026, https://www.reuters.com/legal/government/us-vet-social-media-foreign-journalists-applying-visas-report-says-2026-08-06/.

20 Denise Bell and Naureen Shah, *Agents of Chaos and Cruelty: How the Trump Administration's National Deportation Policing Force Has Attacked American Communities* (ACLU, July 16, 2026), https://www.aclu.org/publications/agents-of-chaos-and-cruelty-how-the-trump-administrations-national-deportation-policing-force-has-attacked-american-communities.

21 Rohini Haar, *Charting the Crackdown* (Physicians for Human Rights, Human Rights Center at the University of California at Berkeley, July 13, 2026) https://phr.org/charting-the-crackdown/.

22 See *Los Angeles Press Club v. Noem*, No. 2:25-cv-05563 (C.D. Cal.); *Chicago Headline Club v. Noem*, No. 25-3023 (7th Cir.); *Tincher v. Noem*, No. 0:25-cv-04669 (D. Minn.); *Demster v. Blanche*, No. 2:26-cv-02546 (W.D. Tenn.)

(documenting violent force by federal law enforcement against peaceful protesters, people recording law enforcement actions, people engaged in prayer, journalists gathering the news, and other community members).

23 ACLU of Minnesota, "New Filings Detail Harrowing Accounts of ICE and Border Patrol Violence and Intimidation Against Minnesotans," Feb. 13, 2026, https://www.aclu.org/press-releases/new-filings-detail-harrowing-accounts-of-ice-and-border-patrol-violence-and-intimidation-against-minnesotans.

24 *Los Angeles Press Club v. Kristi Noem* No. 2:25-cv-05563, Tucker Collins Decl. (C.D. Cal. April 9, 2026), https://www.courtlistener.com/docket/70581520/los-angeles-press-club-v-kristi-noem/#:~:text=District%20Court%2C%20C.D.%20California,Authorities.

25 See *Los Angeles Press Club v. Noem*, No. 2:25-cv-05563 (C.D. Cal.); *Chicago Headline Club v. Noem*, No. 25-3023 (7th Cir.); *Tincher v. Noem*, No. 0:25-cv-04669 (D. Minn.); *Demster v. Blanche*, No. 2:26-cv-02546 (W.D. Tenn.) (documenting violent force by federal law enforcement against peaceful protesters, people recording law enforcement actions, people engaged in prayer, journalists gathering the news, and other community members).

26 Erin Stone, "Downey church community on edge after masked, armed officers detain man on church property," *LAist*, June 11, 2025, https://laist.com/news/politics/downey-church-community-on-edge-after-masked-armed-police-detain-man-on-church-property.

27 Byul Yoon, "Immigration Agents are Retaliating Against People Who Record Them," *ACLU*, Nov. 25, 2025, https://www.aclu.org/news/free-speech/photographer-retaliation-foia.

28 *Tincher v. Noem*, No. 25-cv-04669, ECF No. 140 ¶ 11 (D. Minn. Feb. 13, 2026), https://www.aclu.org/cases/tincher-v-noem-et-al?document=Declaration-of-Emily-Beltz.

29 Jude Joffe Block, "A new lawsuit alleges DHS illegally tracked and intimidated observers," *NPR*, Feb. 23, 2026, https://www.npr.org/2026/02/23/nx-s1-5722988/dhs-lawsuit-biometrics-domestic-terrorism; Emily Allen, "Maine ICE observers say agents threatened to put them on 'domestic terrorist' watchlist," *Portland Press Herald*, https://www.pressherald.com/2026/02/23/maine-ice-observers-sue-say-agents-threatened-to-add-them-to-a-database-of-domestic-terrorists-2/.

30 *Hilton v. Mullin*, No. 26-cv-92, ECF No. 29 ¶¶ 5, 8, 11, 66-67, 82 (D. Me. Apr. 27, 2026).

31 *Tincher v. Noem*, No. 25-cv-4669, ECF No. 160 ¶ 10 (D. Minn. Feb. 17, 2026), https://www.courtlistener.com/docket/72047643/136/16/tincher-v-mullin/.

32 *Minnesota v. Mullin*, No. 26-cv-190, ECF No. 88-2 ¶ 13 (D. Minn. Jan. 22, 2026), https://www.courtlistener.com/docket/72132615/88/2/state-of-minnesota-v-mullin/.

33 *United States v. Sant,* 0:26-cr-00115-KMM-DTS, ECF No. 212 (D. Minnesota Aug. 13, 2026), https://s3.documentcloud.org/documents/28554313/mn15_motion_aug13_with_exhibits.pdf; Sam Levin and Rachel Leingang, "US Conducted 'Mass Spying Campaign' Against Leftwing Groups and anti-ICE Protesters, Records Reveal," *The Guardian*, August 14, 2026, https://www.theguardian.com/us-news/2026/aug/13/us-government-spied-anti-ice-protesters.

34 *Id.*

35 Sam Levin and Rachel Leingang, "US Conducted 'Mass Spying Campaign' Against Leftwing Groups and anti-ICE Protesters, Records Reveal," *The Guardian*, August 14, 2026, https://www.theguardian.com/us-news/2026/aug/13/us-government-spied-anti-ice-protesters; Meg Anderson, "Churches, Libraries and Breweries: Inside DHS' Covert Surveillance Operation," *NPR*, August 25, 2026, https://www.npr.org/2026/08/25/nx-s1-5941135/dhs-surveillance-minnesota-ice-surge; Alan Feuer and Ernesto Londoño, "U.S. Investigated Left-Leaning Groups During Minnesota Immigration Crackdown," *New York Times*, Aug. 13, 2026, https://www.nytimes.com/2026/08/13/us/politics/dhs-inquiry-immigration-protests-minnesota.html.

36 *United States v. Sant*, 0:26-cr-00115--KMM-DTS, ECF 212 (D. Minnesota Aug. 13, 2026), https://s3.documentcloud.org/documents/28554313/mn15_motion_aug13_with_exhibits.pdf; *United States v. Sant*, 0:26-cr-00115-KMM-DTS, ECF No. 212-11 (D. Minn. Aug. 13, 2026), https://storage.courtlistener.com/recap/gov.uscourts.mnd.234415/gov.uscourts.mnd.234415.212.11.pdf.

37 *United States v. Sant*, 0:26-cr-00115-KMM-DTS, ECF No. 212 ¶¶ 7-9 (D. Minn. Aug. 13, 2026), https://s3.documentcloud.org/documents/28554313/mn15_motion_aug13_with_exhibits.pdf.

38 *United States v. Sant*, 0:26-cr-00115-KMM-DTS, ECF No. 212 ¶ 2 and Exh. 21 (D. Minn. Aug. 13, 2026), https://s3.documentcloud.org/documents/28554313/mn15_motion_aug13_with_exhibits.pdf; *United States v. Sant*, 0:26-cr-00115-KMM-DTS, ECF No. 212-21 (D. Minn. Aug. 13, 2026), https://storage.courtlistener.com/recap/gov.uscourts.mnd.234416/gov.uscourts.mnd.234416.212.21_4.pdf.

39 "ACLU Statement on the Trump Administration's Memorandum Targeting Political Opponents," ACLU, Sept. 25, 2026, https://www.aclu.org/press-releases/aclu-statement-on-the-trump-administrations-memorandum-targeting-political-opponents.

40 Hina Shamsi, "How NSPM-7 Seeks to Use "Domestic Terrorism" to Target Nonprofits and Activists," ACLU, October 15, 2025, https://www.aclu.org/news/national-security/how-nspm-7-seeks-to-use-domestic-terrorism-to-target-nonprofits-and-activists; The White House, "Countering Domestic Terrorism and Organized Political Violence," Sept. 25, 2025, https://www.whitehouse.gov/presidential-actions/2025/09/countering-domestic-terrorism-and-organized-political-violence/.

41 Homeland Security (@dhsgov), X, Aug. 24, 2026, https://x.com/dhsgov/status/2092015948727562662?s=46.

42 U.S. Rep. Ilhan Omar to Michael McCarthy, Interim Special Agent in Charge, St. Paul Field Office, Homeland Security Investigations, Department of Homeland Security, Aug. 7, 2026, https://omar.house.gov/sites/evo-subsites/omar-evo.house.gov/files/evo-media-document/2026.08.07-rep-omar-letter-to-hsi.pdf.

43 *Id.*

44 *J. Doe v. U.S. Dep't of Homeland Sec.*, No. 3:25-mc-80325, Notice of Motion & Motion to Quash Summonses (N.D. Cal. Oct. 16, 2026) https://www.aclupa.org/cases/doe_dhs/?document=001-Motion-to-Quash-Summonses; *J. Doe v. U.S. Dep't of Homeland Sec.,* No. 5:26-mc-80026, Notice of Motion & Motion to Quash Administrative Subpoena (N.D. Cal. Feb. 2, 2026), https://www.aclu.org/cases/doe-v-dhs?-Motion-to-Quash&document=Notice-of-Motion-#legal-documents.

45 Alan Feuer and Ernesto Londoño, "U.S. Investigated Left-Leaning Groups During Minnesota Immigration Crackdown," *New York Times*, Aug. 13, 2026, https://www.nytimes.com/2026/08/13/us/politics/dhs-inquiry-immigration-protests-minnesota.html.

46 *J. Doe v. U.S. Dep't of Homeland Sec.*, No. 3:25-mc-80325, Notice of Motion & Motion to Quash Summonses (N.D. Cal. Oct. 16, 2026) https://www.aclupa.org/cases/doe_dhs/?document=001-Motion-to-Quash-Summonses.

47 19 U.S. Code § 1509 (2018), https://www.law.cornell.edu/uscode/text/19/1509.

48 *J. Doe v. U.S. Dep't of Homeland Sec.,* No. 5:26-mc-80026, Notice of Motion & Motion to Quash Administrative Subpoena (N.D. Cal. Feb. 2, 2026), https://www.aclu.org/cases/doe-v-dhs?-Motion-to-Quash&document=Notice-of-Motion-#legal-documents; John Woodrow Cox, "He supported the U.S. war in Afghanistan. Now he may be deported to the Taliban," *Washington Post,* Oct. 14, 2025, https://www.washingtonpost.com/investigations/2025/10/14/trump-immigratio-afghanistan-asylum-deportation/.

49 8 U.S. Code § 1225(d)(4) (2018), https://www.law.cornell.edu/uscode/text/8/1225.

50 *J. Doe v. U.S. Dep't of Homeland Sec.,* No. 3:26-mc-80074 (N.D. Cal. Mar. 12, 2026) https://www.courtlistener.com/docket/72457933/j-doe-v-the-united-states-department-of-homeland-security/; *J. Doe v. U.S. Dep't of Homeland Sec.,* No. 3:25-mc-80286 (N.D. Cal. Sept. 18, 2025) https://www.aclunorcal.org/cases/j-doe-v-united-states-department-homeland-security-0/.

51 Hannah Critchfield and Shane Shifflett, "How ICE Is Weaponizing Social Media Against Its Critics," *Wall Street Journal*, Aug. 3, 2026, https://www.wsj.com/politics/policy/ice-surveillance-internet-critics-e3b22f49?st=erQt8V&reflink=desktopwebshare_permalink.

52 Alan Feuer and Ernesto Londoño, "U.S. Investigated Left-Leaning Groups During Minnesota Immigration Crackdown," *New York Times*, Aug. 13, 2026, https://www.nytimes.com/2026/08/13/us/politics/Dhs-inquiry-immigration-protests-minnesota.html.

53 Jacob Sullum, "ICE Admits It Investigated a Critic Based on Constitutionally Protected Speech," *reason.com*, Aug. 19, 2026, https://reason.com/2026/08/19/ice-admits-it-investigated-a-critic-based-on-constitutionally-protected-speech/.

54 *Streever v. Mullin*, No. 1:26-cv-02356-RC, ECF No 1-1, Exh. 1 (D.D.C. July 6, 2026) https://storage.courtlistener.com/recap/gov.uscourts.dcd.294184/gov.uscourts.dcd.294184.1.1_1.pdf.

55 *Streever v. Mullin*, No. 1:26-cv-02356-RC, ECF No. 20-1 (D.D.C. Aug. 5, 2026) https://storage.courtlistener.com/recap/gov.uscourts.dcd.294184/gov.uscourts.dcd.294184.20.1.pdf.

56 *Streever v. Mullin*, No. 1:26-cv-02356-RC, ECF. 1-2, Exh. 2 (D.D.C. July 6, 2026), https://storage.courtlistener.com/recap/gov.uscourts.dcd.294184/gov.uscourts.dcd.294184.1.2.pdf.

57 *Streever v. Mullin*, No. 1:26-cv-02356-RC, ECF No. 22 (D.D.C. Aug. 12, 2026) https://storage.courtlistener.com/recap/gov.uscourts.dcd.294184/gov.uscourts.dcd.294184.22.0.pdf.

58 Strikes have been reported at facilities including Adelanto in California, North Lake in Michigan, Moshannon Valley in Pennsylvania, Prairieland and Camp East Montana in Texas, Torrance County in New Mexico, a unit inside Louisiana's Angola prison, the Northwest Detention Center in Tacoma, and Delaney Hall in New Jersey — with roughly 500 detained people reported to have joined strikes across these facilities. Haddy Gassama, "Hundreds at Delaney Hall Join Detained People Across Country in Hunger Strike Against Inhumane Conditions," ACLU (June 11, 2026), https://www.aclu.org/news/immigrants-rights/hundreds-at-delaney-hall-join-detained-people-across-country-in-hunger-strike-against-inhumane-conditions; Maurizio Guerrero, "Hunger Strikes Are Spreading in ICE Jails Amid Widespread Due Process Violations, Advocates Say," *Wisconsin Muslim Journal*, July 27, 2026, https://wisconsinmuslimjournal.org/https-prismreports-org-2026-07-27-hunger-strikes-ice-detention-centers/.

59 Haddy Gassama, "Hundreds at Delaney Hall Join Detained People Across Country in Hunger Strike Against Inhumane Conditions," ACLU, June 11, 2026, https://www.aclu.org/news/immigrants-rights/hundreds-at-delaney-hall-join-detained-people-across-country-in-hunger-strike-against-inhumane-conditions.

60 *Id.*

61 Kurdish Hunger Striker Says ICE Force-Feeding 'Mentally Broke Me', *The Guardian*, Aug. 10, 2026, https://www.theguardian.com/us-news/2026/aug/10/kurdish-hunger-striker-ice-force-feeding.

62 Hundreds at Delaney Hall Join Detained People Across Country in Hunger Strike Against Inhumane Conditions, ACLU, June 11, 2026, https://www.aclu.org/news/immigrants-rights/hundreds-at-delaney-hall-join-detained-people-across-country-in-hunger-strike-against-inhumane-conditions.

63 *Id.*

64 Kia Hamadanchy, *Tracked and Targeted: The Unconstitutional Surveillance State*, Statement before the House Committee on Homeland Security, June 10, 2026, https://democrats-homeland.house.gov/imo/media/doc/hamadanchy_testimony.pdf; Rachel Levinson-Waldman and Matthew Ruppert, *DHS's Domestic Surveillance, Data Collection, and Analytics Tools* (Brennan Center for Justice, July 9, 2026), https://www.brennancenter.org/our-work/research-reports/dhss-domestic-surveillance-data-collection-and-analytics-tools.

65 Rachel Levinson-Waldman and Matthew Ruppert, *DHS's Domestic Surveillance, Data Collection, and Analytics Tools* (Brennan Center for Justice, July 9, 2026), https://www.brennancenter.org/our-work/research-reports/dhss-domestic-surveillance-data-collection-and-analytics-tools.

66 Rachel Levinson-Waldman and Matthew Ruppert, *DHS's Domestic Surveillance, Data Collection, and Analytics Tools* (Brennan Center for Justice, July 9, 2026), https://www.brennancenter.org/our-work/research-reports/dhss-domestic-surveillance-data-collection-and-analytics-tools.

67 *See e.g.* Riley Beggin, "IRS can't share taxpayer data with ICE, court upholds," *Washington Post*, Sept. 8, 2026, https://www.washingtonpost.com/business/2026/09/09/irs-cant-share-taxpayer-data-with-ice-court-upholds/; Emile Ayoub, "Dangers of Trump Administration's Data Consolidation Efforts," Brennan Center for Justice, July 9, 2026, https://www.brennancenter.org/our-work/research-reports/dangers-trump-administrations-data-consolidation-efforts; Robert King, "HHS admits Medicaid data-sharing mistake with ICE," *Politico*, July 8, 2026, https://subscriber.politicopro.com/article/2026/07/hhs-admits-medicaid-data-sharing-mistake-with-ice-00991143.

68 Rachel Levinson-Waldman and Matthew Ruppert, *DHS's Domestic Surveillance, Data Collection, and Analytics Tools* (Brennan Center for Justice, July 9, 2026), https://www.brennancenter.org/our-work/research-reports/dhss-domestic-surveillance-data-collection-and-analytics-tools; Emile Ayoub, "Dangers of Trump Administration's Data Consolidation Efforts," Brennan Center for Justice, July 9, 2026, https://www.brennancenter.org/our-work/research-reports/dangers-trump-administrations-data-consolidation-efforts; Hannah Critchfield and Shane Shifflett, "How ICE is Weaponizing Social Media Against Its Critics," The Wall Street Journal, Aug. 3, 2026, https://www.wsj.com/politics/policy/ice-surveillance-internet-critics-e3b22f49.

69 *See e.g.* Shirin Ali, "The Frightening, Very Real Tool ICE Agents Have to Add You to a 'Nice Little Database' if You Attend a Protest," Slate, Feb. 05, 2026, https://slate.com/news-and-politics/2026/02/ice-agents-nice-little-database-google-meta-surveillance.html; Jude Joffe-Block, "A new lawsuit alleges DHS illegally tracked and intimidated observers," NPR, Feb. 23, 2026, https://www.npr.org/2026/02/23/nx-s1-5722988/dhs-lawsuit-biometrics-domestic-terrorism; Rachel Levinson-Waldman and Matthew Ruppert, *DHS's Domestic Surveillance, Data Collection, and Analytics Tools* (Brennan Center for Justice, July 9, 2026), https://www.brennancenter.org/our-work/research-reports/dhss-domestic-surveillance-data-collection-and-analytics-tools.

70 *See e.g.,* Jude Joffe-Block, "A new lawsuit alleges DHS illegally tracked and intimidated observers," NPR, Feb. 23, 2026, https://www.npr.org/2026/02/23/nx-s1-5722988/dhs-lawsuit-biometrics-domestic-terrorism; Mikael Thalen, "Exclusive: Fake cellphone tower may have surveilled protesters at Portland ICE facility, Oct. 11, 2025, Straight Arrow News, https://san.com/cc/exclusive-fake-cellphone-tower-likely-surveilled-protesters-at-portland-ice-facility/.

71 Shane Shifflett & Hannah Critchfield, "'We Know You Live Right Here': No Secrets in America's New Surveillance Dragnet," *Wall Street Journal*, Apr. 30, 2026, https://www.wsj.com/politics/policy/immigration-ice-arrests-surveillance-6f1cef64; Kat Lonsdorf, Jude Joffe-Block & Meg Anderson "ICE has spun a massive surveillance web. We talked to people caught in it," *National Public Radio*, Mar. 5, 2026, https://www.npr.org/2026/03/04/nx-s1-5717031/ice-dhs-immigrants-surveillance-confrontation-deportation-mobile-fortify; Eva Dou, Artur Galocha and Kevin Schaul, "The powerful tools in ICE's arsenal to track suspects — and protesters" *Washington Post*, Jan. 29, 2026, https://www.washingtonpost.com/technology/interactive/2026/ice-surveillance-immigrants-protesters/.

72 Jay Stanley, "Face Recognition and the 'Trump Terror': A Marriage Made in Hell, ACLU, Nov. 13, 2025, https://www.aclu.org/news/privacy-technology/ice-face-recognition.

73 John McCray Jones, Mobile Fortify: ICE's Dystopic Facial Recognition App, ACLU of Wisconsin, Apr. 8, 2026, https://www.aclu-wi.org/news/mobile-fortify-ices-dystopic-facial-recognition-app/.

74 Naureen Shah, *Unmasking the Truth: How Trump's Immigration Raids Target U.S. Citizens and Terrorize Communities*, Statement before the House Committee on Homeland Security, Nov. 19, 2025, https://democrats-homeland.house.gov/imo/media/doc/Testimony-Shah-111925.pdf.

75 John McCray Jones, Mobile Fortify: ICE's Dystopic Facial Recognition App, ACLU of Wisconsin, Apr. 8, 2026, https://www.aclu-wi.org/news/mobile-fortify-ices-dystopic-facial-recognition-app/.

76 National Academies of Sciences, Engineering, and Medicine, *Facial Recognition Technology: Current Capabilities, Future Prospects, and Governance*, Washington, DC: National Academies Press, 2024, https://www.nationalacademies.org/our-work/facial-recognition-current-capabilities-future-prospects-and-governance.

77 Kia Hamadanchy, Tracked and Targeted: The Unconstitutional Surveillance State, Statement before the House Committee on Homeland Security, June 10, 2026, https://democrats-homeland.house.gov/imo/media/doc/hamadanchy_testimony.pdf; Anthony Kimery, "ICE smart glasses adds to lawmaker concerns over Palantir, mobile biometric enforcement," *BiometricUpdate.com*, May 13, 2026, https://www.biometricupdate.com/202605/ice-smart-glasses-plan-adds-to-lawmaker-concerns-over-palantir-mobile-biometric-enforcement.

78 Ashley Grams, "Richfield observer says her Global Entry was revoked days after tense encounter with Border Patrol," Feb. 3, 2026, CBS News, https://www.cbsnews.com/minnesota/news/richfield-observer-encounter-border-patrol-court-filing-retaliation/; Kat Lonsdorf, Jude Joffe-Block, Meg Anderson, "ICE has spun a massive surveillance web. We talked to people caught in it," *NPR*, March 5, 2026, https://www.npr.org/2026/03/04/nx-s1-5717031/ice-dhs-immigrants-surveillance-confrontation-deportation-mobile-fortify.

79 Joseph Cox, "ICE and CBP Agents Are Scanning Peoples' Faces on the Street To Verify Citizenship," 404 Media, Oct. 29, 2025, https://www.404media.co/ice-and-cbp-agents-are-scanning-peoples-faces-on-the-street-to-verify-citizenship/.

80 Eva Dou, "ICE amps up its surveillance powers, targeting immigrants and antifa," *Washington Post,* Oct. 17, 2025, https://www.washingtonpost.com/technology/2025/10/17/ice-surveillance-immigrants-antifa/; Dell Cameron, "CBP Signs Clearview AI Deal to Use Face Recognition for 'Tactical Targeting'," *Wired*, Feb. 11, 2026, https://www.wired.com/story/cbp-signs-clearview-ai-deal-to-use-face-recognition-for-tactical-targeting/; "Clearview AI | Facial Recognition" 2026, https://www.clearview.ai/.

81 Eva Dou, "ICE amps up its surveillance powers, targeting immigrants and antifa," *Washington Post*, Oct. 17, 2025, https://www.washingtonpost.com/technology/2025/10/17/ice-surveillance-immigrants-antifa/.

82 Michael Wriston and M., "ICE Plans to Deploy 1,570 Additional Iris Scanners Nationwide Under No-Bid Contract," *Project Salt Box*, May 11, 2026, https://www.projectsaltbox.com/p/ice-plans-to-deploy-1570-additional.

83 Lorenzo Franceschi-Bicchierai, "ICE bought vehicles equipped with fake cell towers to spy on phones," *TechCrunch*, Oct. 7, 2025, https://techcrunch.com/2025/10/07/ice-bought-vehicles-equipped-with-fake-cell-towers-to-spy-on-phones/.

84 *Id.*

85 Kia Hamadanchy, *Tracked and Targeted: The Unconstitutional Surveillance State*, Statement before the House Committee on Homeland Security, June 10, 2026, https://democrats-homeland.house.gov/imo/media/doc/hamadanchy_testimony.pdf.

86 Mikael Thalen, "Fake cellphone tower may have surveilled protesters at Portland ICE facility," *Straight Arrow News*, Oct. 11, 2025, https://san.com/cc/exclusive-fake-cellphone-tower-likely-surveilled-protesters-at-portland-ice-facility/; Rolando Hernandez, "Protesters near Portland's ICE facility could have been surveilled by fake cell tower, new reporting finds," *OPB News*, Oct. 15, 2025, https://www.opb.org/article/2025/10/15/portland-ice-protesters-reported-fake-cell-tower/.

87 Joseph Cox, "Inside ICE's Tool to Monitor Phones in Entire Neighborhoods," *404 Media*, Jan. 8, 2026, https://www.404media.co/inside-ices-tool-to-monitor-phones-in-entire-neighborhoods/.

88 *Id.*

89 Katya Schwenk, "Inside ICE's $12 Million Plan To Map Immigrants' 'Patterns Of Life,'" *The Lever*, Apr. 14, 2026, https://www.levernews.com/inside-ices-12-million-plan-to-map-immigrants-patterns-of-life/.

90 *Id.*

91 *Schmidt v. City of Norfolk*, No. 26-1227, Doc 24-1 (4th Cir. Apr. 20, 2026) https://assets.aclu.org/live/uploads/2026/04/Schmidt-v.-Norfolk-file-stamped-amicus.pdf.

92 Jason Koebler and Joseph Cox, "ICE Taps into Nationwide AI-Enabled Camera Network, Data Shows," *404 Media*, May 27, 2025, https://www.404media.co/ice-taps-into-nationwide-ai-enabled-camera-network-data-shows/.

93 Jason Koebler and Joseph Cox, "ICE Taps into Nationwide AI-Enabled Camera Network, Data Shows," *404 Media*, May 27, 2025, https://www.404media.co/ice-taps-into-nationwide-ai-enabled-camera-network-data-shows/.

94 Kia Hamadanchy, *Tracked and Targeted: The Unconstitutional Surveillance State*, Statement before the House Committee on Homeland Security, June 10, 2026, https://democrats-homeland.house.gov/imo/media/doc/hamadanchy_testimony.pdf.

95 *Id.*; Jay Stanley, "New Report Highlights How CBP and Border Patrol Are Becoming a Repressive Internal Intelligence Agency," ACLU, Nov. 25, 2025, https://www.aclu.org/news/privacy-technology/border-patrol-alpr-dragnet.

96 The White House, "Ending Taxpayer Subsidization of Open Borders," Feb. 19, 2025, https://www.whitehouse.gov/presidential-actions/2025/02/ending-taxpayer-subsidization-of-open-borders/.

97 The White House, "Stopping Waste, Fraud, and Abuse by Eliminating Information Silos," Mar. 20, 2025, https://www.whitehouse.gov/presidential-actions/2025/03/stopping-waste-fraud-and-abuse-by-eliminating-information-silos/.

98 Natalie Alms, "DOGE is building a 'master database' of sensitive information, top Oversight Democrat says," *NextGov/FWC*, Apr. 18, 2025, https://www.nextgov.com/digital-government/2025/04/doge-building-master-database-sensitive-information-top-oversight-democrat-says/404693/.

99 *Center for Taxpayer Rights v. Internal Revenue Service,* No. 1:25-cv-00457-CKK, ECF No. 53 (D.D.C. Nov. 21, 2025), https://www.courtlistener.com/docket/69646607/53/center-for-taxpayer-rights-v-internal-revenue-service/; *Center for Taxpayer Rights v. Internal Revenue Service,* No. 1:25-cv-00457-CKK, ECF No. 74 (D.D.C. Feb. 26, 2026), https://storage.courtlistener.com/recap/gov.uscourts.dcd.277519/gov.uscourts.dcd.277519.74.0_1.pdf.

100 Unidos US, "Coalition Letter Urging Congress to Defend Taxpayer Privacy," Mar. 27, 2026, https://unidosus.org/publications/coalition-letter-urging-congress-to-defend-taxpayer-privacy/?_gl=1*14ru8xm*_up*MQ..*_ga*MTQwNjk1Nzk3LjE3ODYzODkwNTk.*_ga_T5HG6YX2E2*czE3ODYzODkwNTkkbzEkZzAkdDE3ODYzODkwNTkkajYwJGwwJGgw.

101 Kimberly Kindy and Amanda Seitz, "Trump administration hands over Medicaid recipients' personal data, including addresses, to ICE," Associated Press, July 17, 2025, https://apnews.com/article/immigration-medicaid-

trump-ice-ab9c2267ce596089410387bfcb40eeb7; Drishti Pillai et al., "Potential Implications of the New Medicaid Data Sharing Agreement Between CMS and ICE," KFF, Jan. 14, 2026, https://www.kff.org/immigrant-health/potential-implications-of-the-new-medicaid-data-sharing-agreement-between-cms-and-ice/; "Information Exchange Agreement Between the Centers for Medicare & Medicaid Services and The Department of Homeland Security U.S. Immigration and Customs Enforcement for Disclosure of Identity and Location Information of Aliens," CMS Information Exchange Agreement No. 2025-80, July 25, 2025," https://www.documentcloud.org/documents/26379168-cms-dhs-data-agreement/?ref=404media.co.

102 Senior Policy Advisor for Integrity Gina Brand to State Agency Directors, "FNS Data Sharing Guidance," Food and Nutrition Administration, U.S. Department of Agriculture, May 6, 2025, https://www.fna.usda.gov/snap/data-sharing-guidance.

103 Secretary of the Dept. of Agriculture Brooke Rollins to SNAP State Agencies, "SNAP Database Letter to States," U.S. Department of Agriculture, July 9, 2025, https://www.usda.gov/sites/default/files/guidance-documents/fns.snap-database-letter.pdf.

104 *State of California v. U.S. Dep't of Agriculture*, No. 3:25-cv-06310, Compl. for Declaratory and Injunctive Relief (N.D. Cal. July 28, 2025), https://www.courtlistener.com/docket/70945300/state-of-california-v-united-states-department-of-agriculture/?filed_after=&filed_before=&entry_gte=&entry_lte=&order_by=asc.

105 *Pallek v. Rollins,* No. 1:25-cv-01650, Compl. (D.D.C. May 22, 2025)https://www.courtlistener.com/docket/70343636/pallek-v-rollins/.

106 Joseph Cox, "Here is the User Guide for ELITE, the Tool Palantir Made for ICE," *404 Media,* Jan. 30, 2026, https://www.404media.co/here-is-the-user-guide-for-elite-the-tool-palantir-made-for-ice/.

107 *Id.*

108 *See, e.g.*, Shaul Turner, "Emotions erupt at airport after ICE detains woman accused of overstaying visa," *Fox 8,* July 24, 2026, https://myfox8.com/news/emotions-erupt-at-airport-after-ice-detains-woman-accused-of-overstaying-visa/; Tim Fang, "ICE detains woman from Ukraine at San Francisco International Airport," *CBS News*, July 24, 2026, https://www.cbsnews.com/sanfrancisco/news/san-francisco-international-airport-ice-arrest-ukraine-iryna-gorb/; Louis Casiano and Bill Melugin, "ICE arrests Southwest Airlines flight attendant in Nashville for allegedly overstaying visa since 2021," *Fox News*, July 23, 2026, https://www.foxnews.com/us/ice-arrests-southwest-airlines-flight-attendant-nashville-overstaying-visa-2021.

109 *See* Hamed Aleaziz and Miriam Jordan, "ICE Arrests Surge at Airports, Opening New Front in Deportation Drive," *New York Times*, July 28, 2026, https://www.nytimes.com/2026/07/28/us/ice-arrests-airports-visa-overstay.html; Andrew Tangel, Michelle Hackman, and Alison Sider, "Airlines Push Back Against ICE Enforcement at Airports," *Wall Street Journal*, Aug. 5, 2026, https://www.wsj.com/business/airlines/airlines-push-back-against-ice-enforcement-at-airports-50a49ff0.

110 *See* Hamed Aleaziz and Miriam Jordan, "ICE Arrests Surge at Airports, Opening New Front in Deportation Drive," *New York Times*, July 28, 2026, https://www.nytimes.com/2026/07/28/us/ice-arrests-airports-visa-overstay.html; Andrew Tangel, Michelle Hackman, and Alison Sider, "Airlines Push Back Against ICE Enforcement at Airports," *Wall Street Journal,* Aug. 5, 2026, https://www.wsj.com/business/airlines/airlines-push-back-against-ice-enforcement-at-airports-50a49ff0; American Oversight, "American Oversight Obtains Previously Undisclosed

TSA-ICE Agreement, Raises Questions About Sworn Trump Admin Testimony," July 28, 2026, https://americanoversight.o/ice-tsa-data-sharing-agreement-lawsuit-foia-07282026/.

111 Kia Hamadanchy, *Tracked and Targeted: The Unconstitutional Surveillance State*, Statement before the House Committee on Homeland Security, June 10, 2026, https://democrats-homeland.house.gov/imo/media/doc/hamadanchy_testimony.pdf.

112 *Id.*

113 Adam Covacevich, "The government can't seize your data — but it can buy it," *TechCrunch*, May 21, 2023, https://techcrunch.com/2023/05/21/the-government-cant-seize-your-data-but-it-can-buy-it/.

114 The White House, "Securing Our Borders," Jan. 20, 2025, https://www.whitehouse.gov/presidential-actions/2025/01/securing-our-borders/.

115 Suzanne Gamboa, "Homeland Security stonewalling info on noncitizen DNA collection operation, lawsuit alleges, *NBC News*, June 2, 2025, https://www.nbcnews.com/news/latino/trump-dna-collection-immigrants-lawsuit-privacy-concerns-rcna210466.

116 "Raiding the Genome: How the United States Government Is Abusing Its Immigration Powers to Amass DNA for Future Policing," Georgetown Law Center on Privacy and Technology, July 2026, https://www.law.georgetown.edu/privacy-technology-center/research/raiding-the-genome/.

117 Edith Olmsted, "Trump Wants People to Submit DNA Just to Get a Tourist Visa," *The New Republic*, Dec. 11, 2025, https://newrepublic.com/post/204322/donald-trump-tourist-visa-submit-dna.

118 "ICE officers are taking DNA samples from protesters they've arrested," *NPR*, Mar. 19, 2026, https://www.npr.org/2026/03/19/nx-s1-5753787/ice-officers-are-taking-dna-samples-from-protesters-theyve-arrested.

119 Collection and Use of Biometrics by U.S. Citizenship and Immigration Services, 90 Fed. Reg. 49062 (Nov. 3, 2025) https://www.federalregister.gov/documents/2025/11/03/2025-19747/collection-and-use-of-biometrics-by-us-citizenship-and-immigration-services.

120 U.S. Customs and Border Protection, "DHS announces Final Rule to advance the Biometric Entry/Exit Program," Nov. 11, 2025, https://www.cbp.gov/newsroom/national-media-release/dhs-announces-final-rule-advance-biometric-entry/exit-program.

121 U.S. Constit. Amends. V. & XIV.

122 Michael Tan, "What Is Due Process?" ACLU, May 28, 2025, https://www.aclu.org/news/civil-liberties/what-is-due-process.

123 Ryan Foley, "ICE hides locations of thousands of detainees with final removal orders," Associated Press, Sept. 21, 2026, https://apnews.com/article/ice-detainee-locator-disappear-removal-orders-c3329a70bce424879bc5880b286c019c.

124 *Abrego Garcia v. Noem*, No. 25-1404 (4th Cir. Apr. 17, 2025) (order denying stay).

125 *Id.*

126 The White House, "Designating Cartels And Other Organizations As Foreign Terrorist Organizations And Specially Designated Global Terrorists," Sec. 3(b) Jan. 20, 2025, https://www.whitehouse.gov/presidential-actions/2025/01/designating-cartels-and-other-organizations-as-foreign-terrorist-organizations-and-specially-designated-global-terrorists/.

127 Nick Penzenstadler and Will Carless, "Exclusive: DOJ memo offers blueprint to Tren de Aragua deportation plan," *USA Today*, Apr. 27, 2025, https://www.usatoday.com/story/news/politics/2025/04/25/trump-venezuelan-gang-deportations-alien-enemies-act/83253074007/.

128 *A.A.R.P. v. Trump,* No. 24-1177 (May 16, 2025), https://www.supremecourt.gov/docket/docketfiles/html/public/24a1007.html.

129 Ali Rogin and Harry Zahn, "NYT investigation finds no evidence linking many deported Venezuelans to Tren de Aragua," *PBS News*, May 3, 2025, https://www.pbs.org/newshour/show/nyt-investigation-finds-no-evidence-linking-many-deported-venezuelans-to-tren-de-aragua; Mica Rosenberg et al., The Texas Tribune & ProPublica Investigative Unit, "Trump administration knew most Venezuelans deported from Texas to a Salvadoran prison had no U.S. convictions," *Texas Tribune*, May 30, 2026, https://www.texastribune.org/2025/05/30/trump-el-salvador-deportees-criminal-convictions-cecot-venezuela/.

130 Sergio Martinez-Beltra, "Advocates say flawed 'checklist' targets Venezuelans for deportation under archaic wartime act," *NPR*, Mar. 31, 2025, https://www.npr.org/2025/03/31/nx-s1-5345832/advocates-say-flawed-checklist-dhs-venezuelans-for-deportation-under-alien-enemies-act; Melissa Sanchez, "He Was Asked About His Tattoos and a TikTok Video in Court. Five Days Later, He Was in a Salvadoran Prison." *ProPublica*, July. 29, 2025, https://www.propublica.org/article/venezuelan-immigrant-cecot-release-story; Armando Garcia, "'Am I dreaming?': Soccer coach who says he was deported over his tattoo celebrates his release from CECOT," *ABC News*, July 25, 2025, https://abcnews.com/US/dreaming-soccer-coach-deported-tattoo-celebrates-release-cecot/story?id=124075548; Noah Lanard & Isabela Dias, ""You're Here Because of Your Tattoos," *Mother Jones*, Mar. 26, 2025, https://www.motherjones.com/politics/2025/03/trump-el-salvador-venezuela-deportation-prison-cecot-bukele/; Keenan Willard, "Family says Venezuelan migrant in Lewisville sent to El Salvador mega prison over autism awareness tattoo," *NBC News*, Apr. 14, 2025, https://www.nbcdfw.com/news/local/fvenezuelan-migrant-lewisville-el-salvador-mega-prison-autism-awareness-tattoo/3817064/; Veronica Brito, "'Crime of tattooing': Why experts say body ink is no way to ID Venezuelan gang members," *Miami Herald,* Apr. 10, 2025, https://www.miamiherald.com/news/local/immigration/article303190786.html; Justin Martin, "No charges. Just tattoos. ICE nearly sent two Dallas-area men to notorious El Salvador prison," *KERA News,* May 2, 2025, https://www.keranews.org/immigration/2025-05-02/no-charges-just-tattoos-ice-nearly-sent-two-dallas-area-men-to-notorious-el-salvador-prison.

131 Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, sec. 401, §§ 501-507, 110 Stat. 1214, 1258-68 (to be codified at 8 U.S.C. §§ 1531-37). *See also* Federal Judiciary Center, "Alien Terrorist Removal Court, 1996-present," https://www.fjc.gov/history/courts/alien-terrorist-removal-court-1996-present.

132 Carrie Johnson, "Alien Terrorist Removal Court holds its first-ever hearing after 30 years," *NPR*, July 30, 2026, https://www.npr.org/2026/07/30/g-s1-136289/alien-terrorist-removal-court-isis-terror-plot; Ryan J. Reilly, Nathan Gonzalez and Corky Siemaszko, "'Alien Terrorist Removal Court,' created in 1996, holds first-ever

hearing," *NBC News,* July 30, 2026, https://www.nbcnews.com/politics/justice-department/doj-holds-first-Ever-hearing-alien-terrorist-removal-court-created-199-rcna589987.

133 Josh Gerstein & Kyle Cheney, "DOJ tapped never-used 'alien terrorist' court to deport mother of convicted ISIS supporter," *Politico*, July 23, 2026, https://www.politico.com/news/2026/07/29/alien-terrorist-court-deport-01016781.

134 Salvador Rizzo, "Woman deported to Afghanistan in first use of Alien Terrorist Removal Court,"*The Washington Post*, Sept. 11, 2026, https://www.washingtonpost.com/national-security/2026/09/11/woman-deported-afghanistan-first-use-alien-terrorist-removal-court/.

135 The White House, "Protecting the American People Against Invasion," Jan. 20, 2025, https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/.

136 ACLU, *American Exile: Rapid Deportations That Bypass the Courtroom* (Dec. 13, 2014), https://www.aclu.org/news/immigrants-rights/american-exile.

137 *Make the Road v. Mullin*, 1:25-cv-00190-JMC (D.C. Cir. July 17, 2026).

138 U.S. Senate Foreign Relations Committee, Minority Report, *At What Cost? Inside the Trump Administration's Secret Deportation Deals* (Feb. 13, 2026), https://www.foreign.senate.gov/imo/media/doc/(FINAL%20-%20web)%20At%20What%20Cost%20-%20Inside%20the%20Trump%20Administration%27s%20Secret%20Deportation%20Deals_2.17.26.pdf; Refugees International and Human Rights First, "Banished by Bargain: Third Country Deportation Watch," Aug. 12, 2026, https://www.thirdcountrydeportationwatch.org/; Cecilia Barría, Santiago Vanegas and Ángel Bermúdez, "'Help us': Hundreds deported from US held in Panama hotel," *BBC*, Feb. 19, 2025, https://www.bbc.com/news/articles/c3rndygqll7o.

139 Megha Rajagopalan and Hamed Aleaziz, "Women Who Fled Iran Are to Be Deported to Central African Republic, Lawyers Say," *New York Times*, Jun. 11, 2026, https://www.nytimes.com/2026/06/11/world/africa/deportations-central-african-republic-migrants-iran-women.html; Miriam Jordan and Hamed Aleaziz, "Relative of Afghans Who Helped U.S. Military Is Deported to Africa," *New York Times,* Aug. 29, 2026, https://www.nytimes.com/2026/08/29/us/afghans-deported-us-central-african-republic.html.

140 International Refugee Assistance Project, "Trump Administration's Third Country Removals Put Migrants in Harm's Way," https://refugeerights.org/news-resources/trump-administrations-third-country-removals-put-migrants-in-harms-way.

141 Associated Press, "Eswatini receives 11 people deported from the U.S. as part of migration crackdown," *NBC News*, July 9, 2026, https://www.nbcnews.com/news/us-news/eswatini-receives-11-people-deported-us-part-migration-crackdown-rcna353745.

142 Robbie Corey-Boulet, "Equatorial Guinea police pull guns on migrants deported by Trump, witnesses say," *Reuters*, Sept. 8, 2026, https://www.reuters.com/world/africa/equatorial-guinea-police-pull-guns-migrants-deported-by-trump-witnesses-say-2026-09-08/; Emily Bregel, "U.S. deportees assaulted, threatened at gunpoint in Equatorial Guinea, three say," *Arizona Daily Star*, Aug. 8, 2026, https://tucson.com/news/local/subscriber/article_4d6d17da-28e2-49b9-87a6-7f99349e9a37.html.

143 Secretary of Homeland Security Kristi Noem to Kika Scott, Senior Official, Pete R. Flores, Senior Official, and acting director for U.S. Immigration and Customs Enforcement Todd Lyons, "Guidance Regarding Third Country Removals" (memorandum), Mar. 30, 2025, https://immigrationlitigation.org/wp-content/uploads/2025/04/43-1-Exh-A-Guidance.pdf.

144 Associated Press, "Rights lawyers sue Ghana over third-country deportation deal with Trump administration," *PBS News* June 30, 2026, https://www.pbs.org/newshour/world/rights-lawyers-sue-ghana-over-third-country-deportation-deal-with-trump-administration.

145 Mark Banchereau and Monika Pronczuk, "Case filed against Equatorial Guinea for sending US deportees to nations where they face persecution," *Associated Press*, June 5, 2026, https://apnews.com/article/equatorial-guinea-trump-administration-deportations-2f31af949e0c2271781f25ebda8785df.

146 D.V.D. v. D.H.S., No. 26-1212, (1st Cir. Sept. 18, 2026), https://www.ca1.uscourts.gov/sites/ca1/files/opnfiles/26-1212P-01A.pdf.

147 David Nakamura & Adam Taylor,"How Trump turned a refugee bureau into a $410 million deportation operation," *The Washington Post*, Sept. 21, 2026, https://www.washingtonpost.com/politics/interactive/2026/09/21/how-trump-turned-refugee-bureau-into-410-million-deportation-operation.

148 Maanvi Singh, "Venezuelans deported by US detail fresh claims of torture and abuse at El Salvador mega-prison," *The Guardian*, Mar. 26, 2026, https://www.theguardian.com/world/2026/mar/26/Cecot-human-rights-petition.

149 U.S. Department of State, 2022 Country Reports on Human Rights Practices: El Salvador, https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/el-salvador/; U.S. Department of State, 2023 Country Reports on Human Rights Practices: El Salvador, https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/el-salvador/.

150 Amnesty International, "El Salvador: President Bukele engulfs the country in a human rights crisis after three years in government," June 22, 2022; https://www.amnesty.org/en/latest/news/2022/06/el-salvador-president-bukele-human-rights-crisis/; Henry Hauser, "How Bukele's El Salvador Frames Human Rights as the Enemy," Robert & Ethel Kennedy Human Rights Center, Apr. 15, 2026, https://kennedyhumanrights.org/our-voices/how-bukeles-el-salvador-frames-human-rights-as-the-enemy; Human Rights Watch, "El Salvador," https://www.hrw.org/americas/el-salvador; International Commission of Jurists, "El Salvador: Crimes against humanity within the framework of public security policy," https://www.icj.org/el-salvador-crimes-against-humanity-within-the-framework-of-public-security-policy/; Ana María Méndez Dardón and Corie Welch, "Four Reasons Why the U.S. Should be Concerned about What's Happening in El Salvador," *WOLA*, Apr. 14, 2025, https://www.wola.org/analysis/four-reasons-why-the-u-s-should-be-concerned-about-whats-happening-in-el-salvador/; U.S. Senator Tim Kaine, "Kaine & Castro Lead Colleagues in Calling Out Trump Administration's Policy Toward El Salvador," Sept. 9, 2025, https://www.kaine.senate.gov/press-releases/Kaine-and-castro-lead-colleagues-in-calling-out-trump-administrations-policy-toward-el-salvador.

151 Ximena Bustillo, "New lawsuit alleges U.S. shared asylum application details with Iran," *NPR*, July 7, 2026, https://www.npr.org/2026/07/07/g-s1-132294/lawsuit-asylum-iran.

152 Clea Skopeliti, "ICE uses private jet owned by Trump friend to deport Palestinians to West Bank," *The Guardian*, Feb. 6, 2026, https://www.theguardian.com/us-news/2026/feb/06/first-thing-private-jet-ice-deport-palestinians-west-bank-trump

153 *See e.g.*, Alexandra Villarreal, "Trump ally Stephen Miller leads sweeping push to accelerate removal of migrant children," *The Guardian*, Sept. 18, 2026, https://www.theguardian.com/us-news/2026/sep/19/stephen-miller-trump-migrant-children; Valerie Gonzales, "Trump administration seeks to end protections for immigrant children in federal custody," *Associated Press*, May 25, 2025, https://apnews.com/article/immigration-child-migrants-protection-Flores-trump-dhs-be793b0c864bd9a7ff593356a6f01f28; Ryan J. Foley, "Change in human trafficking policy could make some minors easier to deport," *Associated Press*, Sept. 16, 2026, https://apnews.com/article/human-trafficking-claims-unaccompanied-minors-trump-4cd31c79202b49c6144f474c970eeff4; Maanvi Singh and Lois Beckett, "Trump administration cuts off legal aid for unaccompanied immigrant children," *The Guardian*, Feb. 18, 2025, https://www.theguardian.com/us-news/2025/feb/18/trump-administration-legal-aid-immigrant-children; Sonja Sharp, "Trump wages court battle over rules for detaining migrant children," *Los Angeles Times*, July 24, 2026, https://www.latimes.com/california/story/2026-07-24/major-rulings-loom-trump-challenge-flores-settlement-migrant-children; U.S. Senators Edward Markey and Jeff Merkley to Attorney General Pam Bondi, Secretary of Homeland Security Kristi Noem, Secretary of Health and Human Services Robert F. Kennedy, Jr., acting director for ICE Todd M. Lyons, and Director of the Executive Office of Immigration Review Daren K. Margolin (on treatment of unaccompanied children), Feb. 11, 2026, https://www.markey.senate.gov/imo/media/doc/letter_to_admin_on_attacks_on_unaccompanied_children.pdf.

154 The 1998 Flores Settlement Agreement and the 2008 Trafficking Victims Protection Reauthorization Act (TVPRA) are two of the core legal protections for unaccompanied children to ensure they get legal assistance and are not trapped in detention. The TVPRA provides specific requirements to ensure that children are screened for any risk of trafficking and are given the opportunity to make claims. The Flores Settlement, in addition mandating basic services to be provided for children, limits detention of children to a maximum of 20 days. *See Flores v. Reno*, No. CV 85-4544-RJK(Px), Stipulated Settlement Agreement (C.D. Cal. Jan. 17, 1997) https://youthlaw.org/wp-content/uploads/flores-settlement-agrement-.pdf & William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110-457. *See generally* The Young Center, "Not Loopholes! How the Flores Settlement & Trafficking Victims Protection Reauthorization Act (TVPRA) Save Lives)," Mar. 2019, https://www.theyoungcenter.org/wp-content/uploads/2025/03/YoungCenterTVPRAandFLORESReport-1.pdf; National Immigrant Justice Center, "Final Regulations on the Care of Unaccompanied Children in Federal Custody, May 29, 2024, https://immigrantjustice.org/research/explainer-final-regulations-on-the-care-of-unaccompanied-children-in-federal-custody/.

155 Teo Armus and Arelis R. Hernández, "Trump administration rescinds order to stop aid to unaccompanied minors," *Washington Post*, Feb. 18, 2025, https://www.washingtonpost.com/immigration/2025/02/18/unaccompanied-minors-trump-legal-representation/; Compl., *CLESPA v. HHS*, No. 3:25-cv-2847 (N.D. Cal. Mar. 26, 2025), https://www.theyoungcenter.org/case/community-legal-services-in-east-palo-alto-v-u-s-department-of-health-and-human-services/.

156 Sergio Martínez-Beltrán, "Controversial group wins $158M-contract to represent unaccompanied immigrant children," *NPR*, Aug. 12, 2026, https://www.npr.org/2026/08/12/nx-s1-5929456/migrant-children-our-rescue.

157 Gwynne Hogan, "Inside the NYC Courtroom Where Detained Children Face Deportation Without Attorneys," *The City Reporter*, July 31, 2026, https://www.thecityreporter.nyc/2026/07/31/unaccompanied-children-migrants-without-lawyers-trump/; U.S. Senator Dick Durbin, "Durbin Continues To Raise Alarms About Severe Due Process

Violations Targeting Unaccompanied Children At The Chicago Immigration Court Under The Trump Administration's Cruel Immigration Policies," Aug. 26, 2026, https://www.durbin.senate.gov/newsroom/press-releases/durbin-continues-to-raise-alarms-about-severe-due-process-violations-targeting-unaccompanied-children-at-the-chicago-immigration-court-under-the-trump-administrations-cruel-immigration-policies.

158 Rebecca Santana, Valerie Gonzales, and Sonia Pérez, "Chaotic showdown over Guatemalan children exposes fault lines in Trump's deportation push," *Associated Press*, Sept. 4, 2025, https://apnews.com/article/immigration-unaccompanied-children-trump-deportations-guatemala-73c9fa9db57472c0c74e7584c9ebc9a2.

159 Alexandra Villarreal, "Trump officials sending undocumented children to Texas sparks fears of mass deportation," *The Guardian*, Sept. 18, 2026 https://www.theguardian.com/us-news/2026/sep/18/trump-undocumented-children-texas; Lomi Kriel, "Trump administration asks Texas for help providing legal services to immigrant kids facing deportation," *The Texas Tribune*, July 3, 2026, https://www.texastribune.org/2026/07/03/trump-texas-doj-indigent-defense-unaccompanied-immigrant-children/.

160 Nicci Mattey, "'Reclassifying "Applicants for Admission': How the Second Trump Administration Is Reshaping Mandatory Detention," National Immigration Forum, May 14, 2026, https://forumtogether.org/article/reclassifying-applicants-for-admission-how-the-second-trump-administration-is-reshaping-mandatory-detention/.

161 *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025), https://www.justice.gov/eoir/media/1413311/dl?inline=.

162 Kyle Cheney, "'We've never seen anything like this': ICE's detention crackdown swamps the courts," *Politico*, Aug. 10, 2026, https://www.politico.com/news/2026/08/10/ice-detentions-trump-administration-01027440.

163 *Lopez Garcia v. Guadian,* No. 25-7044, slip op. at 1 (4th Cir. Sept. 10, 2026), https://www.aclu.org/documents/oscar-enrique-lopez-garcia-v-robert-guadian-opinion.

164 Nicci Mattey, "Reclassifying 'Applicants for Admission': How the Second Trump Administration is Reshaping Mandatory Detention," National Immigration Forum, May 14, 2026, https://forumtogether.org/article/reclassifying-applicants-for-admission-how-the-second-trump-administration-is-reshaping-mandatory-detention/.

165 Devan Cole, Priscilla Alvarez, and Tami Luhby, "Court Confirms That Temporary Deportation Protections for Haitians Are No Longer in Place," *CNN*, Aug. 5, 2026, https://www.cnn.com/2026/08/05/politics/haiti-temporary-deportation-protections-tps-no-longer-in-place.

166 ACLU, "Parties File Joint Request to Dismiss Supreme Court Immigration Detention Case," Sept. 12, 2026), https://www.aclu.org/press-releases/parties-file-joint-request-to-dismiss-supreme-court-immigration-detention-case.

167 ACLU, "Parties File Joint Request to Dismiss Supreme Court Immigration Detention Case," Sept. 12, 2026), https://www.aclu.org/press-releases/parties-file-joint-request-to-dismiss-Supreme-court-immigration-detention-case; *Genalo v. Black*, No. 25-886 (U.S. dismissed Sept. 11, 2026), https://www.supremecourt.gov/docket/docketfiles/html/public/25-886.html.

168 "New Ruling Dismantles Critical Legal Orientation Programs for Immigrants, Further Eroding Due Process," Amica Center, July 7, 2025, https://amicacenter.org/statements/new-ruling-dismantles-critical-legal-orientation-programs-for-immigrants-further-eroding-due-process/.

169 "DOJ Terminates Critical Legal Access Programs for Immigrants Facing Deportation," Estrella del Paso, Apr. 14, 2025, https://estrelladelpaso.org/resources-and-advocacy/news-and-media/doj-terminates-critical-legal-access-programs-for-immigrants-facing-deportation-termination-order-includes-two-estrella-del-paso-programs.

170 Amica Center for Immigrant Rights, "Nonprofits file Temporary Restraining Order to block Trump Administration's termination of critical legal access programs," Apr. 15, 2025, https://amicacenter.org/press-releases/nonprofits-file-temporary-restraining-order-to-block-trump-administrations-termination-of-critical-legal-access-programs/; *Amica Center for Immigrant Rights v. U.S. Dep't of Justice*, No. 1:25-cv-00298-RDM (D.D.C. July 2025), https://law.justia.com/cases/federal/district-courts/district-of-columbia/dcdce/1:2025cv00298/276998/83/ .

171 "DOJ Seeks to Eliminate $27.5M Legal Orientation Program (LOP) Funding," RAICES, May 14, 2026, https://raicestexas.org/live-analysis/lop.

172 National Immigrant Justice Center, "Nonprofits Sue to Stop Trump Termination of Program That Provided Attorneys for People in ICE Detention Deemed Mentally Incompetent," May 5, 2025, https://immigrantjustice.org/press-release/nonprofits-sue-to-stop-trump-termination-of-program-that-provided-attorneys-for-people-in-ice-detention-deemed-mentally-incompetent/.

173 Vera Institute of Justice, "Ten Things Vera's ICE Detention Trends Dashboard Reveals About ICE Detention Through March 2026," Apr. 10, 2026, https://www.vera.org/news/ten-things-veras-ice-detention-trends-dashboard-reveals-about-ice-detention-through-march-2026.

174 The White House, "Expanding Migrant Operations Center at Naval Station Guantanamo Bay to Full Capacity," Jan. 2025, https://www.whitehouse.gov/presidential-actions/2025/01/expanding-migrant-operations-center-at-naval-station-guantanamo-bay-to-full-capacity/.

175 Bernd Debusmann Jr. and Will Grant, "Trump says US will send some migrants to Guantanamo Bay," BBC, Jan. 30, 2025, https://www.bbc.com/news/articles/c5yelgxk3rlo.

176 Department of Defense, Lead Inspector General Report to Congress, *Operation Southern Spear: April 1, 2026 - June 30, 2026,* Aug. 2026 at 10, https://media.defense.gov/2026/Aug/27/2003988484/-1/-1/1/OSG_Q3_JUN2026_FINAL_508_SECURE.PDF.

177 Amanda Moore, "The Trump Administration Is Imprisoning Somali Immigrants at Gitmo," *Mother Jones*, Sept. 16, 2026, https://www.motherjones.com/politics/2026/09/the-trump-administration-is-imprisoning-somali-immigrants-in-gitmo/.

178 8 U.S.C. § 1101(g). The INA makes clear that "any [noncitizen] ordered deported or removed . . . who has left the United States, shall be considered to have been deported or removed."

179 8 U.S.C. § 1101(a)(38). The INA defines the "United States" as "the continental United States, Alaska, Hawaii, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands. Guantánamo is *not included* in the list.

180 Off. of Legal Counsel, Status of Guantánamo Bay 1 (Oct. 27, 1981); *see also* Br. for Pets., 1992 WL 541276, at *31, *Sale v. Haitian Ctrs. Council, Inc*., 509 U.S. 155 (1993) (United States arguing that Guantánamo is territory "outside the United States"); Pet. for Cert., 2004 WL 424049, at *8, *Bush v. Gherebi*, 542 U.S. 952 (2004) (contending that Guantánamo is not "within any territory over which the United States is sovereign" (citation and quotation marks omitted)).

181 *Luna Gutierrez v. Noem*, Civil Action No. 25 - 1766 (SLS), Memorandum of Opinion, 5 (D.D.C Dec. 5, 2025), https://www.courtlistener.com/docket/70456103/53/luna-gutierrez-v-noem/.

182 Charles R. Davis, "ICE eyes 1,000-bed detention facilities in foreign countries," *The ReDoubt*, July 13, 2026, https://www.theredoubt.net/ice-detention-facilities-in-foreign-countries/.

183 Further, individuals deported from the United States have been detained with the U.S. government's knowledge in El Salvador, South Sudan, and Eswatini even when those individuals faced no pending criminal charges in those countries. U.S. Senate Foreign Relations Committee, Minority Report, *At What Cost? Inside the Trump Administration's Secret Deportation Deals* (Feb. 13, 2026) https://www.foreign.senate.gov/imo/media/doc/(FINAL%20-%20web)%20At%20What%20Cost%20-%20Inside%20the%20Trump%20Administration%27s%20Secret%20Deportation%20Deals_2.17.26.pdf; Nicholas Casey, "He Was Deported to a Country He'd Never Heard Of. He May Never Go Free." *New York Times*, Aug. 12, 2026, https://www.nytimes.com/2026/08/12/magazine/deportation-immigrants-prison-eswatini.html; Amnesty International, "Eswatini: Fourth US third-country removal operation raises fresh human rights concerns," July 10, 2026, https://www.amnesty.org/en/latest/news/2026/07/eswatini-fourth-us-third-country-removal-operation-raises-fresh-human-rights-concerns/.

184 Christopher Cann, Isabelle Foland and Mary Ann Koruth, "Feds use 'mega' court hearings to speed through immigration cases," *USA Today*, Aug. 16, 2026, https://www.usatoday.com/story/news/nation/2026/08/16/trump-doj-uses-mega-court-hearings-for-speedy-immigration-cases/91076627007/; Valerie Gonzales & Cybele Mayes-Osterman, "Breakneck pace in immigration courts is driving up deportation orders," *Associated Press*, Aug 1, 2026, https://apnews.com/article/trump-immigration-deportation-asylum-judges-82d6b7e79f4fd12856ff1c5ad66f2445.

185 Jazmine Ulloa and Hamed Aleaziz, "As Trump Pushes Deportations, a Skyrocketing Caseload Strains Immigration Courts," *The New York Times*, June 6, 2026,https://www.nytimes.com/2026/06/06/us/politics/immigration-courts-deportation.html; Alexandra Villarreal, "Trump's deportation crackdown accelerated by potent court tool," *The Guardian,* July 28, 2026, https://www.kpbs.org/news/border-immigration/2026/08/03/deportations-spiking-due-to-fast-tracked-immigration-court-hearings-data-show; Simón Rios, "'Mega masters' hearings pack immigration court dockets. Experts say it's a strategy to deport people faster," *WBUR*, July 20, 2026, https://www.wbur.org/news/2026/07/20/boston-chelmsford-immigration-courthouses-Massachusetts; Syra Ortiz Blanes, "Immigrants endure thunderstorms, hours-long lines at Miami immigration court," *The Miami Herald*, Sept. 17, 2026, https://www.miamiherald.com/news/local/immigration/article317165269.html; Cameron Pugh, "In immigration court's mass hearings, absence can mean deportation," *The Christian Science Monitor*, Aug. 28, 2026, https://www.csmonitor.com/USA/Justice/2026/0828/immigration-trump-mega-master-deportation; Simon Rios, "'Mega masters' hearings pack immigration court dockets. Experts say it's a strategy to deport people faster," *WBUR*,July 20, 2026, https://www.wbur.org/news/2026/07/20/boston-chelmsford-immigration-courthouses-massachusetts.

186 Gustavo Segrego Alvarez, "Hundreds of children ordered to appear at new 'mega' immigration hearings in Seattle," *KUOW*, Jul. 9, 2026, https://www.kuow.org/2026-07-09/seattle-immigration-court-begins-mega-hearings-for-child-immigrants.

187 Madiba Dennie, "A Brief Guide to 'Mega Master' Hearings, the Engine Powering Trump's Deportation Machine, *Balls and Strikes*, July 27, 2026, https://ballsandstrikes.org/law-politics/mega-master-hearings-brief-guide-due-process/.

188 Alexandra Villarreal, "Trump's deportation crackdown accelerated by potent court tool," *The Guardian*, July 27, 2026, https://www.theguardian.com/us-news/2026/jul/27/trump-immigration-cases; Cameron Pugh, "In immigration court's mass hearings, absence can mean deportation," *The Christian Science Monitor*, Aug. 28, 2026, https://www.csmonitor.com/USA/Justice/2026/0828/immigration-trump-mega-master-deportation; Adriana Cardona-Maguigad and Lauren FitzPatrick, "Chaotic, crowded Chicago immigration mega court hearings are fueling record deportation orders," *Chicago Sun Times*, July 24, 2026, https://chicago.suntimes.com/immigration/2026/07/24/chaotic-crowded-chicago-immigration-mega-court-hearings-are-fueling-record-deportation-orders; Kate Morrissey, "New Orleans immigration court among sites where 'mega master' hearings speed up deportations," *Louisiana Illuminator*, July 15, 2026, https://lailluminator.com/2026/07/15/mega-master/.

189 Joseph Gunther and Brandon Marrow, BKLG, *In July, Mega Master Hearings and Absentia Removal Orders Continued at a Rapid Pace*, Aug. 2026, https://bklg.org/blog/mega-masters-july-2026/

190 Kate Morrissey, "50 people ordered deported in first day of San Diego 'mega' master immigration hearings," *Daylight San Diego*, June 13, 2026, https://www.daylightsandiego.org/50-people-ordered-deported-in-first-day-of-san-diego-mega-master-immigration-hearings/.

191 Gabe Ferris, "Chicago immigration judge orders removal of 6 kids as green card applications remain pending," *CBS News,* Aug. 26, 2026, https://abc7chicago.com/post/chicago-immigration-judge-orders-removal-6-children-green-card-applications-remain-pending/19740370/.

192 Alexandra Villarreal, "US immigration judges told to slash time given to people awaiting visas or green cards before being deported," *The Guardian*, Sept. 4, 2026, https://www.theguardian.com/us-news/2026/sep/04/immigration-judges-limit-time-deportations.

193 Margy O'Herron and Neema Jyothiprakash, "The Empty Promise of the Board of Immigration Appeals," Brennan Center for Justice, April 10, 2026, https://www.brennancenter.org/our-work/research-reports/empty-promise-board-immigration-appeals.

194 *See* Appellate Procedures for the Board of Immigration Appeals, 91 Fed. Reg. 5267,Feb. 6, 2026, https://www.federalregister.gov/documents/2026/02/06/2026-02326/appellate-procedures-for-the-board-of-immigration-appeals. Some parts of the rule are not currently in effect due to a court ruling. For more information, see Aruna Sury, "New BIA Procedural Rules: What's in Effect and What's Not," Immigrant Legal Resource Center, June 2026, https://www.ilrc.org/sites/default/files/2026-06/new%20BIA%20procedural%20rules.pdf.

195 *See* Adriel Orozco, "DOJ Moves to End Administrative Immigration Appeals to Speed Up Mass Deportations," American Immigration Council, Feb. 13, 2026, https://www.americanimmigrationcouncil.org/blog/justice-departments-end-immigration-appeals-deportations/.

196 See Greg Chen and Vanessa Dojaquez-Torres, "America Needs Independent, Fair, and Efficient Immigration Courts," American Immigration Lawyers Association, Mar. 19, 2026,https://www.aila.org/library/policy-brief-america-needs-independent-fair-and-efficient-immigration-courts.

197 *See* Democracy Forward, "Blocking Sweeping Immigration Appeals Rule That Eliminates Meaningful Judicial Review," Feb. 26, 2026, https://democracyforward.org/work/legal/blocking-sweeping-immigration-appeals-rule-that-eliminates-meaningful-judicial-review/.

198 AILA, "Federal Court Blocks Key Portions of IFR Changing BIA Appellate Procedures," Mar. 8, 2026, https://www.aila.org/library/federal-court-blocks-key-portions-of-ifr-changing-bia-appellate-procedures.

199 Ximena Bustillo and Jenna McLaughlin, "'Hidden tribunals': Immigration court due process in tumult with new locations," *National Public Radio*, Sept. 4, 2026, https://www.npr.org/2026/09/04/g-s1-142042/immigration-court-hidden-tribunals; Brianna Sacks, "Trump administration to host immigration hearings at FEMA headquarters," *Washington Post*, Sept. 5, 2026, https://www.washingtonpost.com/climate-environment/2026/09/04/trump-administration-host-immigration-hearings-fema-headquarters/; Ximena Bustillo and Steve Inskeep, "Immigration court's unusual locations raise due process concerns," *National Public Radio*, Sept. 10, 2026, https://www.npr.org/2026/09/10/nx-s1-5955669/immigration-courts-unusual-locations-raise-due-process-concerns; Mateo Moreno, "Your Immigration Hearing May Have Moved to a Secret Building — Here's How to Check," *The Latin Times*, Sept. 8, 2026, https://www.latintimes.com/your-immigration-hearing-may-have-moved-secret-building-heres-how-check-report-599072;

200 *See* e.g., Ximena Bustillo (@Ximena_Bustillo), "Big confusion outside a federal building where immigrants are being asked to appear for in person court hearings. Two groups received notices on Friday in the mail to come today. Both drove several hours. Over the phone a lawyer tells one their hearing has now been pushed." X, Sept. 9, 2026, https://x.com/Ximena_Bustillo/status/2097659523389424017?s=46.

201 8 CFR § 1003.27; U.S. Department of Justice Executive Office for Immigration Review, "Fact Sheet: Observing Immigration Court Hearings," June 2026, https://www.justice.gov/eoir/media/1449716/dl?inline.

202 Jill Fordyce, "I was a volunteer observer in immigration court. These are the children I won't forget." *MS Now*, Sept. 20, 2026, https://www.ms.now/opinion/ice-immigration-court-children; Suzgo Chitete Howard Center for Investigative Journalism, "Public access to immigration court increasingly prohibited," *Arizona Daily Star*, Aug. 10, 2026, https://tucson.com/news/state-regional/government-politics/article_3dbddbcb-3ca6-425f-83f3-451db41f2dbd.html; Renee Griffin, "DOJ blocks public and press from accessing immigration courts, lawsuit alleges," Reporters Committee for Freedom of the Press, Apr. 27, 2026, https://www.rcfp.org/doj-immigration-court-access/.

203 *Detroit Free Press v. John Ashcroft*, 303 F.3d 681 (6th Cir. 2002).

204 Tim Sullivan, "In Chicago, an immense show of force signals a sharp escalation in White House immigration crackdown," *Associated Press*, Oct. 21, 2025, https://apnews.com/article/chicago-immigration-raid-trump-crackdown-1472ec9dd297054a36925b06297aca2f.

205 *ProPublica*, "What You Need to Know About How Tear Gas Harms Kids," June 10, 2026, https://www.propublica.org/article/how-tear-gas-harms-kids-trump-ice-cbp-minneapolis-portland.

206 Joshua Barajas, "Shooting deaths climb in Trump's mass deportation effort," *PBS News Hour*, Jan. 29, 2026, https://www.pbs.org/newshour/nation/a-look-at-shootings-by-federal-immigration-officers.

207 Ryan J. Foley, "ICE Went on a Hiring Spree. Sterling Credentials Not Required," *Associated Press*, Apr. 17, 2026, https://apnews.com/article/ice-background-checks-vetting-immigration-8ae6b7b850f7c0265b3cb8b5060ef8fd.

208 Training was slashed by more than half; months later, DHS announced it would return to its prior training regimen Rebecca Santana, "Homeland Security Secretary says ICE will increase new officer training next month," Associated Press, June 3, 2026, https://apnews.com/article/mullin-ice-training-immigration-enforcement-border-f751af1d745a5339182472df39f97545.

209 "Read the Whistle-Blower's Complaint Filed Amid ICE's Hiring Surge," New York Times, Sept. 3, 2026, https://www.nytimes.com/interactive/2026/09/03/us/ice-recruits-whistleblower-complaint.html.

210 David J. Bier, "ICE Has Diverted Over 25,000 Officers From Their Jobs," Cato Institute, Sept. 3, 2025, https://www.cato.org/blog/ice-has-diverted-over-25000-officers-their-jobs.

211 Alejandra Guzman, "US Forest Service Confirms It Works With ICE After Camping Trip Raid," *FOX 13 Seattle*, Sept. 18, 2026, https://www.fox13seattle.com/news/us-forest-service-ice-camping-raid (U.S. Forest Service stating that while its officers "do not enforce immigration law, they collaborate with agencies that do" and stating this "may involve checkpoints, patrols, or targeted enforcement efforts in areas where public safety and federal land management responsibilities intersect"); Akela Lacy, "FBI Redirected a Quarter of Staff to Target Immigrants Under Trump'S Deportation Push," *The Intercept*, May 1, 2026, https://theintercept.com/2026/05/01/fbi-ice-immigration-enforcement/.

212 DHS Office of Inspector General, "ICE Homeland Security Investigations Hindered in Countering Fentanyl Entering the United States," Aug. 20, 2026, https://www.oig.dhs.gov/sites/default/files/assets/2026-08/OIG-26-23-Aug26.pdf.

213 FWD.us, "'Force Multiplier': How ICE Is Promising Billions to Local Law Enforcement to Expand Its Reach in Dangerous Ways.," July 15, 2026, https://www.fwd.us/news/force-multiplier-how-ice-is-promising-billions-to-local-law-enforcement-to-expand-its-reach-in-dangerous-ways/; FWD.us, "New Data Reveals ICE Has Set Aside $257 Million to Pay Local and State Law Enforcement," Apr. 9, 2026, https://www.fwd.us/news/ice-payouts; José Olivares, "Ex-watchdogs warn rush to give power to local police in immigration crackdown risks 'threat to civil rights,'" *The Guardian*, Feb. 15, 2026, https://www.theguardian.com/us-news/2026/feb/15/local-police-immigration-partnership-287g-civil-rights.

214 Naureen Shah, *Deputized for Disaster: How President Trump's 287(g) Deportation Force is A Powder Keg for our Communities* (ACLU, Feb. 26, 2026), https://www.aclu.org/publications/deputized-for-disaster.

215 See "Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act," U.S. Immigration and Customs Enforcement, https://www.ice.gov/identify-and-arrest/287g. The current ICE agreement data was downloaded from the ICE website as of September 2, 2026 at 3:00 pm. Data was uploaded by ICE on September 2, 2026 at 12:20pm. This source was used to calculate total currently active agreements; agencies that hold multiple agreements are counted only once.

216 Naureen Shah, *The Continuing Tragedy of Sanctuary Laws*, Statement before the House Committee on the Judiciary, Subcommittee on Immigration Integrity, Security, and Enforcement, Sept. 15, 2026, https://www.aclu.org/documents/testiony-of-naureen-shah-house-judiciary-committee-the-continuingm-tragedy-of-sanctuary-laws-hearing-091526.

217 Dave Elias, "ICE Raids Sweep Gulf Coast Neighborhoods, Detaining Dozens," *Gulf Coast News*, Aug. 26, 2026, https://www.gulfcoastnewsnow.com/article/ice-raid-arrest-detain-southwest-florida-lee/73535592.

218 Damien Alvarado, "Southwest Florida Groups Help Families Navigate Impact of Immigration Arrests," *WINK News,* Aug. 29, 2026, https://www.winknews.com/news/southwest_florida/southwest-florida-groups-help-families-navigate-impact-of-immigration-arrests/article_0b50ead5-53ac-45e1-bd2b-d5197cc53622.html.

219 "Contract to Koniag Services, Inc.," Award No. 70CDCR26FR0000034, USASpending.gov, https://www.usaspending.gov/award/CONT_AWD_70CDCR26FR0000034_7012_47QRCA25DS893_4732/.

220 "Contract Opportunity: 287(g) Program National Call Center," Notice ID 26-SS-DCR-02, SAM.gov, https://sam.gov/workspace/contract/opp/8787177db2ae492897540d79f07dfd3f/view.

221 Human Rights Watch, "US: Masked Federal Agents Undermine Rule of Law," Dec. 18, 2025, https://www.hrw.org/news/2025/12/18/us-masked-federal-agents-undermine-rule-of-law; Walter Olson, "ICE Agents Routinely Mask Up When Seizing People—That's Wrong," Cato Institute, May 12, 2025 https://www.cato.org/blog/ice-agents-seizing-people-now-routinely-wear-masks-thats-wrong; Allie Preston, "Masked and Unidentifiable: The Risks of Federal Law Enforcement Operating Without Identification," Center for American Progress, Aug. 28, 2025, https://www.americanprogress.org/article/masked-and-unidentifiable-the-risks-of-federal-law-enforcement-operating-without-identification/.

222 "Promoting Transparency, Accountability, Coordination, and Officer Safety in Immigration Enforcement Operations," International Association of Chiefs of Police, Aug. 20, 2025, https://www.theiacp.org/sites/default/files/2025-08/Face_Coverings.pdf; Ari Shapiro, "The International Association of Chiefs of Police Calls for More Transparency From ICE," *NPR*, Aug. 19, 2025, https://www.npr.org/2025/08/19/nx-s1-5507069/the-international-association-of-Chiefs-of-police-calls-for-more-transparency-from-ice.

223 Stephen Downing, "Contributor: Authorities Devalue the Law When They Hide Behind Masks" *Los Angeles Times*, Oct. 14, 2025, https://www.latimes.com/opinion/story/2025-10-14/california-law-enforcement-masks.

224 *Vasquez Perdomo v. Noem*, No. 2:25-cv-05605-MEMF-SP, ECF No. 16 (C.D. Cal July 2, 2025), https://www.aclusocal.org/cases/vasquez-perdomo-v-noem/?document=Plaintiffs-file-complaint-against-DHS#documents.

225 *Vasquez Perdomo v. Noem*, No. 2:25-cv-05605-MEMF-SP, ECF No. 45 (C.D. Cal. July 3, 2025), https://www.aclusocal.org/cases/vasquez-perdomo-v-noem/?document=Plaintiffs-file-temporary-restraining-order-on-unlawful-stops#documents.

226 *Vasquez Perdomo v. Noem*, No. 2:25-cv-05605-MEMF-SP, ECF No. 87 (C.D. Cal. July 11, 2025), https://www.aclusocal.org/cases/vasquez-perdomo-v-noem/?document=Federal-court-grants-temporary-restraining-orders-on-unlawful-stops-and-access-to-counsel#documents.

227 David J. Bier, "Anti-Profiling Court Order Cuts LA ICE Arrests by 66 Percent", Cato Institute, Aug. 14, 2025, https://www.cato.org/blog/anti-profiling-court-order-cuts-la-ice-arrests-66-0.

228 606 U. S. _____ (2025), https://www.supremecourt.gov/opinions/24pdf/25a169_5h25.pdf.

229 *Trump v. Illinois*, 146 S. Ct. 432, 436 n.4 (2025) (Kavanaugh, J., concurring)

230 ACLU of Southern California, "Government's Own Records Reveal Racial Profiling in Federal Immigration Stops," July 28, 2026, https://www.aclusocal.org/press-releases/governments-own-records-reveal-racial-profiling-in-federal-immigration-stops/.

231 Hibah Ansari, "'I Have No Rights': Minnesota Residents Sue Trump Administration for Racial Profiling, Stops Without Suspicion, and Warrantless Arrests," ACLU, Mar. 17, 2026, https://www.aclu.org/news/immigrants-rights/i-have-no-rights-minnesota-residents-sue-trump-administration-for-racial-profiling-stops-without-suspicion-and-warrantless-arrests.

232 ACLU of Minnesota, "ACLU-MN Announces Next Step Toward Accountability for Minnesotans Harmed by Federal Agents, Files to Dismiss *Hussen v. Mullin*," June 11, 2026, https://www.aclu-mn.org/press-releases/hussen-dismissal/.

233 *Ovando v. Mullin*, No. 1:25-cv-03183-RBJ, ECF No. 132-7 at 11 (D. Colo. Aug. 26, 2026), https://storage.courtlistener.com/recap/gov.uscourts.cod.248071/gov.uscourts.cod.248071.132.7.pdf.

234 *Id.*

235 *Ovando v. Mullin,* No. 1:25-cv-03183, Compl. (D. Colo. Oct 9, 2025), https://www.aclu-co.org/cases/ramirez-ovando-et-al-v-noem-et-al/?document=Complaint#documents.

236 ACLU of Colorado, "ICE Continues to Violate Court Orders, Brutalize Innocent People in Colorado," Aug. 27, 2026, https://www.aclu-co.org/press-releases/ice-continues-to-violate-court-orders-brutalize-innocent-people-in-colorado/.

237 *See Gibson Brown v. Mullin,* No. 1:26-cv-01131, Compl. (D.D.C. Apr. 2, 2026), https://www.aclu.org/cases/gibsonbrown-v-mullin.

238 *See Gibson Brown v. Mullin,* No. 1:26-cv-01131, Compl. (D.D.C. Apr. 2, 2026), https://www.aclu.org/cases/gibsonbrown-v-mullin; Rebecca Santana, "Immigration officers assert sweeping power to enter homes without a judge's warrant, memo says," *Associated Press*, Jan. 21, 2026, https://apnews.com/article/ice-arrests-warrants-minneapolis-Trump-00d0ab0338e82341fd91b160758aeb2d.

239 *See Gibson Brown v. Mullin,* No. 1:26-cv-01131, Compl. (D.D.C. Apr. 2, 2026), https://www.aclu.org/cases/gibsonbrown-v-mullin.

240 *Id.*

241 *Gibson Brown v. Mullin*, No 1:26-cv-01131, Liana J. Castiano Decl. (D.D.C Jun. 23, 2026).

242 Madeleine Ngo, Michael Gold, and Hamed Aleaziz, "Homeland Security Nominee Strikes Softer Tone on Immigration," New York Times, Mar. 19, 2026, https://www.nytimes.com/2026/03/18/us/politics/Markwayne-mullin-homeland-security-confirmation-hearing.html.

243 Liana J. Castiano Decl., *Gibson Brown v. Mullin*, No 1:26-cv-01131 (D.D.C Jun. 23, 2026).

244 *Gibson Brown v. Mullin*, No. 1:26-cv-01131 (D.D.C. Apr. 2, 2026).

245 Naureen Shah, *Agents of Chaos and Cruelty: How the Trump Administration's National Deportation Policing Force Has Attacked American Communities* (ACLU, July 16, 2026), https://www.aclu.org/publications/agents-of-chaos-and-cruelty-how-the-trump-administrations-national-deportation-policing-force-has-attacked-american-communities.

246 Rohini Haar, Kimberly Saltz, and Scott Reynhout, *Tools of Repression: How U.S. Law Enforcement Escalated the Use of Three Weapons to Crack Down on Immigration Protests* (Physicians for Human Rights, May 2026), https://phr.org/our-work/resources/tools-of-repression/.

247 Sergio Martínez-Beltrán, "Court records: Chicago immigration raid was about squatters, not Venezuelan gangs," *NPR*, Feb. 6, 2026, https://www.npr.org/2026/02/06/nx-s1-5703603/court-records-chicago-immigration-raid-was-about-squatters-not-venezuelan-gangs; Cindy Fernandez, "Massive immigration raid on Chicago apartment building leaves residents reeling: 'I feel defeated,'"*Chicago Sun Times*, Oct.1, 2025, https://chicago.suntimes.com/immigration/2025/10/01/massive-immigration-raid-on-chicago-apartment-building-leaves-residents-reeling-i-feel-defeated; Jessica Lussenhop, Melissa Sanchez and Sebastian Rotella, "The True Story of Why Immigration Agents Raided a Chicago Apartment Building," *ProPublica*, Aug. 20, 2026, https://www.propublica.org/podcast/why-chicago-south-shore-apartment-immigration-raid.

248 Rex Huppke, "Judge tells faux-tough-guy Border Patrol chief not to tear-gas trick-or-treaters," *USA Today*, Oct. 29, 2025, https://www.usatoday.com/story/opinion/columnist/2025/10/29/bovino-tear-gas-kids-chicago-halloween/86950707007/.

249 Barbara Rodriguez, "Federal agents keep deploying tear gas near kids. We have no idea what it does to their health," *The 19th News*, Feb. 19, 2026, https://19thnews.org/2026/02/ice-agents-tear-gas-children-health-impacts/.

250 Office of Senator Schiff, "In New Report, Sen. Schiff Exposes Over $140 Million Dedicated to ICE and CBP's Deadly Arsenal of Weapons and Munitions Since Start of Second Trump Administration," Feb. 19, 2026, https://www.schiff.senate.gov/news/press-releases/news-in-new-report-sen-schiff-exposes-over-140-million-dedicated-to-ice-and-cbps-deadly-arsenal-of-weapons-and-munitions-since/

251 Ryan J. Foley, "ICE Plans to Give Officers Gloves That Can Deliver Electric Shocks," *Associated Press,* August 11, 2026, https://apnews.com/article/ice-electric-shock-gloves-85ff746d3e0ee5f39e7a9a3f1f576252.

252 Donald J. Trump (@realDonaldTrump), "'I love the smell of deportations in the morning…' Chicago about to find out why it's called the Department of WAR ," Truth Social, Sept. 6, 2025, https://x.com/WhiteHouse/status/1964359754458833028?ref src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1964359754458833028%7Ctwgr%5E9c7c9484b5e19c2acb56ffcf6a96e8a27ad75d76%7Ctwcon%5Es1_c10&ref_url=https%3A%2F%2Fwww.npr.org%2F2025%2F09%2F06%2Fnx-s1-5532148%2Fnational-guard-chicago-baltimore-new-orleans.

253 Samantha Waldenberg, "Trump says Chicago 'will find out why it's called the Department of WAR' ahead of planned crackdown," *CNN*, Sept. 25, 2026, https://www.cnn.com/2025/09/06/politics/trump-chicago-war-meme-post.

254 "DHS shares Stephen Miller clip telling ICE they have 'federal immunity,'" *Fox 9*, Jan. 14, 2026, https://www.fox9.com/news/trump-adviser-stephen-miller-tells-ice-have-federal-immunity-when-dealing-protesters

255 Devan Cole, "Do ICE agents have absolute immunity? No, experts say, but it's not easy for a state to prosecute," *CNN*, Jan. 9, 2026, https://www.cnn.com/2026/01/08/politics/ice-immunity-jd-vance-minneapolis.

256 Jackeline Luna, "Video Shows Bovino Giving Orders to Federal Agents in Los Angeles," *New York Times,* Jan. 29, 2026, https://www.nytimes.com/video/us/100000010676901/la-immigration-raids-greg-bovino.html.

257 Dept. of Homeland Security (@dhsgov) and El Centro Sector Border Patrol (@usbpchiefelc), "Cicero or Sicario: A Day of Crashes. October 22nd was one of the most violent days faced by DHS law enforcement since the beginning of Operation Midway Blitz. To the rioters: you will not stop us or slow us down. Read what happened as federal officers were carrying out our nation's immigration laws: https://www.dhs.gov/news/2025/10/24/cicero-or-sicario-day-crashes," Instagram, Oct. 24, 2025, https://www.instagram.com/p/DQNWzsNCVqj/?igsi=MWE1bjA0OXFwd210dw%3D%3D.

258 Suzanne Gamboa, "Families of those fatally shot by ICE in vehicle encounters fear a pattern," *NBC News,* Aug. 9, 2026, https://www.nbcnews.com/news/us-news/families-fatally-shot-ice-vehicle-encounters-fear-pattern-rcna588866; See Hanna Rosin, "Who Can Hold ICE Accountable?" *The Atlantic,* July 9, 2026, https://www.theatlantic.com/podcasts/2026/07/who-can-hold-ice-accountable/687853/; Homeland Security (@dhsgov), "Today, in an act of domestic terrorism, an anti-ICE rioter weaponized her vehicle against law enforcement. Our officer relied on his training and saved his own life, as well as the lives of his fellow officers. Sanctuary politicians have created an environment that encourages rampant assaults on law enforcement." X, Jan. 7, 2026, https://x.com/DHSgov/status/2009058387418562922?lang=en; Homeland Security (@dhsgov), "On July 7, 2026, at approximately 6:50 AM CT, ICE law enforcement attempted to conduct a vehicle stop as part of a targeted enforcement operation to arrest an illegal alien. The driver of the vehicle, Lorenzo Salgado Araujo—an illegal alien from Mexico—attempted to evade arrest." X, July 7, 2026, https://x.com/DHSgov/status/2074626271716216846.

259 Id; Rebecca Schneid, "ICE Is Getting Body Cameras. But Will They Help Hold Agents Accountable?" *TIME*, Aug. 12, 2026, https://time.com/article/2026/08/12/ice-is-getting-body-cameras-but-will-they-help-hold-agents-accountable-/; American Oversight, "Newly Released Video Raises Serious Questions About ICE's Account of Fatal Shooting of U.S. Citizen," Mar. 9, 2026, https://americanoversight.org/newly-released-video-raises-serious-questions-about-ices-account-of-fatal-shooting-of-u-s-citizen/.

260 *See* John E. Bromwich, "White House Use of 'Domestic Terrorist' Doesn't Match Legal Reality," *New York Times,* Jan. 28, 2026, https://www.nytimes.com/2026/01/28/us/trump-minnesota-protesters-domestic-terrorists.html.

261 "U.S. Attorney Aaron Reitz statement on the shooting and death of Lorenzo Salgado," U.S. Attorney's Office Southern District of Texas, July 16, 2026, https://www.justice.gov/usao-sdtx/pr/us-attorney-reitz-statement-shooting-and-death-lorenzo-salgado; "New Surveillance Video Raises Questions in Deadly ICE Shooting," *NBC News,* July 10, 2026, https://www.nbcnews.com/nightly-news/video/new-surveillance-video-raises-questions-in-deadly-ice-shooting-266521669879.

262 Elise Hammond et al., "Substance in Houston ICE shooting van was not drugs, district attorney's office says testing confirms," *CNN*, July 24, 2026, https://www.cnn.com/2026/07/24/us/houston-ice-shooting-substance-testing.

263 Norah Hogan, "Former senior DHS official analyzes deadly ICE shooting in Biddeford," *WMTW*, July 15, 2026, https://www.wmtw.com/article/former-dhs-official-analyzes-deadly-ice-shooting-in-biddeford/72103999.

264 Giulia McDonnell Nieto del Rio and Nick Stoico, "Man apparently targeted by ICE in Biddeford had no final removal order, was shooting victim's roommate, Maine representative says," *Boston Globe,* Aug. 17, 2026, https://www.bostonglobe.com/2026/08/17/metro/biddeford-maine-ice-shooting/; Emma Davis, "Piecing together the events of the fatal ICE shooting in Biddeford," *Maine Morning Star,* July 14, 2026, https://mainemorningstar.com/2026/07/14/piecing-together-the-events-of-the-fatal-ice-shooting-in-biddeford/.

265 Sophia Tareen, "Lawyers of Chicago woman shot by federal agents say documents show how DHS lies about investigations," *PBS News,* Feb. 12, 2026, https://www.pbs.org/newshour/politics/lawyers-of-chicago-woman-shot-by-federal-agents-say-documents-show-how-dhs-lies-about-investigations.

266 MPR News Staff, Man shot in leg by ICE in Minneapolis did not attack officer, women say in court documents," *MPR News*, Jan. 22, 2026, https://www.mprnews.org/story/2026/01/22/man-shot-in-leg-By-ice-in-minneapolis-did-not-attack-officer-women-say; Jacob Rosen and Joe Walsh, "DOJ drops charges against 2 men accused of assaulting ICE officers in Minneapolis, citing new evidence "inconsistent" with complaint," *CBS News,* Feb. 13, 2026, https://www.cbsnews.com/news/doj-drops-charges-assaulting-ice-officers-inconsistent-evidence/; Lucio Vasquez, "ICE agent accused of shooting man and filing false report arrested in Texas," Houston Public Media, May 29, 2026, https://www.houstonpublicmedia.org/articles/news/politics/immigration/2026/05/29/553277/texas-ice-immigration-agent-arrested-shooting-minneapolis/.

267 *See* Brittany Gibson, "Feds bashed for 'shocking' lockdown of Minneapolis ICE shooting probe," *Axios*, Jan. 10, 2026, https://www.axios.com/2026/01/10/minneapolis-ice-fbi-investigation; Uriel J. García, "DA says feds haven't shared evidence in Houston ICE shooting," *The Texas Tribune*, July 24, 2026,https://www.texastribune.org/2026/07/24/texas-houston-ice-shooting-public-hearing-district-attorney-teare/.

268 Anthony Bettin, "FBI formally refuses to share evidence in Alex Pretti killing, Minnesota investigators say," *CBS News*, Feb. 16, 2026, https://www.cbsnews.com/minnesota/news/fbi-refuses-to-share-evidence-in-alex-pretti-killing-with-bca/; Associated Press, "Minnesota officials say they can't access evidence after fatal ICE shooting and FBI won't work jointly on investigation," *PBS News,* Jan. 8, 2026, https://www.pbs.org/newshour/nation/minnesota-officials-say-they-cant-access-evidence-after-fatal-ice-shooting-and-fbi-wont-work-jointly-on-investigation.

269 *See* Kyle Stokes et al., "Feds hand over shooting evidence," *Axios*, July 14, 2026, https://www.axios.com/local/twin-cities/2026/07/14/feds-hand-over-shooting-evidence.

270 *See* Uriel J. García, "DA says feds haven't shared evidence in Houston ICE shooting," *The Texas Tribune,* July 24, 2026, https://www.texastribune.org/2026/07/24/texas-houston-ice-shooting-public-hearing-district-attorney-teare/.

271 *Id.*

272 Caitlin Andrews and Kate Kaufman, "Who is investigating the fatal shooting in Biddeford?" *The Maine Monitor,* July 16, 2026, https://themainemonitor.org/who-is-investigating-fatal-shooting-biddeford/; Rachel Estabrook, "Maine leaders see cooperation in ICE shooting death investigations. So far." *Portland Press Herald,* July 17, 2026, https://www.pressherald.com/2026/07/17/maine-leaders-see-cooperation-in-ice-shooting-death-investigations-so-far/; Christian Harsa, "Maine Attorney General's office confirms continued collaboration on ICE shooting investigation," *News Center Maine,* July 30, 2026, https://www.newscentermaine.com/article/news/politics/immigration-news/maine-attorney-generals-office-confirms-continued-collaboration-ice-shooting-investigation/97-92f041c8-244a-48b8-b882-152f763a0250.

273 *See* Christian Harsa, "Maine Attorney General's office confirms continued collaboration on ICE shooting investigation," *News Center Maine,* July 30, 2026, https://www.newscentermaine.com/article/news/politics/immigration-news/maine-attorney-generals-office-confirms-continued-collaboration-ice-shooting-investigation/97-92f041c8-244a-48b8-b882-152f763a0250; Geoff Bennett and Andrew Merlis, "Maine Sen. King says feds lack credibility, locals need role in ICE shooting investigation," *PBS News,* July 14, 2026, https://www.pbs.org/newshour/show/maine-sen-king-says-feds-lack-credibility-locals-need-role-in-ice-shooting-investigation; Lauren McCauley and Emma Davis, "Maine legislators ask DHS chief to comply with state investigation into ICE killing," *Maine Morning Star,* July 29, 2026, https://mainemorningstar.com/2026/07/29/maine-legislators-ask-dhs-chief-to-comply-with-state-investigation-into-ice-killing/; "Maine's 2 US senators demanding federal cooperation into investigation involving deadly ICE shooting," *KVUE*, July 15, 2026, https://www.youtube.com/watch?v=W9TsM_InTYQ.

274 Richard Luscombe, "ICE will not reveal body-camera footage unless in agency's 'best interests,'" *The Guardian,* Aug. 7, 2026, https://www.theguardian.com/us-news/2026/aug/07/ice-body-cameras-footage-release; Jay Stanley, "ICE Agents to Wear Body Cameras but the Fix Is in," ACLU, August 18, 2026, https://www.aclu.org/news/privacy-technology/ice-agents-to-wear-body-cameras-but-the-fix-is-in.

275 Government Accountability Project, *Oversight of the Department of Homeland Security*, Written Statement for the Record for the Senate Committee on the Judiciary, Mar. 3, 2026, https://whistleblower.org/wp-content/uploads/2026/03/03.10.26-GAP-CRCL-Written-Statement-for-the-Record-SJC-DHS-Oversight-Hearing.pdf.

276 S*ee* Homeland Security Act of 2002, Public Law 107–296, 107th Cong., 2nd sess. (Nov. 25, 2002), https://www.dhs.gov/homeland-security-act-2002; Homeland Security Civil Rights and Civil Liberties Protection Act of 2004, Public Law 108–458, 108th Cong., 2nd sess. (December 17, 2004); codified as 6 U.S.C. § 111(b)(1)(G).

277 Juan Cuéllar Torres, Sr. Tracey Horan, and Adam Isacson, *Denouncing Into the Void: The Dismantling of Internal Oversight and Accountability at DHS,* Kino Border Initiative and Washington Office on Latin America, Mar. 2026, https://www.wola.org/wp-content/uploads/2026/03/denouncing_into_the_void-3.pdf.

278 Government Accountability Project, "DHS Halted 500+ Civil Rights Investigations When It Shut Down Oversight Office, Whistleblowers Say," May 15, 2025, https://whistleblower.org/press-release/dhs-halted-500-civil-rights-investigations-when-it-shut-down-oversight-office-whistleblowers-say/; Senate Committee on Homeland Security and Government Affairs, "Peters, Durbin, and Murray Demand Answers on Gutting of DHS Oversight Office and Protection of Civil Rights and Civil Liberties at DHS," July 18, 2025, https://www.hsgac.senate.gov/media/dems/peters-durbin-and-murray-demand-answers-on-gutting-of-dhs-oversight-office-and-protection-of-civil-rights-and-civil-liberties-at-dhs/.

279 Zolan Kanno-Youngs et al., "Trump Shuts Down 3 Watchdog Agencies Overseeing Immigration Crackdown," *New York Times,* Mar. 21, 2025, https://www.nytimes.com/2025/03/21/us/politics/trump-civil-rights-homeland-security-deportations.html.

280 Lauren Villagran, "Amid Increased Scrutiny, ICE Detention and Deportation Data Goes Dark," The Marshall Project, July 15, 2026, https://www.themarshallproject.org/2026/07/15/ice-data-immigration-detention-transparency; Austin Kocher, "ICE Fails Again to Publish Required Detention Data," Feb. 28, 2026, https://austinkocher.substack.com/p/ice-fails-again-to-publish-required.

281 *The Oversight Project & Mike Howell v. Dep't of Homeland Security*, No. 1:26-cv-02395, Compl. (D.D.C. July 8, 2026), https://static.itsyourgov.org/Stamped-Copy-MDC-Relied-Upon-Case-with-Exhibits.pdf.

282 Austin Kocher, "ICE and EOIR Data Cut Off During Government Shut Down Just as 'Mass Detention' Gets $45B Boost," Nov. 9, 2025, https://austinkocher.substack.com/p/ice-and-eoir-data-cut-off-during.

283 Nick Miroff, "The Man in Charge of Immigration Data Just Resigned," *The Atlantic,* Aug. 11, 2026, https://www.theatlantic.com/politics/2026/08/trump-dhs-deportation-data-ice/688220/.

284 Associated Press, "ICE Will No Longer Report Deaths of Detainees Who Have Recently Been Released from Custody," *NBC News,* June 5, 2026, https://www.nbcnews.com/news/us-news/ice-will-no-longer-report-deaths-detainees-recently-released-custody-rcna348719; Douglas Macmillan, "ICE to stop reporting deaths of newly released detainees, internal memo says," *Washington Post,* June 4, 2026, https://www.washingtonpost.com/immigration/2026/06/04/ice-stop-reporting-deaths-newly-released-detainees-internal-memo-says/.

285 *Id.*

286 *Id.*

287 Human Rights Watch, *Dying in Detention: Rising Deaths in an Expanding US Immigration Detention System,* June 25, 2026, https://www.hrw.org/report/2026/06/25/dying-in-detention/rising-deaths-in-an-expanding-us-immigration-detention-system.

288 *See e.g.*, Dan Raby, "Man diagnosed with leukemia dies after time in ICE custody at Georgia's Stewart Detention Center, advocates say," *CBS News*, Aug. 3, 2026, https://www.cbsnews.com/atlanta/news/man-diagnosed-with-leukemia-dies-after-time-in-ice-custody-at-georgias-stewart-detention-center-advocates-say/; *Reuters*, "Immigrant detained at ICE facility in New Jersey died after medical emergency," Aug. 13, 2026, https://www.nbcnews.com/news/us-news/immigrant-detained-ice-facility-new-jersey-died-medical-emergency-rcna592301; Human Rights Watch, *Dying in Detention: Rising Deaths in an Expanding US Immigration Detention System,* June 25, 2026, https://www.hrw.org/report/2026/06/25/dying-in-detention/rising-deaths-in-an-expanding-us-immigration-detention-system; Ryan J. Foley, "ICE will no longer report deaths of detainees who have recently been released from custody," *Associated Press*, June 5, 2026, https://apnews.com/article/ice-custody-deaths-reporting-detention-0a45ba5d710e44ead30e4a965f2b987; Douglas MacMillan,"ICE to stop reporting deaths of newly released detainees, internal memo says," *Washington Post*, June 4, 2026, https://www.washingtonpost.com/immigration/2026/06/04/ice-stop-reporting-deaths-newly-released-detainees-internal-memo-says/.

289 ACLU of Southern California, "ACLU Files Lawsuit Against ICE for Withholding Documents Related to Practice of Releasing People from Custody Prior to Imminent Death," July 12, 2022, https://www.aclusocal.org/en/press-releases/aclu-files-lawsuit-against-ice-withholding-documents-related-practice-releasing.

290 "Rep. Rob Menendez says he has learned of third detainee death at Delaney Hall," *ABC7*, Aug. 8, 2026, https://abc7ny.com/post/3rd-delaney-hall-death-reported-rep-rob-menendez-ice-facility-newark-nj/19636775/.

291 *Id.*

292 *Id.*

293 Dan Raby, "Man Diagnosed with Leukemia Dies After Time in ICE Custody at Georgia's Stewart Detention Center, Advocates Say," *CBS News,* Aug. 3, 2026, https://www.cbsnews.com/atlanta/news/man-diagnosed-with-leukemia-dies-after-time-in-ice-custody-at-georgias-stewart-detention-center-advocates-say/.

294 *Id.*

295 Rachel Landry and Allison Crennen-Dunlap, "The Immigrant Registration Requirement's Self-Incrimination Problem," *Harvard Law Review,* July 17, 2025, https://harvardlawreview.org/blog/2025/06/the-immigrant-registration-requirements-self-incrimination-problem/.

296 Rules and Regulations, 90 Fed. Reg. 11793 (Mar. 12, 2025), https://www.govinfo.gov/content/pkg/FR-2025-03-12/pdf/2025-03944.pdf.

297 The White House, "Protecting the American People Against Invasion," Jan. 20, 2025, https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/. On Jan. 21, 2025, the Acting Deputy Attorney General issued a memo instructing U.S. Attorney's Offices and other core components to pursue "charges relating to criminal immigration-related violations when such violations are presented by federal, state or local law enforcement or the Intelligence Community." Acting Deputy Attorney General Emil Bove to all U.S. Department of Justice employees, "Interim Policy Changes Regarding Charging, Sentencing, And Immigration Enforcement" (memorandum), Jan. 21, 2025, https://www.politico.com/f/?id=00000194-94d6-dd75-adfc-9dd744dc0000. The memo lists violations of 8 U.S.C. § 1304 and § 1306 among those offenses. Section 1304 authorizes the Attorney General and State Department to "prepare forms for the registration of aliens" and requires every person who has been registered and fingerprinted to carry a "certificate of alien registration"; failure to carry such a card is a misdemeanor offense subject to a fine under $100 and/or a sentence of under one month. Section 1306 makes any person who "willfully fails or refuses" to register, or any parent or legal guardian who "willfully fails or refuses" to file an application for a minor, guilty of a misdemeanor and subject to a fine under $1,000 and/or imprisonment of up to 6 months. 8 U.S.C. §§1301–06.

298 The White House, "Guaranteeing the States Protection from Invasion," Jan. 20, 2025, https://www.whitehouse.gov/presidential-actions/2025/01/guaranteeing-the-states-protection-against-invasion/.

299 U.S. Dep't of Homeland Sec., "Finding of Mass Influx of Aliens," Jan. 23, 2025, https://www.dhs.gov/sites/default/files/2025-01/25_0123_finding-of-mass-influx-of-aliens.pdf

300 "Seeking Records about DHS's Renewed Mass Influx Declaration and Deputization of State and Local Law Enforcement as Immigration Officers," American Immigration Council, Aug. 13, 2026, https://www.

americanimmigrationcouncil.org/foia-request/dhs-mass-influx-declaration-law-enforcement. Pursuant to 28 CFR § 65.83(b), DHS requested states provide law enforcement and other services to assist DHS–meaning their officers could be deputized to act as federal immigration officers and potentially without meeting the other requirements of agreements like 287(g).

301 Finding of Mass Influx of Aliens, 91 Fed. Reg. 59795, Sept. 21, 2026, https://www.federalregister.gov/documents/2026/09/21/2026-19253/finding-of-mass-influx-of-aliens.

302 "Attorney General Ken Paxton Becomes First Texas Law Enforcement Official to Sign Agreement to Help President Trump's Deportation Efforts," Ken Paxton Attorney General of Texas, https://www.texasattorneygeneral.gov/news/releases/attorney-general-ken-paxton-becomes-first-texas-law-enforcement-official-sign-agreement-help-0; Associated Press, "Florida leads as state and local governments sign on for Trump's mass deportations," *The Republic*, May 1, 2025, https://www.therepublic.com/2025/05/01/florida-leads-as-state-and-local-governments-sign-on-for-trumps-mass-deportations/.

303 Ruth Ben-Ghiat, *Strongmen: Mussolini to the Present* (2020), https://wwnorton.com/books/9781324001546 (identifying the expansion of detention, surveillance, and coercive state infrastructure as a recurring marker across historical episodes of democratic backsliding).

304 Vera Institute of Justice, "The Case for Universal Representation: The Problem," https://www.vera.org/advancing-universal-representation-toolkit/the-case-for-universal-representation-1/the-problem .

305 Shannon Heffernan et al., "5 Ways Trump Rapidly Ramped Up Immigration Detention," Marshall Project (Aug. 1, 2025), https://www.themarshallproject.org/2025/08/01/trump-ice-immigration-detention (quoting former ACLU National Prison Project senior staff attorney Eunice Cho's observation that once a facility is built, business motives drive efforts to fill it, and that resurrecting shuttered facilities underscores why constructing new buildings or expanding old ones can be treacherous).

306 *Id.*

307 American Immigration Council, *Immigration Detention Expansion in Trump's Second Term* (Jan. 2026), https://www.americanimmigrationcouncil.org/wp-content/uploads/2026/01/immigration-detention-report.pdf (documenting the simultaneous expansion of detention capacity and the legal categories and enforcement practices determining who can be detained).

308 *Id.*

309 "Immigration Detention Costs in a Time of Mass Deportation," National Immigration Forum, Nov. 17, 2025, https://forumtogether.org/article/immigration-detention-costs-in-a-time-of-mass-deportation/.

310 "ICE Chief Says Deportation System Should Run Like Amazon Prime," *Bloomberg*, Apr. 9, 2025, https://www.bloomberg.com/news/articles/2025-04-09/ice-chief-says-deportation-system-should-run-like-amazon-prime.

311 Patricia Lopez, "Detention Centers Don't Need Nicknames—And Certainly Not Merch," *Bloomberg*, Aug. 24, 2025, https://www.bloomberg.com/opinion/articles/2025-08-24/alligator-alcatraz-cornhusker-clink-ice-detention-centers-aren-t-a-joke.

312 ACLU & Human Rights Watch, *"You're Only Getting Out Deported or Dead": Abusive US Immigration Detention at Ft. Bliss,* July 15, 2026, https://www.aclu.org/documents/youre-only-getting-out-deported-or-dead-abusive-us-immigration-detention-at-ft-bliss.

313 *Id.*

314 *Id.*

315 Vanessa Romo, "Private prisons announce $1.4 Billion in revenue as immigration detentions climb," *NPR*, Aug. 8, 2026, https://www.npr.org/2026/08/08/nx-s1-5923881/geo-group-corecivic-immigration-detention.

316 Meg Anderson, "A Former GEO Group Executive Now Runs ICE. The Company's Government Ties Run Deep," *NPR*, June 4, 2026, https://www.npr.org/2026/06/03/nx-s1-5836625/geo-group-private-prisons-ice-close-ties.

317 Michael Wriston, Em Knepp, and m., "Mobile Detention Sites, Courtrooms Inside the Jails, and a Clause Saying State Law Does Not Apply. What ICE's New Detention Solicitation Reveals," *Project Salt Box*, Aug. 29, 2026, https://www.projectsaltbox.com/p/mobile-detention-sites-courtrooms.

318 *Id.*

319 Timothy Snyder, *On Tyranny: Twenty Lessons from the Twentieth Century* (Penguin Random House, 2017) (arguing that authoritarian consolidation proceeds through incremental steps that individually appear defensible but collectively build a durable apparatus of control).

320 *See*, e.g., Robert Tait, "Trump's border czar to target sanctuary cities in US: 'We're gonna flood the zone,'" *The Guardian*, July 22, 2025, https://www.theguardian.com/us-news/2025/jul/21/trump-sanctuary-cities-noem-homan.

321 Exec. Order No. 14159, § 17, 90 Fed. Reg. 8443, 8446 (Jan. 20, 2025); Exec. Order No. 14287, § 1, 90 Fed. Reg. 18761, 18761 (Apr. 28, 2025); Associated Press, "Trump threatens to cut off funds to 'sanctuary' cities and their states starting next month," *NBC News*, Jan. 15, 2026, https://www.nbcnews.com/politics/trump-administration/trump-Immigration-funds-sanctuary-cities-states-february-rcna253986.

322 Ernesto Londoño and Hamed Aleaziz, "ICE Threatens Sheriffs in Chicago and Minneapolis With Prosecution Over Access to Inmates," *The New York Times*, Aug. 5, 2026, https://www.nytimes.com/2026/08/05/us/ice-minnesota-sheriff-prosecution.html.

323 *Printz v. United States*, 521 U.S. 898, 926 (1997) (quoting *New York v. United States*, 505 U.S. 144, 188 (1992)).

324 ACLU, Letter to Honorable James R. McHenry III, Re: Trump Administration's Legally Baseless Threats Against State and Local Officials, Jan. 23, 2025, https://www.aclu.org/documents/aclu-letter-and-memo-on-the-trump-administrations-legally-baseless-threats-against-state-and-local-officials.

325 *Bond v. United States*, 564 U.S. 211, 222 (2011).

326 Kate Lonsdorf, "Armed troops have patrolled D.C. for 1 year now. It's challenging democratic norms," *NPR*, Aug. 11, 2026, https://www.npr.org/2026/08/11/nx-s1-5927230/national-guard-dc-anniversary-trump.

327 *See e.g.*, "Minnesota Lawyers Argue Trump's ICE Invasion Is 'Extorting' State for Voter Rolls Demands - Democracy Docket," *Democracy Docket,* March 16, 2026, https://www.democracydocket.com/news-alerts/minnesota-attorneys-trump-bondi-ice-operation-extort-voter-rolls/.

328 Rose Johnson and Hannah Kozlowski, "'It will last forever:' Gov. Bill Lee says safe Task Force will remain in Memphis as long as it takes," *Action News 5,* Oct. 5, 2025, https://www.actionnews5.com/2025/10/14/it-will-last-forever-gov-bill-lee-says-safe-task-force-will-remain-memphis-long-it-takes/.

329 *Demster v. Blanche*, No. 2:26-cv-02546 (W.D. Tenn. May 13, 2026), https://www.courtlistener.com/docket/73334240/demster-v-blanche/.

330 Michael Williams, Alayna Treene and Alexandra Skores, "Mullin plan to punish sanctuary jurisdictions by targeting their airports faces fierce headwinds," *ABC7*, June 1, 2026, https://abc7chicago.com/post/dhs-security-secretary-markwayne-mullin-plan-punish-sanctuary-jurisdictions-targeting-airports-faces-pushback/19213439/.

331 Nick Miroff, "Homeland Security's Plan to Strong-Arm 'Sanctuary' Cities," *The Atlantic,* May 21, 2026, https://www.theatlantic.com/politics/2026/05/dhs-ice-sanctuary-cities-airports/687245/.

332 Chris Davis, "DHS Customs Proposal Threatens Intl Travel Calamity," *Business Traveler News,* May 29, 2026, https://www.businesstravelnews.com/Transportation/Air/DHS-Customs-Proposal-Threatens-Intl-Travel-Calamity.

333 U.S. Travel Association, "Removing CBP Officers from Newark Liberty Will Strand Americans, Devastate Travel Economy," May 29, 2026, https://www.ustravel.org/press/removing-cbp-officers-newark-liberty-will-strand-americans-devastate-travel-economy.

334 Josh Funk and Rio Yamat, "Travel industry worries after Trump administration reiterates threat to sanctuary city airports," PBS News, May 25, 2026, https://www.pbs.org/newshour/nation/travel-industry-worries-after-trump-administration-reiterates-threat-to-sanctuary-city-airports.

335 Julia Manchester, "GOP Lawmaker Says She Will Criminally Refer 4 Democratic Mayors to DOJ," *The Hill,* Mar. 5, 2025, https://thehill.com/homenews/house/5178359-luna-criminal-referral-sanctuary-cities/.

336 U.S. House Committee on Oversight and Government Reform, "Hearing Wrap Up: Sanctuary Mayors Refuse to Change Policies That Obstruct Federal Immigration Enforcement and Protect Dangerous Criminal Aliens," Mar. 5, 2025, https://oversight.house.gov/release/hearing-wrap-up-sanctuary-mayors-refuse-to-change-policies-that-obstruct-federal-immigration-enforcement-and-protect-dangerous-criminal-aliens/.

337 Associated Press, "Trump threatens to cut off funds to 'sanctuary' cities and their states starting next month," *NBC News*, Jan. 15, 2026, https://www.nbcnews.com/politics/trump-administration/trump-Immigration-funds-sanctuary-cities-states-february-rcna253986.

338 Hannah Rabinowitz, Phil Mattingly and Tami Luhby, "Trump Administration Targets 14 Blue States With Sweeping Federal Funding Review," *CNN*, Jan. 22, 2026, https://www.cnn.com/2026/01/22/politics/trump-federal-funding-democratic-states.

339 For an overview of these actions, see Congressional Research Service, "'Sanctuary' Jurisdictions: Legal Overview," Sept. 16, 2025, https://www.congress.gov/crs-product/LSB11321.

340 Exec. Order No. 14159, § 17, 90 Fed. Reg. 8443, 8446 (Jan. 20, 2025).

341 Exec. Order No. 14287, § 1, 90 Fed. Reg. 18761, 18761 (Apr. 28, 2025).

342 See, e.g. *Illinois v. Fed. Emergency Mgmt. Agency*, --- F. Supp. 3d ---, No. 25-CV-00206-WES-PAS, 2025 WL 2716277 (D.R.I. Sept. 24, 2025).

343 Department of Justice, "U.S. Sanctuary Jurisdiction List Following Executive Order 14287: Protecting American Communities From Criminal Aliens," Oct. 31, 2025, https://www.justice.gov/ag/us-sanctuary-jurisdiction-list-following-executive-order-14287-protecting-american-communities?utm_medium=email&utm_source=govdelivery.

344 Ximena Bustillo, "Homeland Security Pulls Down List of 'sanctuary' Cities and Counties After Backlash," *NPR*, June 2, 2025, https://www.npr.org/2025/06/02/nx-s1-5421232/homeland-security-sanctuary-cities-immigration.

345 National Sheriffs' Association, "DHS Statement," May 31, 2025, https://sheriffs.org/sites/default/files/DHS%20Statement.pdf?_gl=1*1kyalx5*_ga*OTk0MjI2NjkuMTc0ODg3MzE0Mw..*_ga_CBZR1VPETJ*czE3NDg4NzMxNDMkbzEkZzEkdDE3NDg4NzMxOTQkajkkbDAkaDA..

346 Exec. Order No. 14287, § 1, 90 Fed. Reg. 18761, 18761 (Apr. 28, 2025).

347 ACLU to Acting Attorney General James R. McHenry III, "Trump Administration's Legally Baseless Threats Against State and Local Officials," Jan. 23, 2025, https://www.aclu.org/documents/aclu-letter-and-memo-on-the-trump-administrations-legally-baseless-threats-against-state-and-local-officials.

348 U.S. Government Accountability Office, "DHS Grants: Approach to Terminations and Pauses Disrupted Some Program Activities, GAO-26-109097," Sept. 17, 2026, https://www.gao.gov/products/gao-26-108106.

349 Ernesto Londoño and Hamed Aleaziz, "ICE Threatens Sheriffs in Chicago and Minneapolis With Prosecution Over Access to Inmates," *New York Times*, Aug. 5, 2026, https://www.nytimes.com/2026/08/05/us/ice-minnesota-sheriff-prosecution.html.

350 Acting Deputy Attorney General Emil Bove to all U.S. Department of Justice employees, "Interim Policy Changes Regarding Charging, Sentencing, And Immigration Enforcement" (memorandum), Jan. 21, 2025, https://www.politico.com/f/?id=00000194-94d6-dd75-adfc-9dd744dc0000.

351 U.S. Department of War, "Statement by Chief Pentagon Spokesman Sean Parnell on DOD Personnel Support to ICE," July 25, 2025, https://www.war.gov/News/Releases/Release/Article/4256444/statement-by-chief-pentagon-spokesman-sean-parnell-on-dod-personnel-support-to/.

352 Naureen Shah, *Deputized for Disaster: How President Trump's 287(g) Deportation Force is A Powder Keg for our Communities* (ACLU, Feb. 26, 2026), 19, https://www.aclu.org/publications/deputized-for-disaster.

353 U.S. Senator Jack Reed, "Reed Rebukes Trump's Misuse of Military in Immigration Enforcement," May 8, 2025, https://www.reed.senate.gov/news/speeches/reed-rebukes-trumps-misuse-of-military-in-immigration-enforcement.

354 *Newsom v. Trump*, No. 25-cv-04870-CRB, Opinion (N.D. Cal Sept. 2, 2025), https://www.courthousenews.com/wp-content/uploads/2025/09/newsom-v-trump-granting-injunctive-relief.pdf.

355 The White House, "Department of Defense Security for the Protection of Department of Homeland Security Functions," June 7, 2025, https://www.whitehouse.gov/presidential-actions/2025/06/department-of-defense-security-for-the-protection-of-department-of-homeland-security-functions/.

356 Marcia Biggs et al., "Troops deployed in LA as immigration raids stir fear and protests," *PBS News,* Jun. 10, 2025, https://www.pbs.org/newshour/show/troops-deployed-in-la-as-immigration-raids-stir-fear-and-protests.

357 "Judge Rules Trump Illegally Deployed National Guard in California," *NBC News,* Sept. 3, 2025, https://www.nbcnews.com/news/us-news/judge-rules-trump-illegally-deployed-national-guard-l-rcna224779.

358 Heather Cherone, "Politics National Guard Deployment to Chicago Cost $21M, Congressional Budget Office Says," *WTTW News,* Jan. 28, 2026, https://news.wttw.com/2026/01/28/national-guard-deployment-chicago-cost-21m-congressional-budget-office-says.

359 *Newsom v. Trump*, No. 25-cv-04870-CRB (N.D. Cal. June 9, 2025) https://www.courtlistener.com/docket/70496361/newsom-v-trump/; *Oregon v. Trump*, No. 25-6268 (D. Or. Oct 5, 2025), https://www.courtlistener.com/docket/71554902/state-of-oregon-et-al-v-trump-et-al/; *Illinois v. Trump*, No. 25-2798 (7th Cir. Oct. 16, 2025) https://media.ca7.uscourts.gov/cgi-bin/OpinionsWeb/processWebInputExternal.pl?Submit=Display&Path=Y2025/D10-16/C:25-2798:J:PerCuriam:aut:T:op:N:3439487:S:0.

360 Amy Howe, "Supreme Court rejects Trump's effort to deploy National Guard in Illinois," *SCOTUSBlog,* Dec. 23, 2025, https://www.scotusblog.com/2025/12/supreme-court-rejects-trumps-effort-to-deploy-national-guard-in-illinois/.

361 The White House, "Additional Measures to Address the Crime Emergency in the District of Columbia,"Aug. 25, 2025, https://www.whitehouse.gov/presidential-actions/2025/08/additional-measures-to-address-the-crime-emergency-in-the-district-of-columbia/.

362 Sergio Martínez-Beltrán, "ICE detention deaths are on a record pace. One Texas facility bears the brunt," *NPR*, Apr. 3, 2026, https://www.npr.org/2026/04/03/nx-s1-5754749/ice-detention-deaths-Are-on-a-record-pace-one-texas-facility-bears-the-brunt; Bernd Debusmann Jr. and Will Grant, "Trump says US will send some migrants to Guantanamo Bay," BBC, Jan. 30, 2025, https://www.bbc.com/news/articles/c5yelgxk3rlo.

363 Ely Brown, "Opening of New Migrant Detention Center in Texas Met With Protests," *ABC News,* Aug. 18, 2025, https://abcnews.com/US/opening-new-migrant-detention-center-texas-met-protests/story?id=124760368.

364 *Id.*

365 Casey Smith, "Defense letter confirms Indiana's Camp Atterbury to be used for immigrant detention," *Indiana Capital Chronicle,* July 21, 2025, https://indianacapitalchronicle.com/2025/07/18/defense-letter-confirms-indianas-camp-atterbury-to-be-used-for-immigrant-detention/.

366 Sarah Mehta, "ACLU Statement on Trump Administration Plan to Use New Jersey Military Base to Detain Immigrants," ACLU, July 25, 2025, https://www.aclu.org/press-releases/aclu-statement-on-trump-administration-plan-to-use-new-jersey-military-base-to-detain-immigrants.

367 *Id.*

368 Maria Sachetti et al., "Trump's plan to hold migrants at military bases begins taking shape," *Washington Post,* Aug. 7, 2025, https://www.washingtonpost.com/immigration/2025/08/07/trump-fort-bliss-migrants-detention/; Steve Beynon, "Additional Military Bases in New Jersey, Indiana Set to Host Migrant Detention Camps," *Military.com,* July 18, 2025, https://www.military.com/daily-news/2025/07/18/additional-military-bases-new-jersey-indiana-set-host-migrant-detention-camps.html.

369 Alfred Lubrano, "Decried as 'Garden State Gulag,' South Jersey military base that will house undocumented immigrants faces continued criticism," *Philadelphia Inquirer,* July 21, 2025, https://www.inquirer.com/politics/new-jersey/joint-base-mcguire-detention-center-undocumented-immigrants-20250721.html.

370 Casey Smith, "This is a dark time for our nation' | US Congressman responds to federal plan to hold immigrant detainees at Indiana's Camp Atterbury, *WTHR*, July 18, 2025, https://www.wthr.com/article/news/politics/defense-letter-confirms-indiana-camp-atterbury-used-immigrant-detention-edinburgh-pete-hegseth/531-353bcf5b-f92f-4f26-be9c-b34556244b4a.

371 Michael Biesecker and Joshua Goodman, "Mystery surrounds $1.2 Billion Army contract to build huge detention tent camp in Texas desert, *PBS News,* Aug. 28, 2025, https://www.pbs.org/newshour/politics/mystery-surrounds-1-2-billion-army-contract-to-build-huge-detention-tent-camp-in-texas-desert.

372 Suzanne Monyak and Celine Castronuovo, "DOJ Memo Draws Doubts on Military Lawyers as Immigration Judges," *Bloomberg Law,* Nov. 18, 2025, https://news.bloomberglaw.com/us-law-week/doj-memo-draws-doubts-on-military-lawyers-as-immigration-judges.

373 Designation of Temporary Immigration Judges, 90 Fed. Reg. 41883 (Aug. 28, 2025), https://www.federalregister.gov/documents/2025/08/28/2025-16573/designation-of-temporary-immigration-judges.

374 David M. Crane, "Soldiers in Robes: The Case Against Military Immigration Judges," *JURISTnews,* Jan. 16, 2026, https://www.jurist.org/commentary/2026/01/soldiers-in-robes-the-case-against-military-immigration-judges/; New York City Bar, *Condemning the Use of Military Lawyers as Temporary Immigration Judges* (Jan. 15, 2026), https://www.nycbar.org/reports/condemning-the-use-of-military-lawyers-as-temporary-immigration-judges/; Ximena Bustillo, "Military lawyers called up to relieve a shortfall in immigration judges," *NPR*, Sept. 2, 2025, https://www.npr.org/2025/09/02/g-s1-86691/military-lawyers-Immigration-judges-jag; Mark Hertling and Benjamin Parker, "Trump Wants JAGs as Immigration Judges. That's a Disaster." *Command Post,* Feb. 12, 2025, https://www.thebulwark.com/p/trump-wants-jags-as-immigration-judges.

375 Andrew Turley and John Ewers, "Why It's Wrong to Involuntarily Mobilize Reserve JAGs for Immigration Cases," *Just Security,* July 16, 2026, https://www.justsecurity.org/146560/involuntarily-mobilize-military-lawyers-wrong/; Ellen Ioanes, "Senate advances effort to investigate use of JAG Officers as immigration judges," *Military Times,* June 18, 2026, https://www.militarytimes.com/news/pentagon-congress/2026/06/18/senate-advances-effort-to-investigate-use-of-jag-officers-as-immigration-judges/; Margy O'Herron, "Using Military Lawyers as Immigration Judges Is Ill-Advised and Potentially Illegal," Brennan Center for Justice, September 29, 2025, https://www.

brennancenter.org/our-work/analysis-opinion/using-military-lawyers-immigration-judges-ill-advised-and-potentially; Alexandra Villarreal, "Hiring of military lawyers as immigration judges alarms law experts," *The Guardian, S*ept. 22, 2025, https://www.theguardian.com/us-news/2025/sep/22/trump-administration-military-lawyers-immigration-judges.

376 Nicholas Nehamas et al., "How Trump Purged Immigration Judges to Speed up Deportations," *New York Times*, Apr. 9, 2026, https://www.nytimes.com/2026/04/09/us/politics/trump-miller-immigration-judges-purge.html.

377 Eli Saslow, "In a crowded immigration court, seven minutes to decide a family's future," *Washington Post,* Feb. 2, 2014, https://www.washingtonpost.com/national/in-a-crowded-immigration-court-seven-minutes-to-decide-a-familys-future/2014/02/02/518c3e3e-8798-11e3-a5bd-844629433ba3_story.html.

378 Military lawyers were also requested to represent unaccompanied children in deportation proceedings — another area where they do not have expertise and where their participation raises questions about whether children are receiving qualified and independent assistance. Following outcry, this plan has since been scrapped. *See* Madeleine Ngo, "Trump Officials Scrap Effort to Recruit Pentagon Lawyers to Represent Migrant Children," *New York Times,* Aug. 19, 2026, https://www.nytimes.com/2026/08/19/us/politics/migrant-children-pentagon-lawyers.html.

379 The White House, "Clarifying the Military's Role in Protecting the Territorial Integrity of the United States," Jan. 20, 2025, https://www.whitehouse.gov/presidential-actions/2025/01/clarifying-the-militarys-role-in-protecting-the-territorial-integrity-of-the-united-states/; The White House, "National Security Presidential Memorandum/NSPM-4: "Military Mission for Sealing the Southern Border of the United States and Repelling Invasions," Apr. 11, 2025, https://www.whitehouse.gov/presidential-actions/2025/04/military-mission-for-sealing-the-southern-border-of-the-united-states-and-repelling-invasions/.

380 *Id.*

381 Jonathan Blazer, "Border Communities Face New Risks Under Trump's National Defense Areas," ACLU, Sept. 23, 2025, https://www.aclu.org/news/immigrants-rights/border-communities-face-new-risks-under-trumps-national-defense-areas.

382 The White House, "National Security Presidential Memorandum/NSPM-4: "Military Mission for Sealing the Southern Border of the United States and Repelling Invasions," Apr. 11, 2025, https://www.whitehouse.gov/presidential-actions/2025/04/military-mission-for-sealing-the-southern-border-of-the-united-states-and-repelling-invasions/.

383 Whether the Posse Comitatus Act Prohibits Military Personnel from Making Arrests Outside, but Within the "Immediate Vicinity" of, a National Defense Area for Crimes Committed Within that National Defense Area, 50 Op. O.L.C. __ (Aug. 14, 2026), U.S. Department of Justice, https://www.justice.gov/olc/media/1458026/dl.

384 ACLU of New Mexico, "New Mexico's National Defense Area Prosecutions Threaten Due Process and Clog Courts, New Brief Finds," Apr. 21, 2026, https://www.aclu-nm.org/press-releases/new-mexicos-national-defense-area-prosecutions-threaten-due-process-and-clog-courts-new-brief-finds/; Agnel Philip, "Why We Went Looking for National Defense Areas Along the U.S. Southern Border," ProPublica, Apr. 2, 2026, https://www.propublica.org/article/military-zones-border-migrants-charges.

385 Agnel Philip et al., "The Trump Administration's 'Disturbing' New Legal Strategy to Prosecute Border Crossers Is Taxing Courts and Testing the Law," *ProPublica*, *The Texas Tribune*, Mar. 16, 2026, https://www.propublica.org/article/immigration-military-trespassing-charges-pam-bondi.

386 Patrick Lohmann, "One year in, new NM militarized border zone overwhelming courts, ACLU says," *Source New Mexico,* Apr. 21, 2026, https://sourcenm.com/2026/04/21/one-year-in-new-nm-militarized-border-zone-overwhelming-courts-aclu-says/.

387 Gregory Svirnovskiy and Ben Johansen, "Trump Threatens to Send ICE to Airports Amid DHS Standoff," *Politico*, Mar. 21, 2026, https://www.politico.com/news/2026/03/21/trump-ice-airports-tsa-dhs-00839340.

388 Donald J. Trump (@realDonaldTrump), "The Radical Left Democrats have hurt so many people with their vicious and uncaring ways. What they have done to the Department of Homeland Security, our fantastic TSA Officers, and, most importantly, the great people of our Country, is an absolute disgrace. If the Democrats do not allow for Just and Proper Security at our Airports, and elsewhere throughout our Country, ICE will do the job far better than ever done before!" Truth Social, Mar. 21, 2026.https://trumpstruth.org/statuses/37390.

389 Jeff Arnold, "Which US Airports Has Trump Deployed ICE Officers To?," *NewsNation*, March 24, 2026, https://www.newsnationnow.com/travel/airports-ice-officers-deployed/.

390 *Id.*

391 Jeff Arnold, "Which US Airports Has Trump Deployed ICE Officers To?," *NewsNation*, March 24, 2026, https://www.newsnationnow.com/travel/airports-ice-officers-deployed/; Jennifer Scholtes, Jordain Carney, and Katherine Tully-McManus, "Pressure Builds on Congress as DHS Shutdown Threatens to Drag Into April," *Politico*, March 23, 2026, https://www.politico.com/news/2026/03/23/dhs-shutdown-deal-pressure-00839528.

392 Further Consolidated Appropriations Act, 2024, Pub. L. No. 118-47, div. C, tit. V, § 527(a), 138 Stat. 460, 619.

393 *Neguse v. U.S. Immigr. & Customs Enf't*, No. 1:25-cv-02463, Order Granting Temporary Restraining Order (D.D.C. Feb. 2, 2026).

394 *Neguse v. U.S. Immigr. & Customs Enf't,* No. 1:25-cv-02463, Compl. (D.D.C. July 30, 2025).

395 *Id.*

396 *Neguse v. U.S. Immigr. & Customs Enf't,* No. 1:25-cv-02463, Order Granting Preliminary Injunction (D.D.C. Dec. 17, 2025). The court concluded that plaintiffs were likely to succeed on their claim that Section 527 funds were being used to implement a seven-day notice requirement for members of Congress seeking to enter ICE detention facilities, and that the notice requirement was contrary to law and in excess of DHS's statutory authority.

397 Secretary of Homeland Security Kristi L. Noem to acting director for ICE Todd M. Lyons and Senior Officer Holly C. Mehringer, "Congressional Access to Alien Detention Facilities — Access Policy and Use of Appropriations for Enforcement" (memorandum), Jan. 8, 2026, https://www.dhs.gov/sites/default/files/2026-01/26_0108_sec_congressional-access-alien-detention-facilities-access-policy-and-use-appropriations-for-enforcement.pdf.

398 Reps. Omar, Morrison, Craig denied entry at ICE detention facility, *The Minnesota Star Tribune* (Jan. 10, 2026), https://www.startribune.com/rep-omar-craig-morrison-ice-detention-center-visit-minnesota-immigration-protest/601561763.

399 U.S. Representative Mike Levin, "Rep. Mike Levin and Colleagues Demand ICE Reverse New Restrictions on Oversight Visits to Detention Facilities," June 12, 2026, https://levin.house.gov/media/press-releases/rep-mike-levin-and-colleagues-demand-ice-reverse-new-restrictions-on-oversight-visits-to-detention-facilities.

400 Beret Leone, Conor Wight and Anthony Bettin, Reps. Ilhan Omar, Angie Craig Say Whipple building was "completely empty" during oversight visit, *CBS News,* Feb. 20, 2026, https://www.cbsnews.com/minnesota/news/ilhan-omar-angie-craig-return-to-whipple-building/.

401 Lauren Brooke-Eisen, How ICE's Budget Boom Is Changing Immigration Detention, Brennan Center for Justice, Feb. 24, 2026, https://www.brennancenter.org/our-work/research-reports/how-ices-budget-Boom-changing-immigration-detention.

402 Press Release, Bonnie Watson Coleman, U.S. Representative, Reps. Watson Coleman, McIver, Menendez, Exercise Oversight Authority in Visit to ICE Detention Facility (May 9, 2025), https://www.insidernj.com/reps-watson-coleman-mciver-menendez-exercise-oversight-authority-in-visit-to-ice-detention-facility/.

403 Associated Press, What to Know About the Newark Mayor's Arrest at an Immigration Detention Center (May 11, 2025), https://www.wsls.com/news/politics/2025/05/11/what-to-know-about-the-newark-mayors-arrest-at-an-immigration-detention-center/.

404 *Id.*

405 Aaron C. Davis & Jonathan Baran, Body Slamming? Officer Aggression? How an ICE Clash Led to Charges Against a Congresswoman, Wash. Post (May 22, 2025), https://www.washingtonpost.com/investigations/2025/05/22/lamonica-mciver-congresswoman-charges-ice/.

406 Andres Kudacki, *How It Unfolded: The Arrest of Newark Mayor Ras Baraka at the Controversial Delaney Hall New Jersey ICE Site*, The Jersey Vindicator (May 12, 2025), https://jerseyvindicator.org/2025/05/12/how-it-unfolded-the-arrest-of-newark-mayor-ras-baraka-at-the-controversial-delaney-hall-new-jersey-ice-site/.

407 Ry Rivard, Matt Friedman & Erica Orden, 'We Are Arresting the Mayor Right Now, Per the Deputy Attorney General', Politico (Aug. 19, 2025), https://www.politico.com/news/2025/08/18/newark-mayor-arrest-bodycam-footage-todd-blanche-00513734.

408 Aaron C. Davis and Jonathan Baran, "Body Slamming? Officer Aggression? How an ICE Clash Led to Charges Against a Congresswoman.," *The Washington Post*, August 13, 2026, https://www.washingtonpost.com/investigations/2025/05/22/lamonica-mciver-congresswoman-charges-ice/.

409 Luis Ferré-Sadurní and Mark Bonamo, "Mayor Arrested at ICE Detention Center Says He Was 'Targeted' by Trump," *New York Times,* May 15, 2025, https://www.nytimes.com/2025/05/15/nyregion/ras-baraka-newark-ice-trespassing.html.

410 U.S. Attorney's Office District of New Jersey, "Congresswoman Charged for Forcibly Impeding and Interfering With Federal Officers," June 10, 2025, https://www.justice.gov/usao-nj/pr/congresswoman-charged-forcibly-impeding-and-interfering-federal-officers.

411 ACLU of New Jersey, "ACLU-NJ Responds to Federal Indictment of Congresswoman LaMonica McIver - ACLU of New Jersey," June 10, 2025, https://www.aclu-nj.org/press-releases/aclu-nj-responds-federal-indictment-congresswoman-lamonica-mciver/.

412 Sophie Nieto-Munoz, "NJ congresswoman's attorney objects to fed officials comparing her to antifa," *New Jersey Monitor,* Oct. 7, 2025, https://newjerseymonitor.com/2025/10/07/nj-congresswoman-federal-charges-antifa/.

413 Sophie Nieto-Munoz, "Rep. LaMonica McIver to face appeals court in federal assault case," *New Jersey Monitor,* June 24, 2026, https://newjerseymonitor.com/2026/06/24/lamonica-mciver-appeals-court-assault-case/; *USA v. McIver*, Nos. 25-3573 & 26-1122 (3d Cir. Aug. 26, 2026).

414 Shawn Hubler, Jennifer Medina, and Jill Cowan, "Calif. Senator Forcibly Removed and Handcuffed After Interrupting Noem," *New York Times,* Jun. 12, 2025, https://www.nytimes.com/2025/06/12/us/politics/senator-alex-padilla-handcuffed.html.

415 Shawn Hubler, Jennifer Medina, and Jill Cowan, "Senator Alex Padilla Forcibly Removed and Handcuffed After Interrupting Noem," *The New York Times*, June 13, 2025, https://www.nytimes.com/2025/06/12/us/politics/senator-alex-padilla-handcuffed.html.

416 Ryan Mancini, "Senate Democrat Pepper Sprayed at Protest Outside ICE Detention Facility in New Jersey," *The Hill*, May 26, 2026, https://thehill.com/homenews/senate/5894457-andy-kim-pepper-sprayed-delaney-hall/.

417 Annie Karnie, "Attack on Ilhan Omar Follows Years of Trump's Targeting Her," *New York Times,* Jan. 28, 2026, https://www.nytimes.com/2026/01/28/us/politics/ilhan-omar-trump-attack.html; U.S. Representative Ilhan Omar, "'An unhealthy and creepy obsession': Ilhan Omar on Trump's attacks," Dec. 16, 2025, http://omar.house.gov/media/in-the-news/unhealthy-and-creepy-obsession-ilhan-omar-trumps-attacks.

418 Alexandra Marquez, "Trump says Muslim lawmakers should be sent 'back from where they came' after State of the Union clash," *NBC News,* Feb. 25, 2026, https://www.nbcnews.com/politics/donald-trump/trump-state-of-the-union-ilhan-omar-rashida-tlaib-immigration-congress-rcna260667.

419 Donald J. Trump (@realDonaldTrump), "When you watch Low IQ Ilhan Omar and Rashida Tlaib, as they screamed uncontrollably last night at the very elegant State of the Union, such an important and beautiful event, they had the bulging, bloodshot eyes of crazy people, LUNATICS, mentally deranged and sick who, frankly, look like they should be institutionalized…" Truth Social, Feb. 25, 2026, https://trumpstruth.org/statuses/36893.

420 *See* Naureen Shah, *Agents of Chaos and Cruelty: How the Trump Administration's National Deportation Policing Force Has Attacked American Communities* (ACLU, July 16, 2026), https://www.aclu.org/publications/agents-of-chaos-and-cruelty-how-the-trump-administrations-national-deportation-policing-force-has-attacked-american-communities.

421 *See* National Immigrant Justice Center, "Congress Must Stop Funding ICE and Border Patrol Abuses & Demand Accountability & Transparency," June 2026, https://drive.google.com/file/d/1OiDEbmK6JpJFZH6_-fKZokEbYOjT649h/view.

422 *See* Heidi Altman and Ben D'Avanzo, "What's in Congress's New ICE Funding Law?" National Immigration Law Center, June 11, 2026, https://www.nilc.org/articles/whats-in-congresss-new-ice-funding-law/; National Immigrant Justice Center, "Congress Must Stop Funding ICE and Border Patrol Abuses & Demand Accountability & Transparency," June 2026, https://drive.google.com/file/d/1OiDEbmK6JpJFZH6_-fKZokEbYOjT649h/view.

423 *See* Naureen Shah, *Agents of Chaos and Cruelty: How the Trump Administration's National Deportation Policing Force Has Attacked American Communities* (ACLU, July 16, 2026), https://www.aclu.org/publications/agents-of-chaos-and-cruelty-how-the-trump-administrations-national-deportation-policing-force-has-attacked-american-communities.

424 *See e.g.*, John Parkinson, "What to know about the congressional fight over ICE restrictions, and another possible government shutdown," *ABC News,* Feb. 5, 2026, https://abcnews.com/Politics/congressional-fight-ice-restrictions-government-shutdown/story?id=129856318.

425 *See* Representative Hakeem Jeffries, "Leaders Jeffries and Schumer Deliver Urgent ICE Reform Demands to Republican Leadership," Feb. 4, 2026, https://jeffries.house.gov/2026/02/04/leaders-jeffries-and-schumer-deliver-urgent-ice-reform-demands-to-republican-leadership/.

426 *League of Women Voters Education Fund v. Trump,* No. 1:25-cv-00955, Compl. (D.D.C. Apr. 1, 2025)https://www.aclu.org/cases/league-of-women-voters-education-fund-v-trump

427 *League of Women Voters of Massachusetts v. Trump*, No. 1:26-cv-11549, Compl. (D. Mass Apr. 2, 2026)https://www.aclu.org/cases/league-of-women-voters-of-massachusetts-v-trump.

428 Alexandra Marquez, "Attorney General Todd Blanche says DOJ may take states' voter roll fight to Supreme Court," *NBC News,* Aug. 16, 2026, https://www.nbcnews.com/politics/justice-department/Attorney-general-todd-blanche-doj-state-voter-rolls-supreme-court-rcna59272; ACLU, "ACLU Fights DOJ Overreach to Protect Voter Privacy and Sensitive Data," https://www.aclu.org/aclu-fights-doj-overreach-to-protect-voter-privacy-and-sensitive-data. *See also* U.S. Senator Maria Cantwell, "Cantwell Tells DOJ to Case Pressure Campaign to Obtain States' Sensitive Voter Data, Purge Voter Rolls," Feb. 22, 2026, https://www.cantwell.senate.gov/news/press-releases/cantwell-tells-doj-to-cease-pressure-campaign-to-obtain-states-sensitive-voter-data-purge-voter-rolls.

429 Jacob Knutson, "AG Bondi Demands Access to Minnesota Voter Rolls After Fatal Border Patrol Shooting" *Democracy Docket*, Mar. 16, 2026, https://www.democracydocket.com/news-alerts/attorney-general-bondi-minnesota-voter-rolls-border-patrol-fatal-shooting/.

430 ACLU to U.S. Senators, "Reject the SAVE America Act (S. 1383), Mar. 16, 2026, https://www.aclu.org/documents/reject-the-save-america-act-s1383.

431 Layla A. Jones and Josh Kovensky, "A New Draft Rule for the Census Seeks Sweeping Changes to How Political Power Is Allocated," *Talking Points Memo,* Aug. 11, 2026, https://talkingpointsmemo.com/news/read-a-new-draft-rule-for-the-census-seeks-sweeping-changes-to-how-political-power-is-allocated.

432 Natalie Mooney, "Syracuse poll worker says ICE agents targeted her at primary election polling place," *Spectrum Local News,* June 25, 2026, https://spectrumlocalnews.com/nys/central-ny/news/2026/06/25/ice-agents-at-syracuse-poll.

433 Madeleine Ngo, Nick Corasaniti and Hamed Aleaziz, "Homeland Security Intensifies Pursuit of Noncitizens on Voter Rolls," *New York Times,* Aug. 10, 2026, https://www.nytimes.com/2026/08/10/us/politics/noncitizens-vote-crackdown.html.

434 Ted Hesson, "Immigration Officers Are Being Diverted to Trump's Voter-fraud Effort," *The Washington Post*, Aug. 26, 2026, https://www.washingtonpost.com/immigration/2026/08/25/immigration-officers-are-being-diverted-trumps-voter-fraud-effort/.

435 Benjamin S. Weiss, "DHS Bids to Vacuum up Voter Registration, History From All 50 States," *Courthouse News Service,* Aug. 25, 2026, https://www.courthousenews.com/dhs-bids-to-vacuum-up-voter-registration-history-from-all-50-states/.

436 Madeleine Ngo, Nick Corasaniti, and Hamed Aleaziz, "Homeland Security Intensifies Pursuit of Noncitizens on Voter Rolls," *New York Times,* Aug. 10, 2026, https://www.nytimes.com/2026/08/10/us/politics/noncitizens-vote-crackdown.html.

437 Luke Barr, "ICE Not Being Deployed to Polling Places for Midterms, State Election Officials Told: Sources," *ABC News*, Feb. 26, 2026, https://abcnews.com/Politics/ice-deployed-polling-places-midterms-state-election-officials/story?id=130506911.

438 Matthew Kupfer, "'Anything necessary': Trump won't rule out sending troops to polls," *Democracy Docket,* May 12, 2026, https://www.democracydocket.com/news-alerts/anything-necessary-trump-wont-rule-out-sending-troops-to-polls/.

439 U.S. Senator Edward Markey, et al. to Acting Attorney General Todd Blanche, Secretary of the Department of Homeland Security Markwayne Mullin, and Secretary of Defense Pete Hegseth, July 28, 2026, https://www.markey.senate.gov/imo/media/doc/letter_to_dhs_and_dod_on_federal_officers_at_polling_places.pdf.

440 Aaron Blake, "Trump declines to rule out declaring a national security emergency to control the 2026 election," *CNN*, Aug. 11, 2026, https://www.cnn.com/2026/08/11/politics/trump-national-emergency-Election.

441 *Democratic National Committee v. US Department of Justice*, No. 1:26-cv-00825 (D.D.C. Mar. 10, 2026), https://www.courtlistener.com/docket/72384565/democratic-national-committee-v-us-department-of-justice/?filed_after=&filed_before=&entry_gte=&entry_lte=&order_by=desc#minute-entry-470604838.

442 Sareen Habeshian, "White House considering suspending habeas corpus, Stephen Miller says," *Axios*, May 9, 2025, https://www.axios.com/2025/05/09/habeas-corpus-white-house; Maggie Haberman and Jonathan Swan, "Frustrated by Courts, Trump Weighed Suspending a Constitutional Right," *New York Times,* June 15, 2026, https://www.nytimes.com/2026/06/15/us/politics/trump-scharf-habeas-corpus-Insurrection-act.html.

443 Luke Broadwater, "Trump's Threats Force Powerful Institutions to Choose: Cut a Deal or Resist," *The New York Times*, April 16, 2025, https://www.nytimes.com/2025/04/16/us/politics/trump-universities-law-firms-deals.html; "The Dangers of Obeying: 4 Risks for Organizations Bowing to the Trump Administration - Center for American

Progress," Center for American Progress, July 2, 2025, https://www.americanprogress.org/article/the-dangers-of-obeying-4-risks-for-organizations-bowing-to-the-trump-administration/; American Association of University Professors, "Extorted Compliance: A Threat to Institutional Autonomy, Academic Freedom, and Shared Governance," July 2026, https://www.aaup.org/reports-publications/aaup-policies-reports/topical-reports/extorted-compliance-threat-institutional.

444 *The Federalist Papers: No. 47* (1788).

445 Jalen Beckford, "Federal Judges Say They're Facing Intensified Threats Since Start of Trump's Second Term," *Politico*, September 2, 2026, https://www.politico.com/news/2026/09/02/federal-judges-threats-trump-second-term-01062696.

446 Bill Whitaker and Heather Abbott, "Federal judges who've ruled against Trump administration denounce threats against themselves, their families," *CBS News*, June 7, 2026, https://www.cbsnews.com/news/federal-judges-whove-ruled-against-trump-administration-denounce-threats-60-minutes-transcript-2026-06-07/.

447 *Id.*

448 Chris Megerian, "Trump says federal judge who ruled against deportation orders should be impeached," *Associated Press,* Mar. 18, 2025, https://www.pbs.org/newshour/politics/trump-says-federal-judge-who-ruled-against-deportation-orders-should-be-impeached.

449 Elizabeth Elkind, "Obama-appointed judge faces fresh impeachment threat after blocking Trump TPS order for Somalis," *Fox News,* Aug. 3, 2026, https://www.foxnews.com/politics/obama-appointed-Judge-faces-fresh-impeachment-threat-after-blocking-trump-tps-order-somalis.

450 Kate Mulvaney, "RI Bar rallies behind judge over 'deeply troubling' impeachment push," *Providence Journal,* June 26, 2026, https://www.providencejournal.com/story/news/politics/courts/2026/06/25/rhode-island-judge-john-mcconnell-impeachment-ice-ruling/90693873007/.

451 Erica Orden, "Trump's nominee for solicitor general won't rule out ignoring court orders in 'extreme cases,'" *Politico*, Feb. 26, 2025, https://www.politico.com/live-updates/2025/02/26/congress/Trumps-nominee-for-solicitor-general-00206266.

452 Siven Watt, "Immigration Habeas Tracker: Government Obstruction, Judicial Trust, and Accountability," *Just Security,* June 22, 2026, https://www.justsecurity.org/133928/immigration-habeas-tracker/.

453 Adam Liptak, "Defiance and Threats in Deportation Case Renew Fear of Constitutional Crisis," *New York Times*, Mar. 19, 2025, https://www.nytimes.com/2025/03/19/us/politics/trump-deportations-Constitutional-crisis-impeachment.html.

454 Associated Press, "Trump administration is increasingly ignoring US courts, new analysis shows," *The Guardian,* May 2, 2026, https://www.theguardian.com/us-news/2026/may/02/judiciary-trump-Administration-separation-of-powers; Peter Charalambous, "6 times the Trump administration has clashed with opponents over court orders," *ABC News*, Apr. 15, 2025, https://abcnews.com/Politics/6-times-trump-administration-clashed-opponents-court-orders/story?id=120846599; J. David McSwane, Pratheek Rebala and Carla Astudillo, "Federal

Judges Chastise Trump's Justice Department for 'Unlawful,' 'Unethical' and 'Unseemly' Conduct," *ProPublica*, July 28, 2026, https://www.propublica.org/article/justice-department-presumption-of-regularity.

455 Justin Jouvenal, "Trump Officials Accused of Defying 1 in 3 Judges Who Ruled Against Him," *The Washington Post*, Aug. 12, 2026, https://www.washingtonpost.com/politics/2025/07/21/trump-court-orders-defy-noncompliance-marshals-judges/; *See also* Kyle Cheney, "10,000 rulings: The courts' overwhelming rebuke of Trump's ICE policies," *Politico*, May 13, 2026, https://www.politico.com/news/2026/05/13/10k-rulings-ice-mandatory-detention-trump-analysis-00914195.

456 Sudhin Thanawala, "Takeaways From AP Report on Trump's Defiance of Court Orders," *Associated Press,* May 2, 2026, https://apnews.com/article/trump-courts-defiance-judges-lawsuits-152e5b39ca222c583962805fda5f47ae.

457 *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB, ECF. No. 81 (D.D.C. Apr. 16, 2025), https://www.courthousenews.com/wp-content/uploads/2025/04/boasberg-probable-cause-contempt-venezuelan-deporations-opinion.pdf.

458 *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB, 7:25 p.m. Minute Order (D.D.C. Mar. 15, 2025).

459 *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB, ECF. No. 81 (D.D.C. Apr. 16, 2025), https://www.courthousenews.com/wp-content/uploads/2025/04/boasberg-probable-cause-contempt-venezuelan-deporations-opinion.pdf.

460 *Id.*

461 U.S. Senate Judiciary Committee, "Summary of Documents Substantiating Erez Reuveni's Whistleblower Disclosure," July 10, 2025, https://www.judiciary.senate.gov/imo/media/doc/2025-07-10%20Summary%20of%20Reuveni%20Documents%20(final)%20(002).pdf.

462 *D.V.D. v. D.H.S.,* No. 1:25-cv-10676-BEM, Memorandum on Preliminary Injunction (D. Mass. May 21, 2025), https://immigrationlitigation.org/wp-content/uploads/2025/05/118-Memo-on-PI.pdf.

463 Lilly Gonzalez, "Ruling rejects government's 'good faith' defense; new order requires ICE to check its own records before every removal," National Immigration Project, Aug. 6, 2026, https://nipnlg.org/news/press-releases/federal-court-finds-dhs-contempt-over-removals-young-asylum-seekers-protected.

464 Ashleigh Fields, "Federal judge holds DHS in contempt over Los Angeles immigration sweeps," *The Hill,* Aug. 5, 2026, https://thehill.com/homenews/administration/6012463-judge-dhs-los-angeles-contempt-immigration/.

465 604 U. S. _____ (2025), https://www.supremecourt.gov/opinions/24pdf/24a949_lkhn.pdf.

466 Scott Pelley, Aaron Weisz, Aliza Chasan, & Ian Flickinger, "Fired Justice Department lawyer says he refused to lie in the Abrego Garcia case," *CBS News*, Oct. 19, 2025, https://www.cbsnews.com/news/erez-reuveni-justice-department-whistleblower-kilmar-abrego-garcia-60-minutes/; Marin Scotten, "Trump Makes His Most Unhinged Claim Yet About Kilmar Abrego Garcia " *The New Republic*, April 22, 2025, https://newrepublic.com/post/194255/donald-trump-claim-kilmar-abrego-garcia-tattoos.

467 Juliet Macur, Trump Has Made Claims About Abrego Garcia's Tattoos. Here's a Closer Look." New York Times, May 8, 2025, https://www.nytimes.com/2025/05/08/us/kilmar-abrego-garcia-tattoos-ms-13.html.

468 U.S. Senate Judiciary Committee, "Summary of Documents Substantiating Erez Reuveni's Whistleblower Disclosure," July 10, 2025, https://www.judiciary.senate.gov/imo/media/doc/2025-07-10%20Summary%20of%20Reuveni%20Documents%20(final)%20(002).pdf; Devlin Barrott, "Justice Dept. Whistle-Blower Warns of Trump Administration's Assault on the Law," *New York Times,* Jul. 10, 2025, https://www.nytimes.com/2025/07/10/us/politics/trump-bove-reuveni-whistleblower-doj-Deportations.html.

469 Anusha Mathur and Ximena Bustello, "U.S. has a quarter fewer immigration judges than it did a year ago. Here's why," *NPR,* Feb. 23, 2026, https://www.npr.org/2026/02/23/g-s1-110911/trump-immigration-judges-dismissals-numbers.

470 Ximena Bustillo, "San Francisco immigration court shuts down, striking at heart of historic advocacy," *NPR*, June 10, 2026, https://www.npr.org/2026/06/10/g-s1-126345/san-franciso-court-immigration-Closure-asylum-layoffs.

471 Jacob Soboroff and Amel Ahmed, "U.N. report sounds alarm over Trump's mass firing of immigration judges," *MS NOW,* July 22, 2026, https://www.ms.now/news/united-nations-report-immigration-judges-trump-authoritarianism.

472 *Id.*

473 Nicholas Nehamas et al., "How Trump Purged Immigration Judges to Speed Up Deportations," *New York Times,* Apr. 9, 2026, https://www.nytimes.com/2026/04/09/us/politics/trump-miller-immigration-judges-purge.html.

474 John Ismay, Charlie Savage and Kirsten Grind, "Military Lawyers Wanted as Immigration Judges, No Experience Required," *New York Times*, Sept. 4, 2025, https://www.nytimes.com/2025/09/04/us/politics/military-lawyers-immigration-judges.html; Maria Sacchetti, "Trump Officials Hire 'Deportation Judges' With Less Training, Experience," *The Washington Post*, April 27, 2026, https://www.washingtonpost.com/immigration/2026/04/27/justice-department-immigration-judges-deportation/.

475 Department of Justice, "You Be The Judge," https://join.justice.gov/.

476 Homeland Security (@dhsgov), "DECIDE THE FUTURE OF AMERICA Join @TheJusticeDept as a Deportation Judge and preside over cases in federal Immigration Court. Combat fraud and ensure that those seeking to exploit our immigration system are held accountable. JOIN.JUSTICE.GOV, " X, Nov. 22, 2025, https://x.com/DHSgov/status/1992359948035191205.

477 Ali Rogin and Ali Schmitz, "Immigration judge says Trump administration's firings and policies are 'disheartening,'" *PBS News,* July 8, 2026, https://www.pbs.org/newshour/show/immigration-judge-says-trump-administrations-firings-and-policies-are-disheartening; Allison Sherry, "Immigration judge who granted bond for high-profile detainee fired in ongoing Trump purge," *CPR News,* July 14, 2026, https://www.cpr.org/2026/07/14/immigration-judge-fired/; Celine Castronuovo, "Immigration Judges Speed Through Migrant Children Removal Cases," *Bloomberg Law News*, Aug. 20, 2026, https://news.bloomberglaw.com/us-law-week/immigration-judges-speed-through-migrant-children-removal-cases; Eric Katz, "Deportations Are Spiking. Judges Say Their Hands Are Being Forced." *NOTUS*, Aug. 18, 2026, https://www.notus.org/immigration/deportations-spiking-judges.

478 Lok Darjee, "Six-hour polygraphs, forced reassignments: inside homeland security's campaign of fear," *The Guardian,* July 11, 2026, https://www.theguardian.com/us-news/ng-interactive/2026/jul/11/inside-Homeland-security-campaign-of-fear.

479 Gabe Cohen, "Dozens of DHS staffers, including top FEMA officials, given lie detector tests over alleged leaks," *CNN*, Apr. 12, 2025, https://www.cnn.com/2025/04/12/politics/dhs-fema-lie-detector-tests-leaks.

480 Lok Darjee, "Six-hour polygraphs, forced reassignments: inside homeland security's campaign of fear," *The Guardian,* July 11, 2026, https://www.theguardian.com/us-news/ng-interactive/2026/jul/11/inside-Homeland-security-campaign-of-fear.

481 Brittany Gibson, "Noem Tightens Her Grip on DHS," *Axios*, February 20, 2026, https://www.axios.com/2026/02/20/noem-lewandowski-homeland-security-firings; "AFGE President Responds to Removal of DHS Secretary Kristi Noem," March 5, 2026, https://www.afge.org/publication/afge-president-responds-to-removal-of-dhs-secretary-kristi-noem/.

482 Government Accountability Office, *Whistleblower Protection: DHS Should Ensure Timely Resolution of Retaliation Complaints GAO-26-108106*, Sept. 17, 2026, https://www.gao.gov/products/gao-26-108106.

483 U.S. Department of State, *Report to Congress on Protection of Civil Society Activists and Journalists* (June 2022), https://2021-2025.state.gov/report-to-congress-on-protection-of-civil-society-activists-and-journalists/.

484 U.S. House Judiciary Committee, "House Judiciary Committee Probes Leftist Group Helping To Cement Biden's Border Invasion," Jan. 30, 2026, https://judiciary.house.gov/media/in-the-news/house-judiciary-committee-probes-leftist-group-helping-cement-bidens-border.

485 Laura Romero, "DHS agents visit offices of several legal aid organizations that assist unaccompanied migrant children, groups say," *ABC News*, June 12, 2026, https://abcnews.com/US/dhs-agents-visit-offices-legal-aid-organizations-assist/story?id=133828340.

486 Katya Schwenk, "Trump Is Poised to Privatize Legal Aid for Migrant Children," *The Lever,* May 6, 2026, https://www.levernews.com/trump-is-poised-to-privatize-legal-aid-for-migrant-children/.

487 Ted Hesson and Liam Bowman, "Ex-ICE agent's group awarded $158 million to represent migrant children," *Washington Post,* Aug. 11, 2026, https://www.washingtonpost.com/immigration/2026/08/11/ex-ice-agents-group-awarded-158-million-represent-migrant-children/; U.S. Senator Mazie Hirono, "Hirono, Colleagues Push to Stop Sharing of Sensitive Data on Accompanied Children to Immigration Enforcement, Apr. 8, 2025, https://www.hirono.senate.gov/news/press-releases/hirono-colleagues-push-to-stop-sharing-of-sensitive-data-on-unaccompanied-children-to-immigration-enforcement; Acacia Center for Justice, "Trump Administration Ends Unaccompanied Children Program Contract with Acacia's Legal Service Providers," July 31, 2026, https://acaciajustice.org/trump-administration-ends-unaccompanied-children-program-contract-with-acacias-legal-service-providers/; Katya Schwenk, "Trump Wants Lawyers' Files On Migrant Children," *Lever News,* June 5, 2026, https://www.levernews.com/trump-wants-lawyers-files-on-migrant-children/.

488 Ted Hesson and Liam Bowman, "Ex-ICE Agent's Group Awarded $158 Million to Represent Migrant Children," *The Washington Post*, Aug. 12, 2026, https://www.washingtonpost.com/immigration/2026/08/11/ex-ice-agents-group-awarded-158-million-represent-migrant-children/.

489 The White House, "Preventing Abuses of the Legal System and the Federal Court," Mar. 22, 2025, https://www.whitehouse.gov/presidential-actions/2025/03/preventing-abuses-of-the-legal-system-and-the-federal-court/.

490 Nicole Sganga, "DHS memo directs ICE to ramp up asylum-related fraud cases," *CBS News,* May 26, 2026, https://www.cbsnews.com/news/dhs-memo-ice-asylum-fraud/

491 David Thomas, "ICE claims US asylum lawyer faked records in dozens of cases," *Reuters*, July 30, 3026, https://www.reuters.com/legal/government/ice-claims-us-asylum-lawyer-faked-records-dozens-cases-seeks-470k-fine-2026-07-30/.

492 *Dred Scott v. Sanford*, 60 U.S. 393, 404-05 (1857).

493 Justin C. Mueller, America's Herrenvolk Democracy is a Social Democracy for the White Majority, Milwaukee Indep. (Nov. 6, 2017), https://www.milwaukeeindependent.com/articles/americas-herrenvolk-democracy-social-democracy-white-majority/ (explaining that a Herrenvolk democracy, a term coined by Pierre van den Berghe, is "democratic for the master race but tyrannical for subordinate groups," such that equality exists only within the dominant racial group while that equality is premised upon, rather than in contradiction with, the inequality sustaining the broader order).

494 *Id.*

495 Chinese Exclusion Act, ch. 126, 22 Stat. 58 (1882) (repealed 1943); Emergency Quota Act of 1921, ch. 8, 42 Stat. 5 (repealed 1952); Immigration Act of 1924, ch. 190, 43 Stat. 153 (repealed 1952).

496 Muzaffar Chisti and Julia Gelatt, "A Century Later, Restrictive 1924 U.S. Immigration Law Has Reverberations in Immigration Debate" Migration Policy Institute, May 15, 2024, https://www.migrationpolicy.org/journal/policy-beat/century-later-restrictive-1924-us-immigration-law-has-reverberations.

497 United States Holocaust Memorial Museum, "Immigration to the United States 1933–1941," https://encyclopedia.ushmm.org/content/en/article/immigration-to-the-united-states-1933-41.

498 Alien Enemies Act, ch. 58, §§ 1–4, 1 Stat. 577 (1798) (codified as amended at 50 U.S.C. §§ 21–24); Proclamation No. 2525, 6 Fed. Reg. 6321 (Dec. 7, 1941) (declaring Japanese nationals alien enemies subject to apprehension, restraint, and removal); Proclamation No. 2526, 6 Fed. Reg. 6323 (Dec. 8, 1941).

499 Exec. Order No. 9066, 7 Fed. Reg. 1407 (Feb. 19, 1942) (authorizing the Secretary of War to designate military areas and exclude persons therefrom); Act of Mar. 21, 1942, ch. 191, 56 Stat. 173 (criminalizing violation of military exclusion orders issued under Executive Order 9066); Comm'n on Wartime Relocation & Internment of Civilians, Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians (1982).

500 Rebekah Barber, "How the Civil Rights Movement Opened the Door to Immigrants of Color," *Facing South,* Feb. 3, 2017, https://www.facingsouth.org/2017/02/how-civil-rights-movement-opened-door-immigrants-color.

501 The White House, "Addressing Egregious Actions of The Republic of South Africa," Feb. 7, 2025, https://www.whitehouse.gov/presidential-actions/2025/02/addressing-egregious-actions-of-the-republic-of-south-africa/; Seung Min Kim, "Trump administration plans to admit more white South Africans as refugees this year," PBS News, May 19, 2026, https://www.pbs.org/newshour/world/trump-administration-plans-to-admit-more-white-south-africans-as-refugees-this-year.

502 The White House (@whitehouse), U.S. Immigration and Customs Enforcement (@icegov), and Dept. of Homeland Security (@dhsgov), "It's that deporting illegal aliens glow ," Instagram, July 30, 2025, https://www.instagram.com/p/DMvzFYmRaYW/?igsi=MWVkMHZpcjRvZWdwbg%3D%3D.

503 The White House (@whitehouse) and Dept. of Homeland Security (@dhsgov), "Uncle Sam's big headache: Illegal alien crime. JOIN.ICE.GOV, Instagram, Aug. 20, 2025, https://www.instagram.com/p/DNlkpJeJt4X/?igsi=MXViYmxuOHVnem90eg%3D%3D.

504 Dept. of Homeland Security (@dhsgov), "Illegal aliens, take a page from E.T. and PHONE HOME.If you are here illegally, leave NOW— the easy way— using the CBP Home App. You will receive travel assistance and a stipend to return to your home country. Take control of your self-departure: www.dhs.gov/cbphome," Instagram, July 16, 2025, https://www.instagram.com/p/DML4e91pRpa/?igsi=MXJiZHZoNGc1bjNidg%3D%3D.

505 Jude Joffe-Block, "How Trump Is Relying on a Racist Conspiracy Theory to Question Election Results," NPR, Sept. 13, 2024, https://www.npr.org/2024/09/13/g-s1-22583/trump-great-replacement-Conspiracy-theory; Jesse Rhodes et al., "Follow the Fox? Elite Influence and White Support for the Great Replacement Theory," *PS Political Science & Politics* 59, no. 2 (March 4, 2026): 267–76, https://doi.org/10.1017/s1049096525101856; Tazreena Sajjad, "Still About Race: White Supremacy, Immigration Politics and Trumpism," *Race & Class*, April 21, 2026, https://doi.org/10.1177/03063968261438746.

506 U.S. Senator Sheldon Whitehouse, "Whitehouse Demands DHS Produce Information on Disturbing Recruitment Tactics and Diluted Hiring Standards for ICE Agents" Feb. 26, 2026, https://www.whitehouse.senate.gov/news/release/whitehouse-demands-dhs-produce-information-on-disturbing-recruitment-tactics-and-diluted-hiring-standards-for-ice-agents/; Evan Gorelick, "Trump Administration Social Media Posts Echo White Supremacist Messaging," New York Times, Jan. 27, 2026, https://www.nytimes.com/2026/01/27/us/politics/white-supremacy-trump-Administration-social-media.html.

507 Dept. of Homeland Security (@dhsgov), "The peace of a nation no longer besieged by the third world." Instagram, Dec. 31, 2025, https://www.instagram.com/p/DS8Tx3XCRLQ/.

508 Dept. of Homeland Security (@dhsgov), "It's time to go HOME! Take advantage of the historic and generous CBP Home Deal we are offering to illegal aliens — a $2,600 exit bonus AND a free flight to your home country: dhs.gov/cbphome," Mar. 30, 2026, https://www.instagram.com/p/DWhgiD5iYY_/?igsi=MTNpMDBubTh4eTR1dw%3D%3D.

509 *Mullin v. Doe*, 609 U. S. _____, 11 (2026) (Kagan, J., dissenting).

510 Cassie Miller, "White Nationalist Threats Against Transgender People Are Escalating," Southern Poverty Law Center, June 16, 2019, https://www.splcenter.org/resources/hatewatch/white-nationalist-threats-against-transgender-people-are-escalating/.

511 Jennie Van Den Boogaard, "Deep Dive: The Great Replacement Theory," HIAS, May 7, 2026, https://hias.org/news/deep-dive-great-replacement-theory/.

512 ADL, *When Women are the Enemy: The Intersection of Misogyny and White Supremacy, "When Women Are the Enemy: The Intersection of Misogyny and White Supremacy* (July 20, 2018) https://www.adl.org/resources/report/when-women-are-enemy-intersection-misogyny-and-white-supremacy.

513 Ellen Ioanes, Hegseth Reportedly Removes 2 Black, 2 Female Army Officers From 1-Star Promotion List, Military Times, Mar. 27, 2026, https://www.militarytimes.com/news/pentagon-congress/2026/03/27/hegseth-reportedly-removes-2-black-2-female-army-officers-from-1-star-promotion-list/; Cybele Mayes-Osterman and Davis Winkie, "Fort Who? Republicans Join House Dems to Bar Hegseth's Military Base Name Changes, U.S. Representative Marilyn Strickland, July 16, 2025, https://strickland.house.gov/2025/07/16/fort-who-republicans-join-house-dems-to-bar-hegseths-military-base-name-changes; Nick Mordowanec, "DOD Officially Drops 180 Faiths From Military's Recognized Religion List," Military.com, June 4, 2026, https://www.military.com/dod-officially-drops-180-faiths-from-militarys-recognized-religion-list.

514 Homeland Security (@dhsgov), "A Heritage to be proud of, a Homeland worth Defending. American Progress - John Gast," X, July 23, 2025, https://x.com/DHSgov/status/1948150126494482555; Sam Roberts, "Homeland Security's Embrace of Art Reopens an Old Debate," New York Times, Aug. 28, 2025, https://www.nytimes.com/2025/08/28/arts/design/gast-dhs-american-progress.html; Austin Campbell, "DHS promoted Neo-Nazi anthem for recruitment after fatal Minneapolis ICE shooting," The Intercept, Jan. 13, 2026, https://theintercept.com/2026/01/13/dhs-ice-white-nationalist-neo-nazi/.

515 See, e.g., Exec. Order No. 14159, § 17, 90 Fed. Reg. 8443, 8446 (Jan. 20, 2025).

516 Dept. of Homeland Security (@dhsgov), "'Blessed is the nation whose God is the Lord; and the people who he hath chosen for his own inheritance.' —Psalm 33:12 May God continue to shed his grace on our great nation." Instagram, Apr. 12, 2026, https://www.instagram.com/p/DXCVajtkf98/?igsi=eHN3azRvMGluaTZ3.

517 The White House, "Protecting the Meaning and Value of American Citizenship," Jan. 20, 2025, https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-meaning-and-value-of-american-citizenship/.

518 *Trump v. Barbara*, 609 U.S. ___ (2026), https://www.supremecourt.gov/opinions/25pdf/25-365_4hdj.pdf.

519 Juliana Kim, "Trump signs new orders targeting birthright citizenship, weeks after Supreme Court ruling," *NPR*, Aug. 7, 2026, https://www.npr.org/2026/08/06/g-s1-137686/trump-birthright-citizenship-immigration-curb; ACLU, "Legal Groups That Secured Supreme Court Birthright Victory Move to Protect Babies From Trump's Latest Attacks on Citizenship," Aug. 11, 2026, https://www.aclu.org/press-releases/legal-groups-that-secured-supreme-court-birthright-victory-move-to-protect-babies-from-trump-s-latest-attacks-on-citizenship; Amy Howe, "Challenge Brought to Trump's New Birthright Citizenship Order," *SCOTUSblog*, August 11, 2026, https://www.scotusblog.com/2026/08/challenge-brought-to-trumps-new-birthright-citizenship-order/.

520 "Losing Status: Tracking Loss of Protections & Workforce Impacts," FWD.us, https://www.fwd.us/protections-and-workforce-tracker/.

521 José Olivares, "ICE deported 174 Daca recipients through most of last year, agency head says in letter," *The Guardian,* Apr. 18, 2026, https://www.theguardian.com/us-news/2026/apr/18/ice-deportations-dreamers-daca.

522 Lisa Desjardins, Jonah Anderson, and Amalia Huot-March, "DACA recipient detained by ICE while delivering milk to premature daughter in NICU," *The Guardian,* Apr. 8, 2026, https://www.pbs.org/newshour/show/daca-recipient-detained-by-ice-while-delivering-milk-to-premature-daughter-in-nicu.

523 Miriam Jordan, "ICE Arrested Dozens of Refugees in Minnesota and Sent Them to Texas, Lawyers Say," *New York Times,* Jan. 13, 2026, https://www.nytimes.com/2026/01/13/us/ice-arrests-refugees-Minnesota.html.

524 Memorandum From Joseph Edlow, USCIS, & Troy Edgars, ICE, "Detention of Refugees Who Have Failed To Adjust To Permanent Resident Status," Feb. 18, 2026, https://refugeerights.org/news-resources/lkt-in-newly-released-memo-dhs-claims-authority-to-detain-any-refugee-who-has-not-applied-for-a-green-card-after-a-year

525 International Refugee Assistance Project, "In Newly Released Memo, DHS Claims Authority to Detain Refugees Who Have Not Applied for Green Cards After a Year," Feb. 19, 2026, https://refugeerights.org/news-resources/lkt-in-newly-released-memo-dhs-claims-authority-to-detain-any-refugee-who-has-not-applied-for-a-green-card-after-a-year.

526 Miriam Jordan and Hamed Aleaziz, "They 'Had Done Everything Right.' ICE Detained Them Anyway." *New York Times,* Jan. 26, 2026, https://www.nytimes.com/2026/01/26/us/politics/ice-minnesota-refugees.html.

527 UNHCR, "Cancellation and cessation of refugee status and asylum," https://help.unhcr.org/armenia/seeking-asylum-in-armenia/cessation-of-the-refugee-status-and-asylum-refugee-status/.

528 Center for Immigration Studies, "Immigration Newsmaker: A Conversation with Andrew Veprek," Apr. 15, 2026, https://cis.org/Press-Release/Immigration-Newsmaker-Conversation-Andrew-Veprek.

529 Amanda Frost, Alienating Citizens, 114 Nw. U. L. Rev. Online 48 (2019), https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1271&context=nulr_online (documenting the Trump Administration's revival of mass denaturalization after decades of restrained use, and arguing that the campaign functions as a tool of "attrition through enforcement" designed to send the message that no immigrant's status is secure.

530 *Id.*

531 Hannah Arendt, *The Origins of Totalitarianism*, ch. 9 (Decline of the Nation-State and the End of the Rights of Man) (Meridian Books ed.), https://www.nypl.org/sites/default/files/arendt_originsoftotalitarianism.pdf (arguing that the modern nation-state's ability to legally define who counts as a rights-bearing citizen, and to strip that status from disfavored groups, is not a side effect of totalitarianism but its precondition, tracing how interwar Europe's mass denaturalizations created stateless populations who lost what she calls "the right to have rights").

532 Hamed Aleaziz, "The Trump administration aims to strip more foreign-born Americans of citizenship," *New York Times,* Dec. 17, 2025, https://www.nytimes.com/2025/12/17/us/politics/trump-immigration-citizenship-denaturalization.html?unlocked_article_code=1.9k8.SflM.d-bUghmNM2d1&smid=url-share.

533 8 USC § 1451 (2018): Revocation of Naturalization.

534 Immigrant Legal Resource Center and National Immigration Project, "Denaturalization and Revocation of Naturalization," Feb. 2020, https://www.ilrc.org/sites/default/files/resources/denaturalization_pa.pdf.

535 "Denaturalization Lawsuits Jump in May and June 2026," TRAC Immigration, June 17, 2026, https://tracreports.org/reports/774/.

536 "Justice Department Files Record 25 Denaturalization Cases Against," Aug. 3, 2026, https://www.justice.gov/opa/pr/justice-department-files-record-24-denaturalization-cases-against-naturalized-criminals.

537 Jaclyn Diaz, "Trump Vowed to Revoke Hundreds of Citizenships. It's Proving Harder to Do," *NPR*, June 2, 2026, https://www.npr.org/2026/06/02/g-s1-124866/trump-doj-citizenship-denaturalization-revoke-legal-protections.

538 Katrina Nguyen, "We Will Not Be Silent: The Invisible War on AAPI Immigrants," Asian Americans Advancing Justice Southern California, September 9, 2025, https://ajsocal.org/we-will-not-be-silent-the-invisible-war-on-aapi-immigrants/.

539 Robert Tait, "Trump Administration Raises Possibility of Stripping Mamdani of US Citizenship," *The Guardian*, July 2, 2025, https://www.theguardian.com/us-news/2025/jul/01/trump-zohran-Mamdani-citizenship; "Welcome. US | 6 Policy Changes Impacting the Citizenship Process," June 6, 2026, https://welcome.us/explainers/6-policy-changes-impacting-the-citizenship-process.

540 Stuart Anderson, "Trump Immigration Policies Make It Harder to Get and Keep Citizenship," Forbes, July 29, 2026, https://www.forbes.com/sites/stuartanderson/2026/07/29/trump-immigration-policies-make-it-harder-to-get-and-keep-citizenship/.

541 National Partnership for New Americans, "Suppressing the Naturalized Citizen Vote: New Analysis of USCIS Data Shows Dropping Naturalization Rates Ahead of Midterms," Mar. 31, 2026, https://partnershipfornewamericans.org/suppressing-the-naturalized-citizen-vote-new-analysis-of-uscis-data-shows-dropping-naturalization-rates-ahead-of-midterms/.

542 *Id.*

543 Catherine E. Shoichet, "Cancelled Citizenship Ceremonies and Interviews Are Another Part of Trump's Immigration Crackdown," *CNN*, Feb. 12, 2026, https://www.cnn.com/2026/02/12/us/us-Citizenship-immigration-freeze-trump; U.S. Senator Tim Kaine, "Warner, Kaine, Van Hollen & Alsobrooks Raise Concerns Over Blanket Pause on Immigration Decisions Based on National Origin," June 4, 2026, https://www.kaine.senate.gov/press-releases/warner-kaine-van-hollen-and-alsobrooks-raise-concerns-over-blanket-pause-on-immigration-decisions-based-on-national-origin; Ali Rogin and Doug Adams, "How Trump's Immigration Crackdown Made It Harder to Become U.S. Citizen," *PBS News*, Sept. 17, 2026, https://www.pbs.org/newshour/show/how-trumps-immigration-crackdown-made-it-harder-to-become-u-s-citizen.

544 National Foundation for American Policy, "NFAP Policy Brief: July 2026," July 2026, https://nfap.com/wp-content/uploads/2026/07/Naturalization-Trends.NFAP-Policy-Brief.July-2026.pdf; Cecilia Esterline and Cecilia Esterline, "Legal Immigration in Numbers: August 2026 Status Update," Niskanen Center, Aug. 31, 2026, https://www.niskanencenter.org/immigrationdata/.

545 Congressional Research Service, "Foreign Nationals in the U.S. Armed Forces: Immigration Issues," May 13, 2026, https://www.congress.gov/crs-product/R48163.

546 Jeanne Batalova, "Immigrant Veterans in the United States," Migration Policy Institute, May 9, 2024, https://www.migrationpolicy.org/journal/spotlight/immigrant-veterans-united-states#birth.

547 USCIS, "USCIS Updates Guidance on Military Naturalization," Sept. 26, 2025, https://www.uscis.gov/newsroom/alerts/uscis-updates-guidance-on-military-naturalization.

548 Congressional Research Service, *Foreign Nationals in the U.S. Armed Forces: Immigration Issues* (May 13, 2026) https://www.congress.gov/crs-product/R48163.

549 Jack Brook and Safiyah Riddle, "Democrats Investigating Immigration Efforts Against Military Families," *Associated Press,* Aug. 10, 2026, https://apnews.com/article/immigration-military-families-deport-trump-democrats-86087b0394dc8fe01cfec877903d266b.

550 USCIS, Restoring a Rigorous, Holistic, and Comprehensive Good Moral Character Evaluation Standard for Aliens Applying for Naturalization, PM 602-0188 (Aug. 15, 2025) https://www.uscis.gov/sites/default/files/document/policy-alerts/08.15.2025-Restoring_a_Good_Moral_Character_Evaluation_Standard_for_Aliens_Applying_for_Naturalization-Policy_Memorandum_FINAL.pdf.

551 *Id.*

552 USCIS, "USCIS Unveils First Changes to Naturalization Test in Multi-Step Overhaul of American Citizenship Standards," Sept. 17, 2025, https://www.uscis.gov/newsroom/news-releases/uscis-unveils-first-changes-to-naturalization-test-in-multi-step-overhaul-of-american-citizenship.

553 Adrian Florido, "The test for U.S. citizenship is about to get harder," *NPR*, Oct. 16, 2025, https://www.npr.org/2025/10/16/nx-s1-5566732/the-trump-administration-is-rolling-out-changes-to-the-u-s-citizenship-test.The administration announced on June 13, 2025 that they would increase their scrutiny of requests for exceptions to the English and civics requirements based on disability. Under this new policy, USCIS will be second-guessing the medical professionals who are certifying that an applicant's disability would prevent them from meeting the requirements. USCIS, "Update to Policy on Disability Exceptions to Naturalization Requirements," June 13, 2025, https://www.uscis.gov/newsroom/alerts/update-to-policy-on-disability-exceptions-to-naturalization-requirements.

554 Notice of Implementation of 2025 Naturalization Civics Test, 90 Fed. Reg. 45047 (Sept. 18, 2025), https://www.federalregister.gov/documents/2025/09/18/2025-18050/notice-of-implementation-of-2025-naturalization-civics-test.

555 National Foundation for American Policy, "NFAP Policy Brief: July 2026," July 2026, https://nfap.com/wp-content/uploads/2026/07/Naturalization-Trends.NFAP-Policy-Brief.July-2026.pdf.

556 Jennifer Hansler, "US Suspending Immigrant Visa Processing from 75 Countries," *CNN*, Jan. 15, 2026, https://www.cnn.com/2026/01/14/politics/us-suspending-immigrant-visa-processing-75-countries.

557 U.S. Department of State, "Immigrant Visa Processing Updates for Nationalities at High Risk of U.S. Public Benefits Reliance," Aug. 28, 2026, https://travel.state.gov/content/travel/en/News/visas-news/immigrant-visa-processing-updates-for-nationalities-at-high-risk-of-public-benefits-usage.html.

558 Jennifer Hansler, "US Suspending Immigrant Visa Processing from 75 Countries," *CNN*, Jan. 15, 2026, https://www.cnn.com/2026/01/14/politics/us-suspending-immigrant-visa-processing-75-countries.

559 David J. Bier, "New Ban Bars Half of Legal Immigrants, Even Citizens' Spouses & Kids," Cato Institute, Jan. 14, 2026, https://www.cato.org/blog/new-ban-hits-half-legal-immigrants-even-citizens-spouses-kids.

560 The White House, "Fact Sheet: President Donald J. Trump Further Restricts and Limits the Entry of Foreign Nationals to Protect the Security of the United States," Dec. 16, 2025, https://www.whitehouse.gov/fact-sheets/2025/12/fact-sheet-president-donald-j-trump-further-restricts-and-limits-the-entry-of-foreign-nationals-to-protect-the-security-of-the-united-states/.

561 *Id.*

562 *Id.*

563 *Id.*

564 Margy O'Herron and Doug Rand, "Trump's Entry Bans Aren't Really About National Security," Brennan Center for Justice, Aug. 14, 2025, https://www.brennancenter.org/our-work/research-reports/trumps-entry-bans-arent-really-about-national-security.

565 Proclamation No. 10998, Restricting and Limiting the Entry of Foreign Nationals To Protect the Security of the United States, 90 Fed. Reg. 59717 (Dec. 19, 2025).

566 Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media, 91 Fed. Reg. 44976, https://www.federalregister.gov/documents/2026/07/17/2026-14439/establishing-a-fixed-time-period-of-admission-and-an-extension-of-stay-procedure-for-nonimmigrant.

567 Anna Esaki-Smith, "Nearly Two-Thirds of Colleges Expect International Enrollment to Fall," Forbes, July 9, 2026, https://www.forbes.com/sites/annaesakismith/2026/07/09/nearly-two-thirds-of-colleges-expect-international-enrollment-to-fall/.

568 "U.S. Sees 20% Drop in New International Students," Visa Verge, May 12, 2026, https://www.visaverge.com/visa/us-colleges-see-20-drop-in-foreign-students-as-trump-visa-clampdown-bites/.

569 *Id.*

570 Jason Abbruzzese, "Some Trump administration social media posts mirror extremist rhetoric," NBC News, Jan. 16, 2026, https://www.nbcnews.com/tech/internet/trump-administration-social-media-posts-extremist-rhetoric-rcna254372.

571 U.S. Immigration and Customs Enforcement (@icegov) and Dept. of Homeland Security (@dhsgov), "Answer the call to service! Defend your family. Defend your neighbor. Defend the Homeland. JOIN.ICE.GOV" Instagram, Aug. 5, 2025.

572 Homeland Security (@dhsgov), "Defend your hearth and home. JOIN.ICE.GOV," X, Oct. 21, 2025, https://x.com/DHSgov/status/1980723182962094300.

573 Dept. of Homeland Security (@dhsgov), "AMERICA FOR AMERICANS. JOIN.ICE.GOV," Instagram, Oct. 22, 2025, https://www.instagram.com/p/DQIAYPNiTez/?igsi=bWI4YnN5ZDJlOHdn.

574 Homeland Security (@dhsgov), "Which way, American man? JOIN.ICE.GOV," X, Aug. 11, 2025, https://x.com/DHSgov/status/1955011982488228231.

575 Jonathan Montpetit, "ICE Nodding to Far-right Extremists in Recruitment Posts, Experts Say," *CBC*, Jan. 25, 2026, https://www.cbc.ca/news/ice-recruiting-9.7058294; Ali Breland, "The Blurred Lines Between ICE and the Proud Boys," *The Atlantic*, Jan. 30, 2026, https://www.theatlantic.com/politics/2026/01/ice-proud-boys-militia-enrique-tarrio/685823/.

576 Matt Sledge and Sam Biddle, "ICE Recruitment Tweets Are So Racist That Cops Feared They Could Incite Neo-Nazi Violence," *The Intercept,* May 21, 2026, https://theintercept.com/2026/05/21/ice-dhs-social-media-white-supremacist-violence/.

577 DHS, "ICE Announces Historic 120% Manpower Increase, Thanks to Recruitment Campaign that Brought in 12,000 Officers and Agents," Jan. 3, 2026, https://www.dhs.gov/news/2026/01/03/ice-announces-historic-120-manpower-increase-thanks-recruitment-campaign-brought#:~:text=After%20receiving%20more%20than%20220%2C000,agents%20from%2010%2C000%20to%2022%2C000.

578 Kali Holloway, "Who Is ICE Actually Recruiting?," *The Washington Post*, January 29, 2026, https://www.washingtonpost.com/ripple/2026/01/27/ice-recruitment-white-supremacists/.

579 Department of Homeland Security (@homelandsecurity), "We'll have our home again." JOIN.ICE.GOV," Facebook, Jan. 9, 2026, https://www.facebook.com/photo.php?fbid=1362504895920685&set=a.253785760125943&type=3&ref=embed_post.

580 ACLU, "Why Access to Education Is Key to Systemic Equality," Sept. 6, 2023, https://www.aclu.org/news/racial-justice/why-access-to-education-is-key-to-systemic-equality.

581 DHS, "Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole," Jan. 21, 2025, https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse.

582 Arthur Jones II, "Here's how immigration enforcement is affecting school enrollment in some districts," *ABC News,* Dec. 8, 2025, https://abcnews.com/Politics/heres-immigration-enforcement-affecting-school-enrollment-districts/story?id=128057477.

583 *Wash. State Ass'n of Head Start v. Kennedy*, No. C25-781-RSM, slip op. at 3, 25–26 (W.D. Wash. Sep. 11, 2025) (granting preliminary injunction); Cori Alonso-Yoder and Gabriel Sanchez, "The New Assault on *Plyler v. Doe*," *SMU Law Review* 79, no. 1 (2026): 79.

584 Lauren McGaughy, "Stephen Miller Asks Why Texas Pays to Teach Undocumented Children," *New York Times,* Mar. 24, 2026, https://www.nytimes.com/2026/03/24/us/politics/stephen-miller-asks-why-texas-pays-to-teach-undocumented-children.html.

585 Department of Justice, "The Department of Justice Files Complaints Against New York, Connecticut, and Vermont Challenging State Laws that Provide In-State Tuition to Illegal Aliens," Aug. 10, 2026, https://www.justice.gov/opa/pr/department-justice-files-complaints-against-new-york-connecticut-and-vermont-challenging.

586 Jennifer Ma, Matea Pender, and Xiaowen Hu, *Trends in College Pricing and Student Aid* (College Board, Nov. 2025), https://research.collegeboard.org/media/pdf/Trends-in-College-Pricing-and-Student-Aid-2025-final_1.pdf.

587 David Nakamura & Adam Taylor,"How Trump turned a refugee bureau into a $410 million deportation operation," *The Washington Post*, Sept. 21, 2026, https://www.washingtonpost.com/politics/interactive/2026/09/21/how-trump-turned-refugee-bureau-into-410-million-deportation-operation/; HIAS, "Remigration: A Far-Right Idea Influencing U.S. Immigration Policy," Aug. 21, 2026, https://hias.org/news/remigration-far-right-idea-influencing-u-s-immigration-policy/; David Gilbert, "The State Department Really Doesn't Want to Talk About the Office of Remigration," *Wired*, May 27, 2026, https://www.wired.com/story/the-state-department-really-doesnt-want-to-talk-about-the-office-of-remigration/.

588 The White House, "Guaranteeing the States Protection from Invasion," Jan. 20, 2025, https://www.whitehouse.gov/presidential-actions/2025/01/guaranteeing-the-states-protection-against-invasion/; The White House, "Declaring a National Emergency at the Southern Border of the United States" (also declaring an "invasion" at the U.S. southern border), Jan. 20, 2025, https://www.whitehouse.gov/presidential-actions/2025/01/declaring-a-national-emergency-at-the-southern-border-of-the-united-states/.

589 In April 2026, in a case brought by the ACLU, the D.C. Circuit Court of Appeals rejected the Trump administration's claim that the "212(f)" proclamation allowed the president to summarily deport asylum seekers who cross the border without allowing them to seek protection as required by Congress. *RAICES v. Mullin*, No. 25-5243, Doc. 2170245 (D.C. Cir. Apr. 24, 2026), https://www.aclu.org/cases/raices-v noem?document=OPINION#legal-documents. The government has now requested review by the U.S. Supreme Court.

590 Human Rights First and Refugees International, *"This is an Order from Trump": Abuse, Expulsions, and Refoulement of People Seeking Asylum* (May 8, 2025), https://www.humanrightsfirst.org/library/this-is-an-order-from-trump-abuse-expulsions-and-refoulement-of-people-seeking-asylum; Daniela Mohor and Eric Reidy, "What happened to the 300,000 asylum seekers stranded in Mexico by Trump?" *The New Humanitarian,* Apr. 23, 2026, https://www.thenewhumanitarian.org/investigations/2026/04/23/what-happened-300000-asylum-seekers-stranded-mexico-trump; Human Rights Watch, *"Nobody Cared, Nobody Listened" The US Expulsion of Third-Country Nationals to Panama* (Apr. 24, 2025), https://www.hrw.org/report/2025/04/24/nobody-cared-nobody-listened/the-us-expulsion-of-third-country-nationals-to.

591 Idean Salehyan, *The Strategic Case for Refugee Resettlement*, Niskanen Center (Sept. 2018), https://www.niskanencenter.org/wp-content/uploads/old_uploads/2018/09/NC-Refugee-Paper-SalehyanElec_FINAL.pdf.

592 The White House, "Realigning the United States Refugee and Admissions Program," Jan. 20, 2025, https://www.whitehouse.gov/presidential-actions/2025/01/realigning-the-united-states-refugee-admissions-program/.

593 Priscilla Alvarez and Jennifer Hansler, "Inside Trump's scramble to get White South Africans to the US as refugees," *CNN*, Jul. 13, 2026, https://www.cnn.com/2026/07/13/politics/afrikaner-refugees-trump-south-africa.

594 Presidential Determination on Refugee Admissions for Fiscal Year 2026, 90 Fed. Reg. 49005 (Oct. 31, 2025), https://www.federalregister.gov/documents/2025/10/31/2025-19752/presidential-determination-on-refugee-admissions-for-fiscal-year-2026.

595 International Rescue Committee, "How have the Trump administration's policies impacted refugees?," Jan. 27, 2026, https://www.rescue.org/article/how-have-trump-policies-impacted-refugees; Margy O'Herron, "How the Trump Administration Is Dismantling Refugee and Asylum Programs," Brennan Center for Justice, July 22, 2026, https://www.brennancenter.org/our-work/analysis-opinion/how-trump-administration-dismantling-refugee-and-asylum-programs,

596 Department of Homeland Security (@homelandsecurity), "Net negative migration for the first time in HALF a CENTURY. Americans are amassing victories NEVER seen before thanks to President Trump." Facebook, Oct. 2, 2026, https://www.facebook.com/share/p/1F3oJeCJ32/.

597 Naureen Shah, "20 Years Later, It's Time to Overhaul the Department of Homeland Security," *ACLU* Feb. 24, 2022, https://www.aclu.org/news/civil-liberties/20-years-later-its-time-to-overhaul-the-department-of-homeland-security.

598 AFL-CIO and ACLU, *Citizenship and the Affordability Agenda: A Path to Better Jobs, Higher Wages, and Prosperity for All*, Sept. 16, 2026, https://www.aclu.org/press-releases/new-aclu-afl-cio-report-shows-deportations-lower-wages-raise-costs-for-americas-workers.

599 Naureen Shah, *Deputized for Disaster: How President Trump's 287(g) Deportation Force is A Powder Keg for our Communities* (ACLU, Feb. 26, 2026), 27-30, https://www.aclu.org/publications/deputized-for-disaster.

600 Denise C. Bell, *Opportunity by Design* (Niskanen Center, Dec. 2025) https://www.niskanencenter.org/wp-content/uploads/2025/12/Opportunity-by-Design.pdf.

601 Carl Davis, Marco Guzman, Emma Sifre, "Tax Payments by Undocumented Immigrants," Institute on Taxation and Economic Policy, July 30, 2024, https://itep.org/undocumented-immigrants-taxes-2024/.

602 U.S. Const. amend. XIV, § 1. *See Wong Kim Ark*, 169 U.S. at 692-93.

603 ACLU, "Defending the 14th Amendment," Aug. 19, 2010, https://www.aclu.org/documents/defending-14th-amendment.

604 For example, Hungarian president Viktor Orbán, for example, adopted an extremist border policy, putting up razorwire, allowing officers to beat and physically repel people seeking asylum, and refusing to comply with a European Court of Human Rights order to follow international law on access to asylum. Bálint Dömötör, "Hungary's Orbán blames immigration and EU for the deadly attack in Germany," *Associated Press,* Dec. 21, 2024, https://apnews.com/article/hungary-orban-germany-attack-immigration-eu-ac53625a8bec49ddce7b62c615ad4594; Human Rights Watch, "Hungary: Migrants Abused at the Border," July 13, 2026, https://www.hrw.org/news/2016/07/13/hungary-migrants-abused-border; Cain Burdeau, "Rights court slams Hungary for mass deportations," *Courthouse News Service*, June 24, 2025, https://www.courthousenews.com/rights-court-slams-hungary-for-mass-deportations/. The Russian government has also embraced hostile language and allowed violence against Central Asian migrants, conducting large-scale raids on immigrant businesses, banning non-Russian speaking children from schools, and excluding immigrants from employment in several Russian states. Katie Marie Davies, "Immigrants from Central Asia find hostility and violence in Russia," *Associated Press*, Aug. 22, 2025, https://apnews.com/article/russia-immigrants-crackdown-xenophobia-central-asia-3fb300676f1855bc13e20bd7780534ea; Galiya Ibragimova, "Moscow's Xenophobic Migration Policy Is Impacting Relations With Central Asia," *Carnegie Politika,* Carnegie Russia Eurasia Center, Oct. 2, 2025, https://carnegieendowment.org/russia-

eurasia/politika/2025/10/russia-migrantophobia-rise. In 2019, the Indian Hindu-nationalist government attempted to exclude Muslim minorities of Indian citizenship through a controversial law called the Citizenship Amendment Act, also setting up a citizenship registry in the state of Assam and threatening to expand it further. Sheikh Saaliq, "India's new citizenship law excludes Muslims. Here's what to know," *Associated Press,* Mar. 15, 2024, https://apnews.com/article/india-citizenship-law-modi-muslims-caa-28909f8df0e6d5e0915e065195abef14. Muslims in detention camps in Assam were pushed through "foreigner tribunals", where some were declared noncitizens, stripped of citizenship, and threatened with deportation. "Supreme Court halts deportation of four Muslim women declared foreigners in Assam," *Maktoob Media,* June 6, 2026, https://maktoobmedia.com/post?id=115649&slug=supreme-court-halts-deportation-of-four-muslim-women-declared-foreigners-in-assam. Protests in response to this law resulted in massive arrests of students under draconian national security laws; some of the student leaders remain detained almost seven years later. Elaine Pearson, "India's Top Court Rejects Bail for Long-Held Student Activists," Human Rights Watch, Jan. 5, 2026, https://www.hrw.org/news/2026/01/05/indias-top-court-rejects-bail-for-long-held-student-activists; Hannah Ellis-Peterson, "'Humanity is a privilege': Umar Khalid on his six years in an Indian jail without trial," *The Guardian,* June 29, 2026, https://www.theguardian.com/world/2026/jun/30/umar-khalid-interview-six-years-indian-jail-without-trial-modi-opposition-political-prisoner.

605 Human Rights Watch, "US/Panama: Mass Expulsion of Third-Country Nationals," Apr. 24, 2025, https://www.hrw.org/news/2025/04/24/us/panama-mass-expulsion-third-country-nationals; Myah Ward & Eric Bazail-Emile, "The Trump administration's plan to close a 'huge loophole' in legal immigration,"*Politico*, Dec. 29, 2025, https://www.politico.com/news/2025/12/29/trump-tells-asylum-seekers-to-apply-for-refuge-elsewhere-00706165.

606 Human Rights First, "Inter-American Commission on Human Rights Holds Public Hearing on Exploitation & Trafficking of Mexican Unaccompanied Children Deported to Southern Mexico," Aug. 4, 2026, https://www.humanrightsfirst.org/inter-american-commission-on-human-rights-holds-public-hearing-on-exploitation-and-trafficking-of-mexican-unaccompanied-children; Kate Morrisey, "U.S. Has Deported Hundreds of Children to Cities in Southern Mexico," *Daylight San Diego, Capital & Main*, Aug. 11, 2026, https://www.daylightsandiego.org/u-s-has-deported-hundreds-of-children-to-cities-in-southern-mexico/.

607 Muzaffar Chishti & Kathleen Bush-Joseph, *U.S. Border Asylum Policy Enters New Territory Post-Title 42,* Migration Policy Institute, May 23, 2026, https://www.migrationpolicy.org/journal/policy-beat/us-border-asylum-policy-enters-new-territory-post-title-42.

608 Sarah Mehta, *Improving Asylum at and Beyond the U.S. Border*, (ACLU, July 2026), https://www.aclu.org/publications/improving-asylum-at-and-beyond-the-u-s-border-the-case-for-a-fair-and-effective-protection-framework-with-a-modern-border-and-reception-system.

609 Cathy Buerger, "Repression as Rescue: The Authoritarian Logic of Trump's Early Executive Orders," Just Security, June 29, 2026, https://www.justsecurity.org/121193/authoritarian-logic-trump-executive-orders/; Tess Owen, "'The Language of Authoritarianism': How Trump and Allies Cast LA as a Lawless City Needing Military Intervention," *The Guardian*, June 11, 2025, https://www.theguardian.com/us-news/2025/jun/10/trump-administration-los-angeles-national-guard.

610 Louis D. Brandeis, *Other People's Money and How the Bankers Use It* (Frederick A. Stokes, 1914), 92.

611 ACLU, *Agents of Chaos and Cruelty: How the Trump Administration's National Deportation Policing Force Has Attacked American Communities* (July 16, 2026), https://www.aclu.org/publications/agents-of-chaos-and-cruelty-how-the-trump-administrations-national-deportation-policing-force-has-attacked-american-communities.