

Defend Against ICE Raids and Community Arrests



**A TOOLKIT TO PREPARE AND
PROTECT OUR COMMUNITIES**



**IMMIGRANT
DEFENSE
PROJECT**



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Purpose of Toolkit

This toolkit is a collaboration between the Immigrant Defense Project (IDP) and the Center for Constitutional Rights (CCR), is a culmination of our collective work against Immigration and Customs Enforcement (ICE) home raids during the G.W. Bush, Obama and Trump Administrations. We aim to help advocates prepare to fight back against the increase in ICE policing under the Trump administration.

In 2013, IDP and CCR, along with the Hispanic Interest Coalition of Alabama (HICA), filed a Freedom of Information Act (FOIA) request on DHS and ICE's controversial tactic of arresting immigrants at their homes, often without judicial warrants.¹ We completed litigation of the FOIA in 2018, and received information on ICE trainings and practices around home raids. These materials include internal memos and training manuals that we have included in the Appendix.² In addition, IDP has monitored ICE raids, primarily in the New York City area, since 2013. We continue to track ICE activity, and share the key tactics used by ICE in recent years to arrest people at homes, at courthouses, and in the community. Details on ICE tactics and stories are available at our ICE raids map, ICEwatch (raidsmap.immdefense.org)

¹ For more information about the FOIA, [Immigrant Defense Project, et al. v. ICE, et al.](#)

² See [Appendix A](#), select documents obtained in [Immigrant Defense Project, et al., v. ICE, et al.](#)

In this toolkit, we have assembled our research from the FOIA and monitoring of home raids to support community defense against ICE's deportation

dragnet. It contains information on: (1) who ICE targets for deportation; (2) where and how ICE locates people in communities; and (3) ICE arrest tactics during raids. We also include resources on how to fight back against these abusive practices that destroy the fabric and safety of communities, emergency preparedness resources for those at risk of deportation, and possible legal and community challenges for those who have experienced raids.

ICE raids are one piece of a vast deportation apparatus that the federal government has built up in recent decades to help ICE meet quotas to deport as many people as possible.³ It is clear from our research that many of the specific tactics ICE agents currently employ during raids are legacies of past practices that have shifted and changed shape with the political tide, successful legal challenges and significant protest. The agency has demonstrated at best, an indifference to community members' constitutional rights—particularly when left to their own devices—and have shown little interest in internal accountability for misconduct.

³ *Rivas, Jorge, "ACLU Obtains Emails that Proves ICE Officials Set Deportation Quotas," Colorlines, Feb. 15, 2013, available at [hereinafter "Colorlines"]*

Based on our historical research, the FOIA production, and local tracking of raids, we have identified the following key lessons from the G.W. Bush, Obama, and Trump administrations:

- ICE has institutionalized a militaristic approach to civil arrests with little regard for constitutional principles or violations.
- Despite proactive litigation that resulted in significant damages settlements and improved training materials for agents and officers during the G.W. Bush and Obama administrations, ICE continues to illegally enter and search homes without proper warrants through deceptive ruses, such as pretending to be local police, and the use of threats and violent force.
- Even though DHS claims to engage in “targeted enforcement,” ICE’s deceptive and violent home raid tactics often have traumatic impacts

on people who are not the target, including children, as residents are frequently present during raids.

- ICE relies on widespread surveillance and deception to arrest people outside of their homes, on the street, in the courts and in government-run spaces like homeless shelters.
- ICE’s definition of a “public safety threat” includes a wide range of people—including people with serious medical and mental health issues, those with decades-old convictions, and those who never served time in jail.
- With the increase in abusive, unconstitutional ICE tactics under Trump, it is helpful to revisit and consider successful strategies from the past—like strategic litigation—as communities create a new, adaptable toolbox for fighting back against raids.

The material and ideological infrastructure that has been created in recent decades provides the foundation for what the Trump’s administration can deploy in its quest to deport millions of people. The key elements include a massive immigration police force, an increasingly fortified southern border, a rapidly expanding surveillance state—including the expansive data-sharing and collaboration between local police and ICE, and the growing role of the tech industry—and a sprawling network of prisons for immigrants.⁴ Importantly, the mass deportation machine has successfully tapped into the logics and apparatus of decades of extensive criminalization targeting communities of color—including the vilification that drives racialized policing, discriminatory prosecution and sentencing, and mass imprisonment.

As we continue to develop strategies to fight back against Trump’s ramped up deportation machinery, it is critical to draw lessons from the struggles against the system of mass deportation and criminalization that has expanded over the past decades. To help provide historical context, this toolkit offers details about previous and ongoing tactics the federal government has used to deport people from their communities.

⁴ Aizeki, Mizue, “Mass Deportation under the Homeland Security State: Anti-Violence Advocates Join the Fight Against Criminalization”, *S&F Online*, October 2019, <http://sfonline.barnard.edu/unraveling-criminalizing-webs-building-police-free-futures/mass-deportation-under-the-homeland-security-state-anti-violence-advocates-join-the-fight-against-criminalization-of-immigrants/>. Also see *Who’s Behind ICE: The Tech and Data Companies Fueling Deportation* <https://mijente.net/notechforice/>.

Foreword

Shortly after winning the presidential election, Donald Trump reiterated his plans to rapidly deport “2 to 3 million” people. This was not surprising given that Trump had campaigned extensively on a sensationalist anti-immigrant platform.¹ Trump’s virulent anti-immigrant agenda, widespread human rights violations, and racist fearmongering have become a regular feature of the US political landscape, as has his repeated invocation of the threat of immigrant criminality.²

What makes Trump’s ethnonationalist agenda particularly dangerous, in part, is that he inherited the world’s largest exclusion and deportation policing apparatus—the Department of Homeland Security (DHS)—and a robust police-to-deportation pipeline. Also central to the power of his agenda is that he inherited the political justification for border policing and mass detention and deportation—the widely held consensus that the borders must be “secure” and that immigrants with criminal convictions are a worthy “national security” target.³ For social justice advocates everywhere, the first three years of the Trump administration have presented relentless challenges. But in order to fully address the challenges we face, we need to take stock of the conditions that make our current moment possible.

Today’s attacks on immigrants are the result of an ongoing cycle of expulsion, exclusion, and criminalization of those deemed “unworthy” of belonging. Since the founding of the country, representations of “dangerous outsiders” or “the enemy within” have been an integral part of nation-building and defining belonging in the United States.⁴ Immigration laws have historically played a key role in social control and in reinforcing white supremacy, capitalism, heteronormativity, and the threat of “criminal” others who might destabilize the social order. But it wasn’t until the 1980s

1. *Schultheis, Emily, “President-elect Trump says how many immigrants he’ll deport,” CBS News, Nov 13, 2016*
2. *In January 2017, Trump issued an executive order that laid out the administration’s mass detention and deportation agenda, which relies on expanding who is considered a “criminal alien.” “Executive Order: Enhancing Public Safety in the Interior of the United States,” 25 January 2017. The EO also established Victims of Immigration Crime Engagement (VOICE) to highlight “victimization by criminal aliens.” John Kelly, then-secretary of the DHS, called for the reallocation of any DHS resources currently for advocating for undocumented immigrants to fund VOICE. Tal Kopan, “What is VOICE? Trump Highlights Crimes by Undocumented Immigrants,” CNN, 1 March 2017,*
3. *Jane Coaston, “The Scary Ideology Behind Trump’s Immigration Instincts,” Vox, 18 January 2018; Doris Meissner et al., “Immigration Enforcement in the United States: The Rise of a Formidable Machinery,” Migration Policy Institute, January 2013.*
4. *E.g., the forcible removal and genocide of Native Americans, the controlled movement of formerly enslaved people, the exclusion of the Chinese, the forced relocation of Mexicans, the deportation of labor organizers and Leftists during the Red Scare, the internment of Japanese Americans – the list goes on. See Daniel Kanstroom, *Deportation Nation: Outsiders in American History* (Cambridge, MA: Harvard University Press, 2007)*

when the deportation of non-citizens with criminal convictions surfaced as a stated focus of the federal government.⁵ The political climate of the subsequent years helped to realize this focus through various initiatives. These included the passage of harsh laws in 1996 that expanded the criminalization of immigrants and consequently, the government’s power to arrest, imprison and deport non-citizens on a massive scale.

The political focus on excluding, policing, and expelling immigrants got a huge boost with the founding of the Department of Homeland Security (DHS) in 2002, which required a major restructuring of government agencies and priorities, along with a tremendous diversion of federal spending. At this time, DHS issued a strategic plan, Operation Endgame, to achieve “a 100% removal rate for all removable aliens,” a document which laid the groundwork for the current regime of ICE policing and raids. During the Obama administration, DHS increasingly focused rhetorically and materially on people with criminal convictions as a key threat to “public safety,” and the targeting of these people increasingly served as the justification for ICE’s mission. DHS under Obama successfully tapped into the logics and apparatus of decades of extensive criminalization targeting communities of color—including the vilification that drives racialized policing, discriminatory prosecution and sentencing, and mass imprisonment—which has significantly shaped the terms by which we continue to fight the deportation state today.⁶

Since the founding of DHS, the U.S. has deported over 5 million people—almost twice as many people than in the previous 100 years combined. The effective merger of the “homeland security state” and the prison industrial complex over the past 15 years has led to the normalization of mass deportation, one which relies heavily on the criminalization of immigrants. As a result, DHS—its underlying logic, the profound human suffering it has caused, its relationship with other agencies, and the political

5. *Kandel, William A. “Interior Immigration Enforcement: Criminal Alien Programs,” Congressional Research Service, Sept. 8, 2016*

6. *Some of preceding content has been adapted from following article: Aizeki, Mizue, “Mass Deportation under the Homeland Security State: Anti-Violence Advocates Join the Fight Against Criminalization”, S&F Online, October 2019, <http://sfonline.barnard.edu/unraveling-criminalizing-webs-building-police-free-futures/mass-deportation-under-the-homeland-security-state-anti-violence-advocates-join-the-fight-against-criminalization-of-immigrants/>.*

interests it serves—has not until recently received the kind of public scrutiny an institution of such magnitude and influence deserves.

Not only have millions of lives been irreparably disrupted, these policies are at odds with the current forward-thinking movement to reduce the harms of over-policing and mass incarceration. The success of this cruel system depends, in part, on the dehumanization of whole social groups, including strategically deploying labels such as “criminal,” “illegal,” or “felon” to shape public attitudes. At the same time, the government has incorporated and exploited the harmful ideologies and tactics of the so-called “War on Crime” and “War on Drugs” to escalate the racialized policing, mass imprisonment, surveillance, and excessive punishment of immigrants and other socially marginalized groups. The lines between the criminal legal system and immigration system have become dangerously thin.

It is no accident that ICE guides and trains its officers to use techniques that further the reach and harms of policing of communities of color. Much like other law enforcement agencies with documented discriminatory outcomes, ICE policies and strategies encourage and justify overly-aggressive policing tactics, widespread surveillance, and a disregard for constitutional and human rights. ICE’s unchecked zeal to target, arrest, and deport immigrants with convictions not only destroys families and communities, but also reinforces the inequalities of the criminal legal system upon which many of its policies rest.

Yet despite the enormity of this system, it is not without its weaknesses. A system that creates so much human pain, erodes fundamental rights, and threatens the safety of millions is unsustainable. As the oppression grows, so too will the number of people who organize to reject its dehumanization, curb its growth, and uphold dignity and justice. We must continue to revisit key lessons, adjust our approach, support the leadership of communities on the frontlines, and expand our toolbox accordingly.

Acronyms and Abbreviations

CBP	Customs & Border Protection (“Border Patrol”)
CCR	Center for Constitutional Rights
CRCL	Office of Civil Rights and Civil Liberties
DHS	Department of Homeland Security
FOT	Fugitive Operations Team
FTCA	Federal Tort Claims Act
HICA	Hispanic Interest Coalition of Alabama
HSI	Homeland Security Investigations
ICE	Immigration and Customs Enforcement
IDP	Immigrant Defense Project
NCIC	National Crime Information Center
NFOP	National Fugitive Operations Program
NYPD	New York Police Department
USCIS	United States Citizenship and Immigration Services

Why the Focus on ICE Raids

There are a variety of tactics ICE uses to identify and target people—increasingly ICE has relied on the criminal legal system as a pipeline to the deportation system. The primary tactics¹ include: 1) the **Criminal Alien Program** in which ICE screens people in prisons and jails, 2) **287(g) agreements** whereby ICE partners directly with local law enforcement to conduct specific immigration functions, 3) the **Secure Communities Program**, where fingerprints taken by local police are automatically shared with ICE, and 4) **task force operations** to conduct home raids and community arrests.² The predominance of a particular enforcement tactic will vary over time and place, given changing political contexts and imperatives—such as changes in ICE’s stated priority targets and the willingness of a locality to collaborate with ICE detainers³ or to participate in the of 287(g) program.⁴

This report, however, focuses on ICE home raids and community arrests, while acknowledging that home raids are just one of the primary tactics employed by ICE to target immigrants outside of the U.S.-Mexico borderlands. We began to monitor home raids in the New York City area in 2013, while we were also tracking ICE detainer practices in our advocacy to end the City’s entanglement with ICE through a series of detainer policies.⁵

Shortly after the founding of the Department of Homeland Security (DHS) in 2002, the agency developed a ten-year strategic plan to meet its goals under the “War on Terror.” Entitled “Endgame: Office of Detention and Removal Strategic Plan 2003-2012”,⁶ its stated mission was: “a 100% rate of removal for all removable aliens ... to allow ICE to provide the level of

¹ Rosenblum, Marc. R., “Oversight of the Administration’s Criminal Alien Removal Policies,” Testimony before U.S. Senate Committee on the Judiciary, Dec. 2, 2015.

² See [Colorlines](#).

³ Immigrant Legal Resource Center, “Searching for Sanctuary,” Dec. 19, 2016

⁴ Immigrant Legal Resource Center and United We Dream, “Ending Local Collaboration with ICE: A Toolkit for Immigrant Advocates,” Aug. 2015

⁵ See <http://www.immdefense.org/campaign-to-end-secure-communities/>

⁶ U.S. Department of Homeland Security, “ENDGAME: Office of Detention and Removal Strategic Plan, 2003-2012: Detention and Removal Strategy for a Secure Homeland,” Aug. 15, 2003, available at [hereinafter “ENDGAME”]

immigration enforcement necessary to keep America secure.”⁷ The National Fugitive Operations Program (NFOP)—the division of ICE primarily tasked with home raids—continued to grow and evolve as a critical component of the DHS strategic plan.

⁷ See [ENDGAME](#).

Under the guise of “national security,” the government has continued to shift its named “priority” immigrant targets—as a response to changing political contexts—but without providing evidence as to how mass punishment and deportation provide such security. The G.W. Bush administration initially targeted people from countries with large Muslim populations and people crossing the southern border as the primary threats.⁸ In doing so, it built up the apparatus for large-scale raids of immigrants at work and at home, as well as for increased collaboration with local law enforcement. The Obama administration furthered the focus on immigrants with convictions as its primary target—both materially and rhetorically—while simultaneously accelerating the criminalization of immigration-related offenses at unprecedented levels.⁹ Employing seemingly neutral labels—such as “criminal,” “illegal,” or “felon”—the government’s drive to massively deport immigrants has not only been facilitated by the legacy of the War on Crime but has also led to a precipitous acceleration of racialized policing, mass imprisonment, surveillance, and excessive punishment.

⁸ [Fernandes, Deepa, Targeted: Homeland Security and the Business of Immigration, Seven Stories Press, 2007.](#)

⁹ [Immigration Now 52 Percent of All Federal Criminal Prosecutions, TRACReports, Nov. 28, 2016 \[hereinafter “TRACReports”\] and Light, Michael T., Hugo Lopez, Mark, and Gonzalez-Barrera, Ana, The Rise of Federal Immigration Crimes, Mar. 18, 2014](#)

The government’s expansive and uncritical use of raids to arrest immigrants for deportation not only legitimates the highly problematic use of SWAT teams,¹⁰ but also justifies the continual expansion of the federal policing system, as well as the reach of local police. The DHS impact on the reach and harm of local policing is profound:¹¹ it includes massive surveillance and data sharing networks; joint training and joint task forces with local police; the use of local police as a “force multiplier” for immigration policing; and the transfer of billions of dollars of military equipment.

¹⁰ [American Civil Liberties Union, “The War Comes Home: The Excessive Militarization of American Policing,”](#)

¹¹ [Bauer, Shane, “The Making of the Warrior Cop,” Mother Jones, October 2014;](#)

The fight against home and community raids is not solely to protect people from deportation. It is also about challenging the normalization of an ever-expanding police state in the name of “homeland security.”

ICE's Deportation Targets



How does the federal government decide who to deport?

Immigration laws passed by Congress define who is legally at risk of deportation (i.e. “removable”). The President and Department of Homeland Security (DHS) then decide how the agency will allocate its resources in enforcing the laws by setting deportation priorities. The priorities guide Immigration and Customs Enforcement (ICE) agents by creating categories of people that the agents target for arrest, detention and deportation.

Who can be deported?

Under current immigration laws, people at risk of deportation generally include:

- **People without lawful immigration status:** People who are undocumented do not have authorization from the federal government to be in the U.S. and can be deported at any time for this reason. This includes people who entered without status and those who entered lawfully—for example, with a temporary visa—but whose status is no longer valid. Some undocumented people may be eligible to avoid deportation and become documented.
- **People with lawful immigration status (e.g. Lawful Permanent Residents or refugees) who have criminal convictions:** People with legal status can be deported based on criminal convictions. This is true even if the conviction is decades old, if the person did not serve any time in jail, if the case was considered minor or a misdemeanor, if the person has had status for a long time, and/or the person has other family members who are U.S. citizens.

While these groups of people are legally at risk, whether they are actually detained and placed in removal proceedings depends largely on the policies set by the federal government priorities for enforcement.

What groups of people have been “priorities” for deportation?

Historically, the priorities have been quite broad, covering those with and without legal status as well as those with and without criminal convictions. ICE practices have reflected longstanding goals but also varied in emphasis and scale depending on the political climate. For example, starting in November 2014 the Obama administration focused more on immigrants with convictions rather than those with only civil immigration violations (such as those with only a prior order of removal).¹ ICE states its priorities are used as a means to focus ICE resources, but as DHS Secretary Kelly made clear in

¹ *Memo from Jeh Johnson, “Policies for the Apprehension, Detention and Removal of Undocumented Immigrants,” Nov. 20, 2014*

May 2017: “ICE will no longer exempt any class of individuals from removal proceedings if they are found to be in the country illegally.”²

Since the founding of DHS in 2002, the agency has spent billions of dollars toward its mission to “identify, locate, apprehend, process and remove” immigrants that DHS claims are “threats to national security, border security, and public safety.”³ Below are some of the common categories that have been used by DHS to criminalize a broad range of people and classify immigrants as key targets for deportation:

- **“Criminal Alien”**: “Criminal alien” is not defined in immigration law or regulations, and has been used inconsistently by the federal government to dehumanize a broad category of people to justify mass deportation. Generally, a “criminal alien” is a non-citizen who is legally deportable or is not eligible for legal status due to a criminal conviction or contact with the criminal legal system. Applied very broadly, this term may include people who have served their sentence and rebuilt their lives, people convicted of misdemeanors or of immigration offenses such as illegal re-entry,⁴ and those with infractions that are not even considered “convictions” under state law such as traffic violations.⁵ If the person has a conviction, it doesn’t matter to ICE how long ago the conviction happened, or often even if it is on appeal; ICE also ignores other positive aspects of the person’s life, such as community contributions or family ties. The vast majority of people deported for criminal offenses do not even meet ICE’s own standards of serious offense.⁶
- **“Convicted criminal”**: A “convicted criminal” is a term used by ICE in its enforcement statistics and defined as “an individual convicted in the United States for one or more criminal offenses. This does not include civil traffic offenses.”⁷

2. ICE May 17, 2017 “[ICE ERO Immigration Arrests Increase by 40%](#)” [hereinafter 100 DAYS]

3 See [ENDGAME](#).

4 *The government has been aggressively prosecuting immigration related offenses— primarily “illegal entry” and “illegal re-entry”— over the past 10 years. Immigration violations made up 52% of all federal criminal prosecutions in FY 2016. See [TRACReports 2016](#)*

5 *Harsh immigration laws passed in 1996 vastly expanded the criminal offenses that trigger deportation. See Wellek, Junck & Shah “[20 Years Ago Today This Terrible Law Set the Foundation for Mass Detention and Deportation,](#)” [Colorlines](#), September 30, 2016 available at [For number of deportations by criminal charge see \[Secure Communities and ICE Deportations: A Failed Program?\]\(#\), TRACReports, Apr. 8, 2014](#)*

6 *Rosenblum, Marc R. and McCabe, Kristen, [Deportation and Discretion: Reviewing the Record and Options for Change](#), Migration Policy Institute, Oct. 2014*

7 *U.S. Immigration and Customs Enforcement, “[FY 2015 ICE Immigration Removals](#)”*

- **“Suspected or Confirmed Gang Member”**: According to a Federal Register notice, Immigration and Customs Enforcement (ICE) maintains ICEGangs, a database that collects and stores information about adults and juveniles “who qualify as suspected or confirmed gang members and associates under ICE criteria.” How ICE defines or identifies a gang member, whether suspected or confirmed, is not publicly available, but its gang definition seems broader than the federal law definition of gangs and California’s definition of street gangs. ICEGangs also collects information about associates, but the criteria for affiliates and associates of gangs have also not been disclosed.⁸

- **“Fugitive alien”**: ICE classifies people as “fugitive aliens” if they have been ordered removed, deported, or excluded by an immigration judge, but have not left the U.S. or have failed to report to DHS after receiving notice to do so. A “fugitive alien” does not necessarily have a criminal record. The original purpose of the ICE program that conducts home raids—the National Fugitive Operations Program (NFOP) founded in 2002—was to eliminate backlogs by deporting all “fugitive aliens” by 2012.⁹ In 2009, Congress expanded NFOP’s mandate to include other classifications of immigrants. Under Obama, people in this category continued to be a significant target until DHS removed “fugitive aliens” from its priorities in November 2014. “Fugitives” have been reinstated as a top priority under Trump.

- **“Other Removable Alien” or “Important Federal Interest”**: As per the enforcement priorities issued by DHS in the PEP Memo in November 2014, this is a catch-all category for anyone who may be otherwise subject to deportation but does not fit the priorities as stated. This may include people with pending criminal charges and people subject to orders of protection.

⁸ *This definition has been provided by Paromita Shah from Just Futures Law.*

⁹ *See Fugitive Operations Manual obtained in Immigrant Defense Project et al. v. ICE et al., at Appendix A.*

DHS' changing priorities over the years have amounted to attempts to disguise mass criminalization of immigrants by using different names and labels. The categories have been used to perpetuate fear and boost the agency's budget for a mission that has not been adequately scrutinized.

What have we seen under the Trump administration?

- **Expansion of who is considered a “criminal”:** On January 25, 2017, Trump directed ICE agents to broaden who they target as an enforcement priority.¹⁰ Trump notably expanded the definition of “criminal” to include not only those convicted of criminal offenses, but those “charged with any criminal offense” or who “have committed acts that constitute a chargeable criminal offense.”
- **Targeting “Immigration Violators”:** ICE has again prioritized individuals with orders of removal (so called “fugitives”) and other immigration violations, such as overstaying one’s visa.¹¹
- **Anyone without legal status is at heightened risk:** As then DHS Secretary Kelly made clear in early 2017: “ICE will no longer exempt any class of individuals from removal proceedings if they are found to be in the country illegally.”¹²
- **Increased criminalization of immigration-related conduct:** In April 2017, the then Attorney General Jeff Sessions specifically directed federal prosecutors to increase prosecutions and punishment for “transportation or harboring of aliens,” document fraud, and “aggravated identity theft.”¹³ In April 2018, he announced a “zero-tolerance” policy to prosecute every

¹⁰ See Executive Order 13768 *Enhancing Public Safety in the Interior of the United States*, 82 FED REG. 8799, 8800 (2017)

¹¹ *Testimony of Acting ICE Director Thomas Homan to House Appropriations Committee*, June 13, 2017;

¹² 100 DAYS; John Kelly, *Enforcement of the Immigration Laws to Serve the National Interest*, February 20, 2017

¹³ *Attorney General Jeff Sessions Delivers Keynote Remarks at the International Association of Chiefs*

immigrant crossing the border without authorization for the federal offense of “illegal entry.”

- **Surveillance and targeting of activists and organizers:** DHS and ICE have been increasingly monitoring protests, activists, and organizers and targeting immigrant rights activists for detention and deportation.¹⁴

- **Plans to expand use of fast-track deportation:** DHS is planning on significantly expanding the use of fast-track deportation (i.e., expedited removal or administrative removal), a process that does not include a right to any court proceeding. This expansion includes : 1) changing the timeframe in which someone could be placed in expedited removal proceedings from 14 days residency to 2 years, and 2) applying this process to those apprehended beyond the 100 mile border zone.¹⁵

¹⁴ *Michelle Chen, Trump's Crackdown on Immigrant Activists is an Attack on Free Speech, The Nation, October 30, 2018; Joe Raedle, ICE is Monitoring and Targeting Immigration Activists, April 30, 2019; Lawsuit Alleges ICE, DHS, and Vermont DMV Targeting Immigrant Leaders in Retaliation for Activism, November 14, 2018*

¹⁵ *In the January 2017 Executive Order, the President instructed the DHS to apply expedited removal to the fullest extent of the law.*

Where & How ICE Locates People in Communities



Where does ICE conduct arrests?

For years, ICE has arrested people for deportation in the following locations:

Jails: The most common way for ICE to locate and arrest non-citizens is from local jails.¹ Because of database sharing programs, ICE receives notice of arrests when a non-citizen is fingerprinted. If that individual is in criminal custody and deemed a priority for deportation, ICE sends the jail a “detainer” request for voluntary transfer of the person to ICE or notification of release

¹ See <https://www.ilrc.org/toolkit-challenging-ice-hold-requestsimmigration-detainers>

timing so ICE can then detain the person. Some local law enforcement cooperate with these requests; others place limits on it or have refused cooperation.

Homes: ICE agents commonly arrest non-citizens directly outside of or inside of their homes. This includes supportive housing residences, apartment buildings, and homeless shelters. Sometimes ICE agents linger around the neighborhood, surveilling the home and blocks surrounding it for the target.



² See [Immigrant Defense Project ICE Out of the Courts Campaign](#)

Courthouses: ICE agents are increasingly coming to courthouses² to arrest non-citizens who are targets, meaning they have been identified as “criminal aliens” or as a priority for enforcement, regardless of the charges they are facing in their open cases. Agents are usually dressed in street clothes and

wait in the court hallways. Sometimes the agents wait inside the courtroom and have already alerted the court clerk or the District Attorney of their intentions to make an arrest. ICE often detains people regardless of whether they have appeared before the judge on their open case.

Probation/Parole: Non-citizens who are on probation or parole are a common target for ICE enforcement. Individuals who are on probation or parole are regularly turned over to ICE. Commonly, ICE agents arrest people at a regular check-in. Sometimes a probation/parole officer calls people to schedule a new check-in during which ICE arrests the person. **Note:** At the time of publication, the New York City Department of Probation has a policy that limits their cooperation with ICE.³ Barring certain narrow exceptions, they do not turn people over to ICE in most cases. This does not include individuals who are on Federal probation in NYC. *If you hear of an ICE arrest at a NYC probation office, please contact IDP.*

³ *City of New York Department of Probation, Probation # 10-03-15*



Checkpoints: Both Customs and Borders Protection (CBP) and ICE agents have the ability to detain and arrest individuals who they have a reasonable suspicion are not in the U.S. lawfully. CBP can do this within 100 miles of the borders and ICE agents can do this throughout the rest of the U.S. Agents usually set up car checkpoints, stopping certain cars and asking individuals for proof of their legal status where there is reasonable suspicion that they are not lawfully in the U.S. If they cannot offer proof of lawful status, officers arrest them. In some jurisdictions, local law enforcement turn over non-citizens to ICE through separate police checkpoint activity.

Are there places where ICE is not supposed to conduct arrests?

Since October 2011, ICE has had a policy prohibiting enforcement activities (arrest, interview, search, or surveillance of non-citizens) at the following “sensitive locations,” barring extraordinary circumstances:

- **schools** (includes pre-school through colleges/universities and vocational or trade school)
- **hospitals**
- **churches, synagogues, mosques or other institutions of worship**
- **the site of a funeral, wedding, or other public religious ceremony**
- **a site during a public demonstration, such as a march, rally or parade**

The policy, which may be subject to change, can be found here:

<https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>

How does ICE identify and locate people at risk of deportation?

— Data sharing due to police contact:

- **At street encounter:** Police routinely conduct warrant checks. One of the databases they check is the FBI's National Crime Information Center (NCIC), a centralized database of crime-related data including records on people who are wanted by law enforcement. ICE adds information into this database, including people who have been ordered deported in the past.
- **At time of criminal arrest:** Through fingerprint sharing programs run by the FBI, DHS has access to information that is entered at the time of arrest and can compare it to their own database. If ICE is interested in deporting that person, they will either ask the police to notify ICE when the person is being released from criminal custody, or to detain the person for ICE to come pick them up.⁴

⁴ See <http://www.immdefense.org/ending-ice-police-entanglement/>



— **Massive data collection, storage, and management:**

- **Tech Industry:** Currently 10% of the DHS \$44 billion budget is dedicated to data management. DHS uses cloud providers, such as Amazon Web Services, to store massive amounts of data, and services of companies like Palantir, to build software and support management of this data.⁵ Data brokers, such as Thomson Reuters and LexisNexis, provide database services that greatly facilitate ICE’s ability to achieve its goals.
- **DMV:** ICE is able to readily access information held by DMV through databases and regular informal communications with state employees.⁶ ICE has relied on DMV to run identity checks through its facial recognition software.⁷ The DMV also sells information to private data brokers, such as Thomson Reuters, who provides this information to ICE and law enforcement through its CLEAR database. ICE relies increasingly on DMV license plate information to track people in live time.
- **State Criminal Records:** Through a variety of means, ICE is able to get copies of criminal records (in NY, the RAP sheet), criminal complaints, and certificates of disposition or final judgment of the criminal case. ICE might get this information from Criminal Court clerks, through a public database, through access to shared databases or personnel of the state agency that maintains criminal justice information, or through national and regional criminal justice systems such as Nlets (the National Law Enforcement Telecommunications System) or the FBI’s Next Generation Initiative (NGI).
- **State Registries:** Information stored in state registries may be accessed by ICE, including the data fed into national databases like NCIC, such as orders of protection and sex offender registries. Under Operation Predator, ICE tracks who is on the sex offender registries and targets them for arrest.

⁵ *Who’s Behind ICE: The Tech and Data Companies Fueling Deportation:* <https://mijente.net/techtforice/>

⁶ *For more information about ICE & DMV data sharing, see DOCUMENTS OBTAINED UNDER FREEDOM OF INFORMATION ACT: How U.S. Immigration & Customs Enforcement and State Motor Vehicle Departments Share Information;* <https://www.nilc.org/issues/drivers-licenses/ice-dmvs-share-information/> Also see *Who’s Behind ICE*

⁷ *DOCUMENTS OBTAINED UNDER FREEDOM OF INFORMATION ACT: How U.S. Immigration & Customs Enforcement and State Motor Vehicle Departments Share Information*

- **International travel:** Non-citizens with lawful immigration status (e.g. green card holders, asylees, students) who travel internationally go through Customs when they return to the U.S. They are fingerprinted upon re-entry, triggering a criminal record review. Sometimes they are also interviewed by CBP agents about their criminal history. This is a common way for ICE to locate non-citizens with criminal convictions.

- **Immigration applications:** All applications submitted to United States Citizenship and Immigration Services (USCIS) require the biometrics (fingerprinting and eye scanning) of applicants. USCIS uses the information to run a search of databases⁸ to determine if the applicant is eligible for the benefit they are seeking and/or whether they are removable.

⁸ [USCIS, “Revised Guidance for the Referral of Cases and Issuance of Notices to Appear \(NTAs\) in Cases Involving Inadmissible and Removable Aliens,” Nov. 7, 2011](#)

What have we seen under the Trump administration?

- **Increased collaboration between local law enforcement and ICE:** The Trump administration has called for an expansion of 287(g)—the section of the Immigration and Nationality Act that permits the government to enter into agreements with local law enforcement agencies to deputize police officers to enforce federal immigration laws.⁹ The administration recently introduced the Warrant Service Officer Program (WSO)—a lite version of 287(g)—in which selected personnel will be “nominated, trained, and approved by ICE to perform certain limited functions of an immigration officer” in local jails.¹⁰
- **Unprecedented ability to track immigrants due to expansive surveillance tools:** The tech industry has played an increasingly central role in enabling DHS to easily surveil, track, arrest, and process immigrants by rapidly accessing and analyzing a vast array of data. For example, Palantir’s Integrated Case Management (ICM) system—a network of interconnected databases that allows ICE to identify and build cases against people—has been called “mission critical” in government records.¹¹
- **Expanded use of databases (e.g. gang membership lists):** The sharing of information between ICE and local and state agencies (e.g., police and jails, courts, probation, government agencies, etc.) has increased. The Trump administration has

⁹ [100 DAYS](#)

¹⁰ [Abigail Hauslohner, ICE Provides Local Police a Way to Work Around ‘Sanctuary’ Policies, Act as Immigration Officers, The Washington Post, May 6, 2019](#)

¹¹ [Also see Who’s Behind ICE: The Tech and Data Companies Fueling Deportation <https://mijente.net/noticeforice> and Spencer Woodman, “Palantir Provides the Engine for Trump’s Deportation Machine,” *The Intercept*, March 2, 2017; Lamdan, Sarah, *When Westlaw Fuels Ice Surveillance: Ethics in the Era of Big Data Policing* August 14, 2018. *New York University Review of Law & Social Change*, *Forthcoming*.](#)

already aggressively targeted people with alleged gang membership based on accusations and inaccurate gang membership lists that undergo little vetting by the public or the courts.¹²

- **Increased ICE presence and arrests at courthouses:** ICE has stated this is a preferred location to conduct community arrests, and in January 2018 issued a directive outlining its courthouse arrest policy.¹³ IDP has documented a 1700% increase in ICE courthouse operations from 2016 to 2018.

¹² *Winston, Ali* “Obama’s Use of Unreliable Gang Databases for Deportations Could be a Model for Trump,” *The Intercept*, November 28, 2016

¹³ *Testimony of Acting ICE Director Thomas Homan to House Appropriations Committee*, June 13, 2017; *U.S. Immigration and Customs Enforcement, Civil Enforcement Operations Inside Courthouses*, January 10, 2018; also see: www.immigrantdefenseproject.org/ice-courts/;

ICE Arrest Tactics

IDP and CCR has compiled our collective knowledge of ICE arrest tactics under the G.W. Bush and Obama administrations, which are laid out below, as well as what we have seen during the first two years of the Trump administration.

What were the hallmark raids under G.W. Bush?

Following DHS' inception in 2002 under the G.W. Bush administration, the government rapidly expanded the National Fugitive Operations Program (NFOP), the ICE program founded a year earlier, to conduct home raids with the purpose of arresting “fugitive aliens.”¹ The Fugitive Operations Teams (FOTs) were trained to use aggressive tactics similar to SWAT teams and mainly conducted two types of raids:

- **Home Raids:** ICE conducted home raids on a mass scale, claiming that these raids were important mechanisms to apprehend “fugitives” and “criminals,” often labeling them “gang operations” or criminal “cross-check” operations. DHS heavily relied



¹ In 1995, the government created “alien abscondee teams,” but they were not prioritized until the founding of DHS. See Mendelson, Margot, Storm, Shayna, and Wishnie, Michael, “Collateral Damage: An Examination of ICE’s Fugitive Operations Program,” *Migration Policy Institute*, Feb. 2009

on a SWAT-like approach, where groups of armed officers appeared at residences early in the morning or late at night searching for people.

- **Workplace Raids:** Although workplace raids had been a feature of immigration enforcement for decades, many of the ICE workplace raids under President G.W. Bush were large-scale and also resulted in federal criminal charges for use of false documents such as social security cards or other identity information. Workers arrested in large factory round-ups with little access to legal counsel, limited proficiency in the English language and/or no familiarity with the judicial system suddenly faced significant time in federal prison before being deported.

What tactics did ICE use under President G.W. Bush?

Collateral arrests and quotas:

Most of the arrests in the home and in the workplace, were of “collaterals”—individuals at risk of deportation who happened to be present when ICE burst into an address looking for a purported target.

Collateral arrests became a standard feature of ICE operations, which increasingly met their arrest quotas² by making mass collateral arrests. The new quota requirements corresponded with increased reports of racial profiling of non-target individuals.

Coercion: ICE used coercive tactics specifically to enter homes without proper warrants and without proper consent. Teams of half a dozen agents or more would surround a home in the pre-dawn hours, with guns visible or drawn prior to knocking loudly on doors and windows to urge residents to open the door. The agents did not have proper judicial warrants



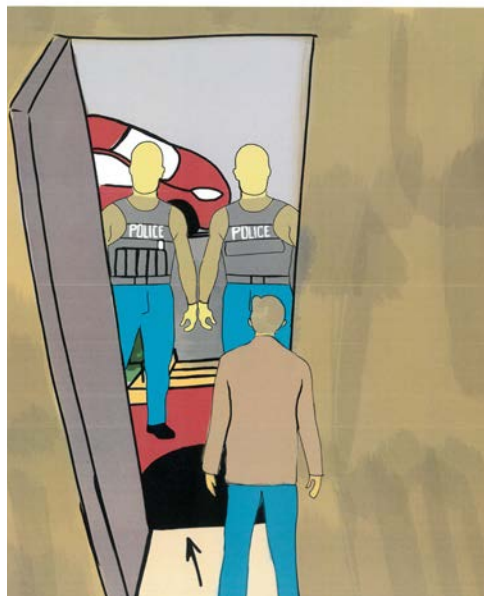
² In January 2006, ICE increased the FOTs quota to 1000 arrests per year from 125. In September of that same year, ICE issued a memorandum instructing agents that the 1000-arrest goal could include anyone encountered in an operation, even if they were not initially a target. See Memo from John Torres, “Fugitive Operations Case Priority and Annual Goals,” Jan. 31, 2006 and Memo from John Torres, “Fugitive Case Management System Reporting and the 1000 Arrests Annual Goal for Fugitive Operations Teams,” Sept. 29, 2006

In 2010, however, ICE issued a new policy on priorities for enforcement that instructed agents to direct resources primarily toward “aliens who pose a risk to national security or a risk to public safety”; “recent illegal entrants,” and “aliens who are fugitives or otherwise obstruct immigration controls.” See Memo from John Morton, “Civil Immigration Enforcement: Priorities for the Apprehension, Detention and Removal of Aliens,” June 30, 2010

and needed permission from residents to enter. If a resident merely opened the door, ICE agents would then enter and sweep through the home, often characterizing the fact of the opened door as evidence of consent to enter. Agents usually caused significant property damage due to the forceful and violent nature of these operations. Throughout the G.W. Bush-era, individuals challenged these tactics in federal courts and a number of judges found the conduct unconstitutional for lack of proper consent to enter or search.³

Threats and force: ICE agents frequently used force during home raids, for example, drawing weapons; grabbing, hitting and pulling residents; damaging doors, windows and other property; and threatening to residents to obtain entry or to conduct searches without warrants. When individuals challenged this behavior in federal courts, some judges deemed this kind of conduct an “egregious” violation of the Fourth Amendment.⁴

Deception: Under President G.W. Bush, ICE agents routinely used a range of deceptive tactics, known as ruses, to enter homes or workplaces. In 2005 and 2006, for the first time, ICE issued two memoranda setting guidelines for ICE agents’ use of deception.⁵ The memos explicitly prohibited ruses that involved health and safety programs (e.g. pretending that they were workers checking on a gas leak) or agents identifying themselves as representatives of “another agency (federal, state or local) or that of a private entity” without prior permission. In practice, however, officers regularly raided homes by identifying themselves as “police,” asserted they were looking for an individual other than the purported target, pretended to be investigating



³ As part of one of the lawsuit settlements, in *Aguilar, et al., v. ICE, et al.*, ICE was ordered to issue a new training and policy statement on these issues. See ICE Training and Policy Statement, Immigration and Customs Enforcement, Apr. 13, 2013, obtained in *Immigrant Defense Project, et al. v. ICE, et al.*, at [Appendix A](#). For more information on the Aguilar litigation, see <https://cjrjustice.org/home/what-we-do/our-cases/aguilar-et-al-v-immigration-and-customs-enforcement-ice-et-al>

⁴ See, e.g. *Lopez-Rodriguez v. Mukasey*, 536 F.3d 1012 (9th Cir. 2008)

⁵ See Memo from John Torres, “Addition to Section 5, Chapter 19 (Field Operations and Tactics) of the Detention and Deportation Field Officer’s Manual (DDFM) - USE OF RUSES DURING ARREST OPERATIONS,” Aug. 18, 2005, and Memo from John Torres, “Uses of ruses in enforcement operations,” Mar. 6, 2006, obtained in *Immigrant Defense Project, et al. v. ICE, et al.*, at [Appendix A](#)

a crime such as identity theft, and even claiming an emergency inside that required their entry. Once inside, ICE agents would arrest anyone in the home at risk of deportation.

Local law enforcement collaboration: ICE regularly collaborated with local police, probation officers, and parole officers to investigate targets. In addition, in many cases ICE was accompanied on operations by local law enforcement agents, giving them the ability to announce that they were “police” rather than ICE agents when seeking entry and increasing the number of law enforcement present.

Use of local law enforcement databases to label those targeted or arrested as gang members or associates: ICE made frequent use of local law enforcement databases to identify targets as gang members or associates, regardless of whether such individuals had ever been arrested, charged, or convicted of any crime. In some cases, ICE agents labeled individuals as gang associates simply by virtue of having been arrested during a gang operation or living in a home where a gang member was thought to have lived at one time.

What tactics did ICE use under President Obama?

Under President Obama, DHS continued to use surveillance, force and deception to rip unsuspecting people out of their communities for removal proceedings. After successful legal challenges to the G.W. Bush-era approaches, DHS shifted gears and promoted its work as “targeted enforcement,” minimizing its use of sweeping raids. The Obama era nonetheless was marked by the continuation of abusive ICE practices that undermine the fabric of communities and raise policy concerns. Below are common tactics ICE agents have used, as reported to IDP in hundreds of stories over the past three years. To read individual reports of these tactics, see [Appendix B](#).

Under Obama, when attempting to arrest people in the community, ICE agents generally:

- Worked in teams
- Arrived early in the morning to homes (e.g. between 5am and 8am)
- Had only an “administrative” warrant⁶ signed by a supervisor at ICE rather than a judge
- Needed consent from a resident to look for someone in a home because the agents usually did not have a warrant signed by a judge authorizing entry
- Used surveillance and database research to locate and detain people in public spaces outside of the home

⁶ See *ICE Administrative Warrant obtained in Immigrant Defense Project, et al. v. ICE, et al.*, at [Appendix A](#)

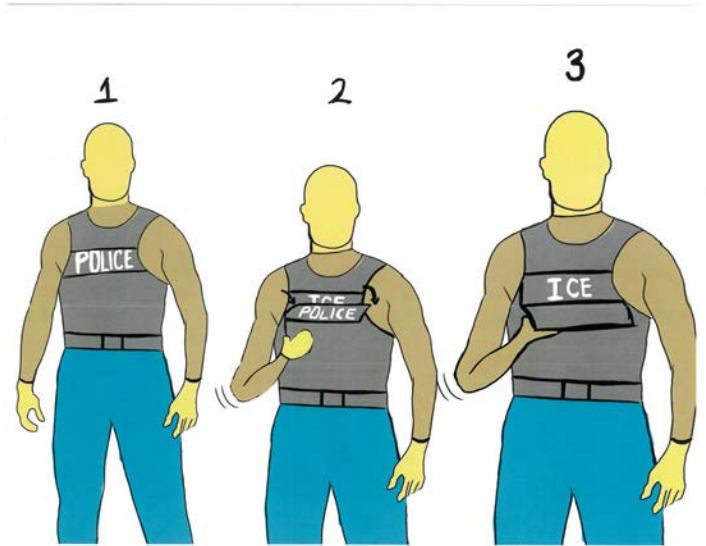
Under Obama, common ICE arrest tactics included:

Physical force:⁷ Although the frequency appeared to have decreased, the Obama administration did not abandon the violent tactics employed during G.W. Bush-era raids. At homes, ICE agents pushed past people who merely opened the door and sometimes forced open closed or locked doors— in one case, to arrest someone who no longer lived at the address. Agents stormed into homes without identifying themselves and sometimes drew their guns immediately, including in front of children.

⁷ To read individual reports of such raids under the Obama Administration see [Appendix B](#)

Threats: Community members reported ICE threatening them with the use of force—particularly those asking to see a warrant before allowing entry. Agents warned that, if they had to go and get a warrant, they would return and destroy the place or rip the house apart. ICE agents also threatened to knock down a door, search a home without consent, or to have someone arrested for harboring an “illegal alien” if the person at the door did not assist them in locating their target.

Intimidation: In addition to flat-out threats, ICE used the public nature of raids to pressure people into allowing entry to minimize embarrassment, parking multiple DHS cars prominently outside of a home and banging and yelling loudly at the door. ICE agents also waited for long periods outside of a home or visited a residence multiple times, essentially harassing and stalking fearful residents until they help ICE locate the targeted person.



Deception: Under President Obama, ICE agents without judicial warrants increasingly began to enter homes through deception, also known as “ruses.” Agents tricked residents into believing the officers are local police investigating criminal matters, even announcing themselves as “police.” Residents—not knowing the agents’ true purpose—often then helped ICE locate a loved one for deportation by letting ICE into the home or helping the officers arrange a meeting with the person ICE eventually detains. ICE agents have also used similar lies to call targeted people and lure them to specific public locations, even going so far as to arrange meetings at NYPD precincts only to detain the person outside. Pretending to be local police, ICE agents:

— Requested **help with a criminal investigation**

- Asked residents to review photographs/mugshots of criminal suspects

- Used a stranger’s photograph but the targeted person’s name when describing a criminal suspect, prompting residents to locate loved ones to correct the error
 - Claimed someone is using a person’s name to commit crimes and request to speak to the person to clear this up
 - Said that a criminal suspect or fugitive has been using that address or is in the vicinity and thus officers need to enter and search to ensure the person is not present
- Claimed that the targeted person has been the **victim of identity theft or fraud** and they are investigating
- **Called a targeted person and claimed they needed to clear up an accusation** and arrange a meeting
- Described the person’s vehicle and claimed they need to meet to inspect it, as it is reported to have been in an accident
 - Claimed they need to inspect the individual’s body for signs of injury, as the person was suspected of having been in a fight reported to police
 - Claimed they need to see proof of compliance with a prior court case

Surveillance: Under President Obama, ICE used significant resources to research, identify, and track the locations of removable people agents intend to arrest in the community.⁸ They used information from the criminal legal system to arrest people who are not incarcerated at their court dates as well as at probation/parole. They used information from federal and local databases and immigration applications to identify home addresses. They also used physical surveillance to follow and detain people in various public spaces, including outside of homes, shelters or workplaces—even arresting a woman in front of her child’s pre-school where she had just dropped him off. These agents typically presented themselves immediately as ICE officers and quickly detained the individual.⁹

⁸ See *Fugitive Operations Handbook at Appendix A*

⁹ See 8 CFR 287.8(c)(iii)(A) for ICE requirement to identify themselves “as soon as it is practical and safe to do so”

Targeted arrests using tactics that instilled fear in witnesses:

Under President Obama, ICE reduced its use of collateral arrests. This has meant that, for the most part, when ICE agents showed up at homes, workplaces or in public spaces, they located and detained the target only. Despite this, during some home raids, ICE requested identification, photographed identity documents and took fingerprints from people who were not the target. Although the witnesses generally were not detained in the moment, these tactics put many people in fear of deportation. Moreover, it was unclear how or if the information collected by ICE would be used in the future. In a few cases reported to IDP from New Orleans, LA, ICE agents did review identity documents or fingerprints and immediately detain other individuals present who were not initially targeted.

What have we seen under the Trump Administration?

- An **increase in the number of raids** and agents conducting arrests in communities: In the first 100 days of the Trump administration, the number of ICE arrests in communities was 50% more than during the same period the previous year. ICE statistics state a 33% increase in such arrests from FY2016 to FY 2018 (from 30,348 to 40,536).¹⁰ Early in his administration, Trump stated his intention to triple the ICE force by hiring an additional 10,000 additional officers¹¹
- **Threats and use of large-scale raids as a political weapon:** The Trump administration has repeatedly pressured cities to comply with federal detainer requests, including threatening the loss of federal funding.¹² ICE increasingly uses raids to target jurisdictions that pass policies to protect immigrants from

¹⁰ [*ICE Enforcement and Operations Report, 2018*](#)

¹¹ [*See Executive Order 13768 Enhancing Public Safety in the Interior of the United States, 82 FED REG. 8799, 8800 \(2017\)*](#)

¹² [*Sari Horwitz and Maria Sachetti, "Attorney General Jeff Sessions repeats Trump threat that 'sanctuary cities' could lose Justice Department grants," The Washington Post, March 27, 2017*](#)

deportation—such as policies that end or limit police collaboration with ICE. For example, in March 2019, ICE conducted large-scale raids in North Carolina after a number of sheriffs and counties implemented such policies. The agency has also increased courthouse arrests in jurisdictions, such as New York City, naming “Sanctuary” policies as a reason.¹³

- A return to more raids with **“collateral arrests”** (i.e., people who were not the initial target): ICE has made clear that anyone who is at risk of deportation “should be afraid” and may be arrested.¹⁴ For example, in the ICE announcement of their “family op,” targeting up to 2,000 families in 10 cities in June 2019, the agency noted that they might arrest “collaterals” in addition to their targets.¹⁵
- **Expansive use of force and aggressive tactics** during home raids and other community arrests. For example, reports of ICE using violent force to conduct arrests at courthouses—slamming family members against walls, dragging individuals from cars, and even pulling guns on people leaving court—have become commonplace. Witnesses to ICE arrests have called 911 to report that they were witnessing a kidnapping. ICE has also turned to more aggressive surveillance, trailing attorneys to their offices and eavesdropping on confidential attorney-client conversations.¹⁶
- **Continued use of ruses** including deceiving people that they are local police, and continued use of surveillance to locate and detain people in community spaces. ICE commonly pretends they are local law enforcement to get into homes without judicial warrants, to obtain information, or to arrest people outside their homes.¹⁷

¹³ [Naomi Prioleau, ICE Raids North Carolina After Local Authorities End Cooperation, March 16, 2019; Also see, ICE Out of Courts Campaign Toolkit at <https://www.immigrantdefenseproject.org/national-resources/>](#)

¹⁴ [100 DAYS; Tal Kopan, ICE Director: Undocumented Immigrants ‘Should Be Afraid,’ CNN June 16, 2017](#)

¹⁵ [Nick Miroff, ICE raids targeting migrant families slated to start Sunday in major U.S. cities, Washington Post, June 21, 2019](#)

¹⁶ [Immigrant Defense Project, The Courthouse Trap: How ICE Operations Impacted New York’s Courts in 2018](#)

¹⁷ [Learn more about ICE tactics and read stories of raids at \[raidsmap.immdefense.org\]\(https://raidsmap.immdefense.org\)](#)

- **More pressure on employers & others to turn people over** to ICE. For example, starting in March 2019, the Trump administration sent out over 570,000 “no-match letters” to employers. These letters, which the government has not used since 2012, alert employers to a mismatch between an employee’s name and social security number and instructs the employer to correct the information online within 60 days.¹⁸

- Efforts to **increase joint task force operations** between local police and ICE (e.g. gang task forces).¹⁹ For example, the administration has focused on joint task forces with police to target alleged gang members, focusing mostly on young boys and teens from Central America. Operation Matador in New York focused on schools, using School Resource Officers (SROs) to identify alleged gang members and affiliates by targeting Latinx students and those suspected of wearing gang colors or hanging out in alleged gang territory. Through their joint-task force work, ICE and police agents regularly share information and coerce young immigrants into giving them names of alleged gang members. This both wrecks havoc within certain immigrant communities, and also adds more unsuspecting individuals to the police gang databases, which in turn feeds into biased policing. Immigration courts have found that many of the gang affiliation allegations brought by ICE are not true.²⁰

¹⁸ [Miriam Jordan, Letters from Washington: Your Employees Could be Undocumented, The N.Y. Times, May 16, 2019](#)

¹⁹ [See e.g. Nashville Raid Joint Taskforce Worksheets obtained in Immigrant Defense Project, et al. v. ICE, et al., at Appendix A](#)

²⁰ [Hannah Dreier, How a Crackdown on MS-13 Caught Up Innocent High School Students, New York Times, December 27, 2018; Alice Speri, New York Gang Database Expanded by 70 Percent Under Mayor Bill de Blasio, The Intercept, June 11, 2018; Nick Pinto, NYPD Added Nearly 2,500 New People to its Gang Database in the Last Year, The Intercept, June 28, 2019](#)

Emergency Preparedness for Those at Risk of Deportation

1 Organize your personal documents.

- Keep original identity & personal documents in a safe place. Make and store copies where someone you trust can access them if you are detained.
- Gather immigration and criminal history documents. These will help a lawyer screen you for any legal defenses against deportation (“relief”).
 - **Immigration documents:** any applications submitted to immigration or any documents showing your A# (alien number), if you have one.
 - **Criminal documents:** certificates of disposition from courts and/or rap sheet

2 Get screened by a lawyer as soon as possible to see if you are eligible for any legal defenses against deportation (“relief”).

Many nonprofits offer free legal screenings across the country. Be careful of scams!

- Always keep your original documents.
- If hiring a lawyer to represent you, always have a signed contract and make sure to review the document in your preferred language. Make sure both of you sign the contract and you get a copy.
- If hiring a private lawyer, always get a second opinion before paying and get a receipt for payment (ideally paying by check or money order instead of cash).

3

Plan for medical needs.

- Write down crucial medical information to carry with you, including contact information for your doctors and any medications you take with names and dosages.
- Identify someone you trust and arrange for them to have access to your medical information in case they need to provide it in support of your legal case or so you have proper medical care if detained.
- To do this, consider signing a HIPAA form, giving them access to your medical files and allowing your doctors to communicate with them about your medical needs.

4

Plan for childcare needs.

- Write down crucial contact information for childcare to carry with you.
- Identify someone who can care for your children if you are detained. Make sure that person agrees to act as a caretaker and has the following information:
 - School location and contact information
 - Any medical conditions your child has and how to address their needs, including contact information for doctors and information on medications and/or allergies.
 - Emergency contact information for other loved ones
- Put important documents for each child in a safe place accessible to your emergency caretaker. This may include your child's medical/school records, birth certificate, and any legal agreements you have made with your emergency caretaker.
- Consult with a lawyer about whether to grant a loved one power to make legal decisions for your child if you are detained. Some options include:
 - **Special Power of Attorney:** This is a legal document in which a parent authorizes another adult to act temporarily in the parent's place on behalf of the child. It is a private agreement and can be cancelled at any time.

- **Guardianship:** This is a more formal arrangement than Power of Attorney and typically involves Family Court. This allows your loved one to make medical, educational or other decisions while you are detained. It is harder to reverse and can mean giving up some of your power to make decisions for your child. So it is important to talk to an expert before doing this.

5 Plan for financial needs.

Consult with an expert about whether to grant a loved one power to access your finances and make financial decisions if you are detained. There is a special power of attorney form for financial matters. This legal document allows a loved one to do things like access your bank account, pick up your paycheck, pay bills, and use your money to pay bond.¹

¹ *Families for Freedom "Financial Handbook for Families Facing Detention + Deportation" April 2008*

Carry crucial information on your person at all times.

This should be written down—not relying on access to your phone—and includes:

- **Medical information:**
 - Contact information for your doctors
 - A list of any medications you take, including the names and dosages
- **Childcare information:**
 - Contact information for school and point of contact in case of detention
- **Contact information for lawyers who have represented you or agreed to represent you**
- **Contact information for loved ones**

For resources on emergency preparedness, go to:
<http://www.immdefense.org/emergency-preparedness>

Legal Challenges to ICE Raids

Anyone who has been subject to or has witnessed an ICE raid should document what happened. The details of a raid can be useful for the non-citizen's legal case and can also be important to bring lawsuits against the government for any abuses suffered

This includes if agents:

- **Entered** the home **without** proper **consent**
- **Searched** the home **without** proper **consent**
- **Dismissed medical or childcare concerns** raised during arrest
- **Harassed or threatened witnesses**, including the use of racial profiling
- Engaged in **abusive behavior** related to your gender identity or sexual orientation, including sexual harassment or derogatory remarks
- Used **force** (verbal or physical) or **weapons** against individuals

What are ways to document a raid?

It is important for those who have experienced raids to document details as soon as possible afterwards when memories are fresh.

- **In writing:** IDP has created a wall poster that guides people on what information is relevant to document and give to a lawyer. Poster is available in multiple languages at <http://www.immdefense.org/ice-arrests>.



— **Videotaping:** Many people have asked whether they can or should videotape an ICE raid. There are no states in which it is against the law to film law enforcement while they are engaged in their public duties. However, because of the variety of laws and court cases regarding recording audio and video in different states, **it is important to consider several things** before videotaping an arrest in the home or in public.¹

¹ For more information include WITNESS tip sheet on your right to film ICE and how to share ethically and effectively visit immdefense.org/eyes-on-ice

Important considerations before videotaping an arrest in the home or in public:

- ICE agents are armed law enforcement officials who are first and foremost concerned for their own safety. Before taking out a recording device, it is best to **assess the situation and determine whether taking a video could escalate the situation** and endanger anyone present.
- It is extremely important that if you choose to record, **you must make it obvious that you are recording.** Almost every state has laws against “secret” recordings. Do not cover up, hide or conceal your camera/phone.
- Your right to record law enforcement usually comes with the qualification that you must not “interfere” as they are carrying out their “duties.” **This means you should stand several feet away from any law enforcement action taking place if you choose to record.**

Contact local organizations to report a raid.

For raids in New York State, contact IDP at **212-725-6422**. IDP can also support those interested in bringing legal challenges to raids.

For raids in California, contact the TRUST hotline at **844-878-7801**.

For raids elsewhere, contact United We Dream at **844-363-1423**.

How can I bring legal challenges to ICE’s abusive practices and how will that benefit me?

Many of the tactics ICE uses to arrest people they believe are eligible for deportation violate the U.S. Constitution and/or the federal regulations and statutes that establish the limits on what conduct is permissible in the course of immigration enforcement.² Victims of illegal ICE conduct can challenge the validity of their deportation proceedings, suppress evidence of deportability, file complaints against ICE agents, and file lawsuits against ICE agents in federal court. The following legal tools to challenge raids may be available:

Challenging Deportability in Immigration Court:

- **Move to Suppress Evidence of Alienage or Challenge the Reliability of Evidence:** Although options for challenging the use of illegally obtained evidence are more limited in the immigration context than

² For example, the Fourth Amendment protects against search, seizure and arrest without probable cause, and does not permit police or agents to enter homes without judicial warrants or consent. The Fifth and Fourteenth Amendments protect against discrimination because of race, national origin, or gender (though not immigration status). In addition, federal law permits people to file damages claims to federal agencies if you have suffered a “tort,” like property damage, physical battery, or emotional distress.

in criminal courts, immigration judges can suppress evidence of deportability based on unlawful conduct by ICE. To pursue deportation against someone DHS charges as undocumented, DHS must first establish in immigration court that the person is foreign-born. Where DHS' only evidence of "alienage" (where a person was born) was obtained through unlawful conduct, individuals may argue that this evidence should be suppressed and excluded because of violations of the Fourth Amendment's protections against unlawful search and seizure³ or the Fifth Amendment's Due Process Clause. A similar argument is available to challenge the reliability of evidence obtained through unlawful conduct. Unlawful conduct can include coercive tactics, force, illegal ruses, or racial profiling.

Many federal court decisions have upheld the suppression of illegally obtained evidence in immigration court proceedings.⁴ **When the only evidence of alienage is suppressed, removal proceedings must be terminated because DHS has not proven, as required, that the subject of the proceeding is not a U.S. citizen.**⁵ In the case of documented immigrants (e.g. lawful permanent residents, asylees, and refugees), or immigrants who were known to immigration authorities prior to a raid, for example through a visa or work authorization application or a prior encounter with ICE, suppression challenges can face more obstacles but are worth discussing with a lawyer.

— **Move to Terminate Removal Proceedings Based on Violations of the Governing Regulations or the Constitution.** Federal

regulations require ICE agents to refrain from unlawful conduct during enforcement operations.⁶ Where ICE agents violate individual rights during a raid or other arrest, an individual in removal proceedings can move to terminate those proceedings based on the agents' conduct that violates the regulations or the Fourth or Fifth Amendments.⁷

³ See *INS v. Lopez-Mendoza*, 468 U.S. 1032 (1984).

⁴ See, e.g., *Sicajau-Cotzajay v. Holder*, 725 F. 3d 172 (2nd Cir. 2013); *Oliva-Ramos v. Attorney General*, 694 F. 3d. 259 (3rd Cir. 2013); *Pretzantzin v. Holder*, 725 F. 3d 161 (2nd Cir. 2013); *Orhorhaghe v. INS*, 38 F. 3d 488 (9th Cir. 1994).

⁵ Note that individual assessments on whether to pursue motions to suppress should be made on each case. Individuals who may have a form of relief against deportation available to them, such as cancellation of removal or asylum, may want to move forward on those applications rather than seek to suppress evidence.

⁶ E.g., 8 C.F.R. 287.8(c)(2)(vii) (prohibiting use of coercion during arrest and interrogation by immigration officer); 8 CFR 287.8(a)(1)(ii) (permitting the use of non-deadly force only when an officer has "reasonable grounds" to believe that such force is necessary).

⁷ See *Rajah v. Mukasey*, 544 F.3d 427, 421, 443, 446 (2d Cir. 2008).

In Federal Court:

- **File Suit for Monetary Damages Under the Federal Tort Claims Act (FTCA):** The FTCA, 26 U.S.C. §§ 2671 et seq., permits individuals harmed by federal agencies to sue the United States for monetary damages. Before filing suit, an administrative claim form setting out the type of damage suffered, the date of the injury, the amount of money sought, and other details must be filed with the federal agency. That form is available here: <https://www.gsa.gov/portal/forms/download/116418>. If the federal agency does not respond within six months, or if you disagree with the way they respond, you can then file a complaint in federal court, specifying the specific tort laws in your state that were violated, for example, “trespass,” “negligent infliction of emotional distress,” or “property damage.” The statute of limitations for filing the initial administrative claim is two years. You do not have to be a U.S. citizen or have lawful status to file these claims. **You can also file these claims as a witness to a raid, if you have suffered emotional, physical, property, or other damage. Organizations may also bring FTCA claims.**

- **File Suit for Constitutional Violations by Federal Officers and Agents:** When agents or officers violate the Constitution—for example, by using excessive force during a raid, or by racial profiling to make an arrest—they can be sued individually in *Bivens* claims.⁸ *Bivens* claims allow victims of unconstitutional conduct by agents operating “under color of law” (meaning those who act in their official capacity) to file suit in federal court, seeking monetary damages for violations of constitutional law. In some cases where it is shown to be a pattern of unconstitutional behavior, **suits can be brought to stop the illegal conduct or stop future illegal conduct.** Suits can be brought not only

⁸ See *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971).

against those who personally conducted the raids, but also against their supervisors and high-level officials who ordered or otherwise guided the conduct. **You do not have to be a U.S. citizen or have lawful status to file these claims. Organizations may also, in some cases, bring constitutional claims.**

- **File Suit for Constitutional Violations by State and Local Authorities:** Where state or local police and other enforcement agencies collaborate with federal immigration authorities to violate the Constitution, they too can be sued for damages under 42 U.S.C. §1983. In addition, **the law enforcement agency itself**—for example, the local police department or state highway authority—**can be sued for monetary damages or to stop the illegal conduct.** Individual state officers can also be sued under state tort laws. **You do not have to be a U.S. citizen or have lawful status to file these claims. Organizations may also, in some cases, bring constitutional claims.**

Within DHS:

- **Complain to DHS' Office of Civil Rights and Civil Liberties (CRCL):** DHS, through its CRCL office, has a complaint mechanism for individuals alleging misconduct by federal agents and officers. Complaint forms can be found here: <https://www.dhs.gov/file-civil-rights-complaint>. If investigations are done fully, those who complain must provide sworn statements in interviews with the federal agency.

While complaints must be investigated, they are very rarely substantiated, and **there is no possibility of obtaining damages, injunctive relief or remedies from deportation.** We recommend that all those who participate in sworn interviews be accompanied by an attorney.

Community Responses to ICE Raids

People and organizations have been steadfastly fighting back against ICE's practice of criminalizing immigrants and arresting people in their communities. Our approach is to continue reevaluating tactics and strategies to identify key leverage points and expand our toolbox accordingly.

The ultimate goal is to maximize our ability to take care of each other, prevent abuses, and support the leadership of frontline communities for long-term change.

We will continue to update and prioritize effective tactics as we learn more about the practices on the ground during the Trump administration.

Visit: <http://www.immdefense.org/raids> to learn more about community responses to ICE raids and detention and deportation overall:

- **Policy initiatives**
- **Know Your Rights materials and trainings**
- **Organizing community defense strategies**
- **Building a case campaign**

Information on all of the above can be found at:

<https://www.immdefense.org/community-responses/>

Appendix A

Select documents pertaining to ICE enforcement tactics obtained in the *Immigrant Defense Project et al. v. ICE et al.* FOIA litigation.

Additional documents are available online at www.immdefense.org/raids-foia/. For more information on the FOIA and on-going litigation, see: <https://ccrjustice.org/home/what-we-do/our-cases/immigrant-defense-project-et-al-v-ice-et-al#>

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- p. 1 CCR Freedom of Information Act request on behalf of IDP and HICA
- p.14 Fugitive Operations Handbook 2010
- p.52 Fugitive Operations Handbook 2014
- p.91 ICE Academy, Detention and Removal Operations, Training Division, “Fugitive Operations “Internet and Intranet Resources” (undated)
- p.111 Ruse Memos:
 - John Torres, “Use of Ruses During Arrest Operations,” Aug. 18, 2005
 - John Torres, “Use of Ruses in Enforcement Operations,” Mar. 6, 2006
 - Marcy Forman and John Torres, “Use of Ruses in ICE Enforcement Operations,” Aug. 22, 2006
- p.117 ICE Training and Policy Statement, April 10, 2013, issued to ERO and H.S.I. as part of the settlement in *Aguilar et al. v. ICE et al.*
- p.119 Sample Administrative Warrant
- p.124 Sample Field Operations Worksheet and I-213 (Record of Deportable/Inadmissible Alien)
- p. 129 Joint Taskforce Raid in Nashville, TN (October 20, 2010) between Metropolitan Nashville Police, ICE/FOT and Homeland Security Investigations.

Appendix B

Reports of raids collected by IDP, broken down by the identified ICE tactic, demonstrating the range of strategies used in their enforcement actions.

Contents

These summaries reflect a sample of the hundreds of ICE arrests reported to IDP between 2013 and 2016, highlighting different problematic aspects of ICE raids and community arrests:

- p. 1 A small sample of the **broad range of people targeted** by ICE, which includes vulnerable community members
- p. 8 The **use of force and threats** during home raids
- p. 12 The **use of deception and ruses** during home raids, organized by ruse:
 - “Need to talk to victim of identity theft”
 - “Looking for criminal ‘suspect’ believed to be in the house”
 - “Want help with a criminal investigation”
 - “Need to clear up a court compliance issue”
- p. 23 The **use of deception to lure people into public spaces**
- p. 27 The **use of gratuitous or excessive searches** once inside the home
- p. 32 The **impact on people who were not the target where ICE agents**:
 - Unnecessarily scrutinize the identity and documents of non-targets
 - Involve non-targets in carrying out raids, often using intimidation, hostility and/or deception
 - Conducted raids involving or impacting children in the home

Some reports involved more than one problematic ICE tactic; these appear in multiple sections and generally were edited to highlight the relevant issue in that section. For stories with full names, IDP has received permission to use the information in the materials as such.

Appendix C

Press coverage on the human toll of raids

Select stories that have been in the press humanizing individuals who have been subject to ICE enforcement.

Contents

- p. 1 Julio Acosta
- p. 2 Alexander Lora
- p. 2 Alvaro “Khalil” Cumberbatch
- p. 3 Reynold Garcia
- p. 4 Miscellaneous

Julio Acosta

In January 2016, ICE agents showed up at Julio Cesar Acosta’s home in Long Island, NY and took him away from his family for driving under the influence of alcohol arrests from decades before the raid. His partner, Deysi, and their two small children, Jeffrey and Julio Jr., were left crying and inconsolable. Deysi, traumatized at seeing her world crumbling around her, gave birth early to their third son, Christopher, while Julio was in immigration detention. Make the Road NY led advocacy efforts for Julio and were able to secure his release from detention while he fights deportation.

- Make the Road NY, “**Don’t Deport Our Dad!**” posted January 28, 2016: http://www.maketheroadaction.org/don_t_deport_our_dad
- Voices of NY translation of El Diario NY article, Original by Zaira Cortes & Translation by K. Casiano, **Drunk Driver Targeted by ICE For Deportation**, February 11, 2016: <https://voicesofny.org/2016/02/ice-targets-drunk-drivers-for-deportation/>
(Original in Spanish: <http://eldiariony.com/2016/02/04/conducir-ebrio-te-convierte-en-blanco-de-deportacion/>)
- Make the Road NY, “**Welcome home Julio! ¡Bienvenido a casa!**” posted February 24, 2016: http://www.maketheroadaction.org/welcome_home_julio
- Voices of NY translation of El Diario NY article, Original by Juan Pablo Garnham & Translation by K. Casiano, **Salvadoran Father Targeted by ICE Is Released**, February 26, 2016: <https://voicesofny.org/2016/02/salvadoran-father-targeted-by-ice-is-released/>
(Original in Spanish: <http://eldiariony.com/2016/02/26/pense-que-nunca-mas-los-iba-a-ver/>)

Alexander Lora

In November 2013, ICE agents arrested Alexander Lora, a long-time lawful permanent resident, on the street in New York City. He had agreed to meet, believing they were police. They told him he would be deported for a single prior drug arrest for which he received no jail time, held in jail, and unable to apply for bond while his deportation proceedings were ongoing. While detained, Alexander learned that the mother of his child had tried to commit suicide, and his two-year-old son was placed in foster care since Alexander was in immigration jail. Lawyers at Brooklyn Defender Services filed a habeas corpus petition in federal court and, with the NYU Immigrant Rights Clinic, argued that Alexander’s detention without bond was unconstitutional. The Second Circuit Court of Appeals agreed, issuing a groundbreaking decision that immigrants like Alexander are entitled to a bond hearing when their detention becomes prolonged. *Rodriguez v. Jennings*, a similar case from the Ninth Circuit Court of Appeals, is currently on appeal to the U.S. Supreme Court and could result in nationwide due process protections for immigrants in prolonged detention.

- City Limits, Batya Ungar-Sargon, **Heavy Burdens and Unfair Fights in Immigration Courts**, December 17, 2015: <http://citylimits.org/2015/12/17/heavy-burdens-and-unfair-fights-in-immigration-courts/>
- City Limits, Batya Ungar-Sargon, **Immigrants’ Fates Depend on Access to Lawyers**, December 17, 2015: <http://citylimits.org/2015/12/17/immigrants-fates-depend-on-access-to-lawyers/>

Alvaro “Khalil” Cumberbatch

In May 2014, Khalil Cumberbatch was snatched by ICE agents from his home in Queens, NY in front of his wife and children for a crime he committed over a decade prior to the raid. Since being released from prison, Khalil embodied commitment to community and family but nonetheless was detained for months before DHS agreed to close his case. Shortly after release from immigration detention, Khalil received a pardon from New

York State Governor Andrew Cuomo. Immigrant Defense Project (IDP) along with a broad coalition of people from the criminal reentry community, including Fortune Society and Legal Action Center, advocated on Khalil's behalf and continue to work alongside him to stop the current system of perpetual punishment and mass deportation.

- Fortune Society weekly newsletter, Khalil Cumberbatch, **Previously Pardoned, He Advocates Expanded Use Of Pardons For Others**, August 7, 2015: <https://fortunesociety.org/2015/08/07/previiously-pardoned-he-advocates-expanded-use-of-pardons-for-others/>
- New York Daily News, Keri Blakinger, **A look at sad reality of what happens when immigration meets criminal justice**, March 29, 2016: <http://www.nydailynews.com/news/national/immigrants-prison-article-1.2577579?cid=bitly>
- The Hill, Op-ed by Khalil Cumberbatch, **For immigrants with convictions, punishment never ends**, July 4, 2016: <http://thehill.com/blogs/congress-blog/judicial/286309-for-immigrants-with-convictions-punishment-never-ends>
- New York Magazine, Interviews by James D. Walsh and Nick Tabor, **New York Would Never Dream of Building a Wall**, December 13, 2016: <http://nymag.com/daily/intelligencer/2016/12/42-immigrant-new-yorkers-on-living-in-a-sanctuary-city.html>

Reynold Garcia

In 2016, Reynold Garcia was deported after Chicago, Illinois immigration agents lured him out of a church where he was praying by falsely claiming they were police reaching out about a relative that was in a car accident. One day before, Chicago immigration agents also raided his home, detaining Karen Margarito-Pineda, Mr. Garcia's wife, and their two children. All four were almost immediately deported. Chicago Religious Leadership Network (CRLN) and Organized Communities against Deportation (OCAD) advocated for Mr. Garcia and his family, including garnering the support

of Congresspeople who submitted a letter to DHS calling for a review of the tactic.

- WBEZ News, Odette Yousef, **Amid Deportation Push, Suburban Church Grapples with Loss**, February 15, 2016: <https://www.wbez.org/shows/wbez-news/amid-deportation-push-suburban-church-grapples-with-loss/3d269fc3-04e7-4604-bae4-a376a37410c9>
- VICE News, Meredith Hoffman, **US Immigration Sting on Church Breaks with Policy on ‘Sensitive Locations,’** February 17, 2016: <https://news.vice.com/article/us-immigration-sting-on-church-breaks-with-policy-on-sensitive-locations>
- ThinkProgress, Esther Yu Hsi Lee, **ICE Agents Lure Undocumented Immigrant Out Of A Church Using Fake Text Messages**, February 17, 2016: <https://thinkprogress.org/ice-agents-lure-undocumented-immigrant-out-of-a-church-using-fake-text-messages-4e2a980fb7a3#.xu8q823ln>
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Miscellaneous

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- ThinkProgress, Esther Yu Hsi Lee, **This Is What A Deportation Raid Is Like**, January 7, 2016: <https://thinkprogress.org/this-is-what-a-deportation-raid-is-like-98a9e2c6f5e7#.i6zq4jzbu>
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