

Congress of the United States

Washington, DC 20515

September 9, 2025

The Honorable Kristi Noem
Secretary of Homeland Security
Department of Homeland Security
200 Independence Avenue, S.W.
Washington, D.C. 20001

Secretary Noem:

We write in response to recent incidents that have raised questions about the Department of Homeland Security (DHS)'s use of race in immigration enforcement. Recent statements and actions undertaken by Department officials have called into question whether stop and arrest decisions are being made based not on legitimate law enforcement reasons but on unconstitutional racial bias.

The Fourteenth Amendment guarantees equal protection under the law.¹ This guarantee generally prevents the government from treating people differently based on their race without a compelling reason that is "narrowly tailored."² The Fourth Amendment similarly prevents the government from conducting unreasonable searches and seizures, including searches without a warrant or probable cause.³ It is well established that these limitations extend to the conduct of immigration law enforcement officers.⁴ Away from the border, immigration agents can only make a stop when they have identified "specific articulable facts, together with rational inferences from those facts, that reasonably warrant suspicion" that the person is violating immigration law.⁵

Given these well-established limitations, we have been concerned by recent statements and actions undertaken by DHS that seem to indicate that the Department is unlawfully using race as a basis for conducting immigration enforcement operations.

In July, Border Czar Tom Homan stated in an interview that "people need to understand ICE officers and Border Patrol don't need probable cause to walk up to somebody, briefly detain them, and question them . . . based on their physical appearance."⁶ As you know, to conduct a warrantless arrest, an immigration agent needs to establish probable cause that the person targeted is not only violating an immigration law or regulation, but also that they pose a flight risk.⁷ And even for a brief detention, immigration agents need reasonable suspicion.⁸ Mr. Homan's statement seems to indicate that it is the policy of this administration that immigration agents can satisfy those requirements based solely on someone's physical features and what they may mean

¹ U.S. Const. amend. XIV § 2.

² See, e.g., *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200 (1995); *Parents Involved in Community Schools v. Seattle School District No. 1*, 551 U.S. 701 (2007); see also *The Constitution and Race-Conscious Government Action: Narrow Tailoring Requirements*, Congressional Research Service (May 14, 2023), available at <https://www.congress.gov/crs-product/R47471>.

³ See U.S. Const. amend. IV.

⁴ See, e.g., *Immigration and Naturalization Service v. Delgado*, 466 U.S. 210 (1984); *Orzhoghaghe v. Immigration and Naturalization Service*, 38 F.3d 488, 497 (9th Cir. 1994); see also U.S. Dep't of Justice, Fourth Amendment, available at <https://www.justice.gov/sites/default/files/eoir/legacy/2014/08/15/4th-amendment.pdf>.

⁵ *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975).

⁶ Aaron Rugar, AR [@atrupar]. (2025, July). Homan: "People need to understand ICE officers and Border Patrol don't need probable cause to walk up to somebody, briefly detain them, and question them ... based on their physical appearance." [Tweet]. Twitter. <https://x.com/atrupar/status/1943671875961287024>

⁷ *Tejeda-Mata v. Immigration and Naturalization Service*, 626 F.2d 721, 725 (9th Cir. 1980).

⁸ *Supra* note 5.

about their racial identity.⁹ ICE data shows that between January 20 and July 28, 2025, ICE made more than 16,000 street arrests of immigrants with no criminal convictions, charges, or removal orders.¹⁰ Over half of these arrests were made between June and July alone, with Latinos accounting for 90% of arrests.¹¹ This means that nearly one in five arrests made by ICE is a Latino with no criminal history.¹²

Similar concerns prompted the U.S. District Court for the Central District of California to order the Trump Administration to halt its practice of racial profiling in immigration enforcement.¹³ This summer, Judge Frimpong found that the Administration has engaged in a pattern of stops and arrests based on four impermissible factors, including a person's "apparent race or identity." The judge made this finding after the Administration was unable to provide details that supported their claim that the stops and arrests—including the arrest of U.S. Citizens—were based on actual "intelligence" or an "investigation" that indicated they were breaking the law.¹⁴ Without additional information, Judge Frimpong explained that it was improper to base arrests on these factors, including racial identity, because they were "no more indicative of illegal presence in the country than of legal presence."¹⁵ On September 8, 2025, the Supreme Court temporarily lifted this order as the case is appealed, allowing immigration enforcement officers to continue to make indiscriminate stops based on racial factors for the time being.¹⁶ In a dissenting opinion, Justice Sonia Sotomayor argued that through its use of indiscriminate stops "[t]he Government... has all but declared that all Latinos, U.S. citizens or not, who work low wage jobs are fair game to be seized at any time."¹⁷

These kinds of indiscriminate, race-based detentions cause real harm. In June, DHS conducted a worksite raid in at a farm in Ventura County, California, where militarized agents violently detained hundreds of people, allegedly including U.S. citizens and those with work visas.¹⁸ As a result of the raid, Jaime Alanis, a farmworker at the farm, fell from a greenhouse and later died due to his injuries.¹⁹ In Los Angeles, ICE snatched Andrea Velez, a U.S. citizen, off the street, and detained her for two days, giving her nothing to drink for 24 hours.²⁰ A U.S. citizen in Pico Rivera was assaulted and detained by agents in a Walmart parking lot.²¹ Two U.S. citizens

⁹ Other senior administration officials have echoed these sentiments. Reportedly, White House Deputy Chief of Staff Stephen Miller asked ICE officials who were attempting to meet the administration's immigration quota "[w]hy aren't you at Home Depot? Why aren't you at 7-Eleven?"—common locations where Latino workers are known to see work. Findell, E. et al. (2025, June 9). *The White House Marching Orders That Sparked the L.A. Migrant Crackdown*. The Wall Street Journal. https://www.wsj.com/us-news/protests-los-angeles-immigrants-trump-f5089877?gaa_at=eafs&gaa_n=ASWzDAgL5r2JjqgCw3LuZM67sl7oxnBhfPFdVSZdvUZqXG1pSIOImNuHfHcaPdUFFgEM%3D&gaa_ts=685c14bd&gaa_sig=DmBdcjuW2xZtyVxwfmJgsXMtFCjoZQgYuLWPluGC1XqklgBubEkF_1BhI9JJKkHdUl_vsHjj3s5pP12ivpoAMg%3D%3D

¹⁰ Immigration and Customs Enforcement Data. *Deportation Data Project*. <https://deportationdata.org/data/ice.html>

¹¹ Bier, D. (2025, August 5). *One in Five ICE Arrests Are Latinos on the Streets with No Criminal Past or Removal Order*. Cato Institute. <https://www.cato.org/blog/1/5-ice-arrests-are-latinos-streets-no-criminal-past-or-removal-order>

¹² Id.

¹³ *Pedro Vasquez Perdomo v. Kristi Noem*, 2:25-cv-056005, (C.D.Cal. 2025).

¹⁴ Id.

¹⁵ Id.

¹⁶ *Kristi Noem, Secretary, Department of Homeland Security, et al. v. Pedro Vasquez Perdomo, et al.* 606 U.S. ____ (2025).

¹⁷ Id.

¹⁸ Lozano, A. (2025, July 11). *Cannabis farmworker in California is on life support after chaotic federal immigration raid, Family says*. NBCNews.com. <https://www.nbcnews.com/news/us-news/cannabis-farm-california-immigration-raid-rcna218305>

¹⁹ Jordan, M. (2025, July 14). *Farmworker dies fleeing an immigration raid in Southern California - The New York Times*. The New York Times. <https://www.nytimes.com/2025/07/11/us/immigration-raids-farmworker-death.html>

²⁰ Rand, J. (2025, June 26). *Woman seen on video being detained during DTLA Immigration Raid is a US citizen, family says*. ABC7 Los Angeles. <https://abc7.com/post/woman-detained-during-immigration-raid-downtown-los-angeles-is-us-citizen-family-says/16852834/>; Burke, M. (2025, Aug. 12). *U.S. citizen detained by ICE in L.A. says she wasn't given water for 24 hours*. NBC News. <https://www.nbcnews.com/news/us-news/us-citizen-detained-ice-l-says-wasnt-water-24-hours-rcna224493>

²¹ Rendon, K., & 52, T. (2025, June 18). *Video captures immigration agents detaining man in parking lot of Pico Rivera Walmart*. NBC Los Angeles. <https://www.nbclosangeles.com/news/local/video-pico-rivera-walmart-ice-immigration/3726766/>

in Montebello were forcefully interrogated by Border Patrol agents on the street about their citizenship, one was later taken to a detention center.²² Juan Carlos Lopez-Gomez, a U.S. citizen, was detained by Florida authorities and charged with entering the country as an “unauthorized alien,” and was detained in county jail for more than 24 hours.²³ In Arizona, Jose Hermosillo, a 19-year-old U.S. citizen, was wrongfully detained for 10 days.²⁴

Such a pattern of apparent discrimination is even more concerning given that the Department gutted the Office of Civil Rights and Civil Liberties (CRCL), which would normally investigate complaints regarding the violations of civil rights.²⁵ According to whistleblowers, when the Department initially moved to shutter the office, it halted over 500 civil rights investigations.²⁶ Without a robust CRCL, it will be difficult for those whose rights have been violated by ICE to obtain relief through any avenue other than the court system.

A strategy of immigration enforcement that singles out law-abiding people solely because of their race is at odds with our constitution’s commitment to both equality and freedom from unreasonable searches. Accordingly, we ask for the following information by September 30th, 2025:

1. Does the Department have a policy on how immigration officers can use race in making determinations about when to stop or arrest someone? If so, what is the policy?
2. Does the Department agree with Border Czar Homan’s statement that “ICE officers and Border Patrol don’t need probable cause to walk up to somebody, briefly detain them, and question them . . . based on their physical appearance”?²⁷
3. Mr. Sean Skedzielewski, an attorney for the government, has been quoted as saying that the “Department of Homeland Security has policy and training to ensure compliance with the Fourth Amendment.”²⁸ Please provide copies of all related training materials and any training materials that address racial profiling, discrimination or bias.
4. What steps has the Department taken to ensure that agents are upholding protections against racial profiling provided by the U.S. Constitution, including the Fourteenth Amendment’s Due Process Clause?
5. Since January 20, 2025, how many complaints have been filed with the Department alleging that an arrest or stop was based on race?

²² Medina, J. (2025, June 15). *‘I’m an American, bro!’: Latinos report raids in which U.S. citizenship is questioned* - The New York Times. The New York Times. <https://www.nytimes.com/2025/06/15/us/hispanic-americans-raids-citizenship.html>

²³ Ho, V. (2025, April 18). *U.S. citizen detained under an immigration hold in Florida, lawyer says* - The Washington Post. Man detained in Florida on immigration hold despite being citizen, lawyers. <https://www.washingtonpost.com/immigration/2025/04/18/florida-immigration-hold-lopez-gomez/>

²⁴ Khmara, D. (2025, April 21). *U.S. citizen in Arizona detained by immigration officials for 10 days*. AZPM. <https://news.azpm.org/p/azpmnews/2025/4/18/224512-us-citizen-in-arizona-detained-by-immigration-officials-for-10-days/>

²⁵ Doubleday, J. (2025, May 26). *DHS plans for skinny staffs at civil liberties, oversight offices*. Federal News Network. <https://federalnewsnetwork.com/workforce/2025/05/dhs-plans-for-skinny-staffs-at-civil-liberties-oversight-offices/>

²⁶ (2025 May 15). *DHS Halted 500+ Civil Rights Investigations When It Shut Down Oversight Office, Whistleblowers Say*. Government Accountability Project. <https://whistleblower.org/press-release/dhs-halted-500-civil-rights-investigations-when-it-shut-down-oversight-office-whistleblowers-say/>

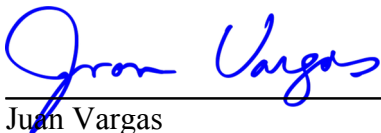
²⁷ Aaron Rupa, AR [@atrupar]. (2025, July). Homan: "People need to understand ICE officers and Border Patrol don't need probable cause to walk up to somebody, briefly detain them, and question them ... based on their physical appearance." [Tweet]. Twitter. <https://x.com/atrupar/status/1943671875961287024>

²⁸ Press, A. (2025, July 12). *Judge temporarily halts immigration stops, arrests without “reasonable suspicion.”* Times of San Diego. <https://timesofsandiego.com/politics/2025/07/11/judge-order-immigration-stops-arrests-without-reasonable-suspicion/>

6. During that same time frame, what actions has the Department taken to respond to complaints that an immigration enforcement action was unlawfully motivated by race?
 - a. How has the Department's gutting of the Office of Civil Rights and Civil Liberties affected its ability to respond to such complaints?
7. What is the Department's policy regarding how it responds to an allegation that a stop or arrest was unlawfully undertaken based on race?
8. When the agency determines that a stop or arrest was improperly motivated by race, what steps does the Department take in response? How does the Department ensure that there is accountability?

We look forward to receiving your prompt response.

Sincerely,



Juan Vargas
Member of Congress



Darren Soto
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



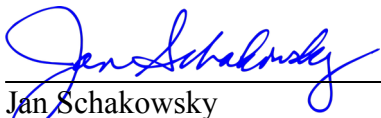
Jesús G. "Chuy" García
Member of Congress



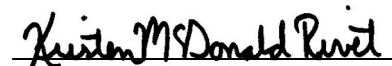
Betty McCollum
Member of Congress



Scott H. Peters
Member of Congress



Jan Schakowsky
Member of Congress



Kristen McDonald Rivet
Member of Congress



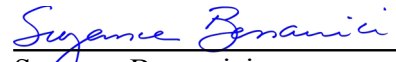
Eleanor Holmes Norton
Member of Congress



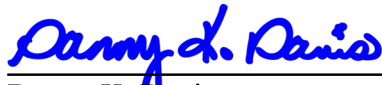
Raja Krishnamoorthi
Member of Congress



Dave Min
Member of Congress



Suzanne Bonamici
Member of Congress



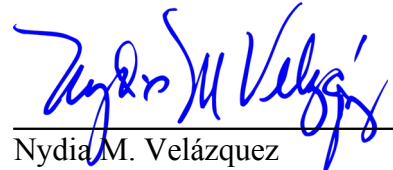
Danny K. Davis
Member of Congress



Veronica Escobar
Member of Congress



Nanette Diaz Barragán
Member of Congress



Nydia M. Velázquez
Member of Congress



Emily Randall
Member of Congress



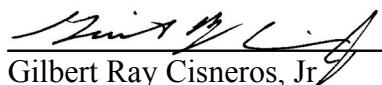
Rashida Tlaib
Member of Congress



Frederica S. Wilson
Member of Congress



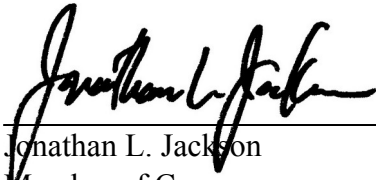
Dan Goldman
Member of Congress



Gilbert Ray Cisneros, Jr.
Member of Congress



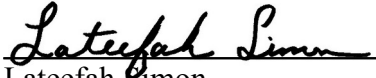
Adriano Espaillat
Chair
Congressional Hispanic Caucus



Jonathan L. Jackson
Member of Congress



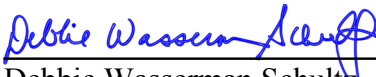
Shri Thanedar
Member of Congress



Lateefah Simon
Member of Congress



Paul D. Tonko
Member of Congress



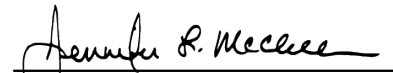
Debbie Wasserman Schultz
Member of Congress



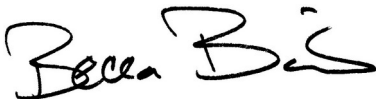
Yassamin Ansari
Member of Congress



Alexandria Ocasio-Cortez
Member of Congress



Jennifer L. McClellan
Member of Congress



Becca Balint
Member of Congress



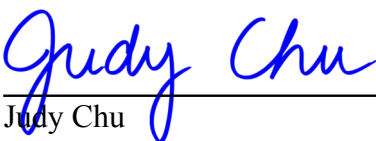
Andrea Salinas
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James P. McGovern
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Delia C. Ramirez
Member of Congress



Judy Chu
Member of Congress



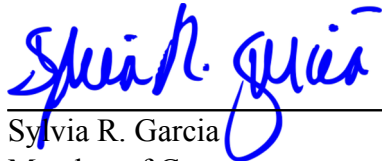
Madeleine Dean
Member of Congress



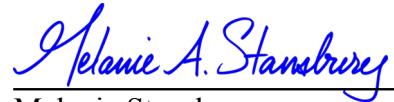
Yvette D. Clarke
Member of Congress



Wesley Bell
Member of Congress



Sylvia R. Garcia
Member of Congress



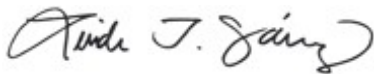
Melanie Stansbury
Member of Congress



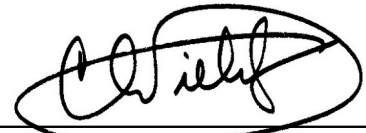
Maxine Dexter
Member of Congress



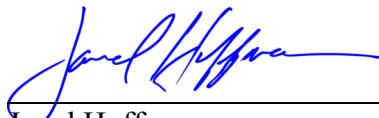
Kathy Castor
Member of Congress



Linda T. Sánchez
Member of Congress



Cleo Fields
Member of Congress



Jared Huffman
Member of Congress



Diana DeGette
Member of Congress



Steve Cohen
Member of Congress



Joaquin Castro
Member of Congress



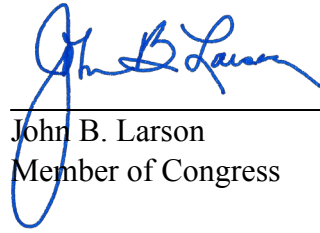
Greg Casar
Member of Congress



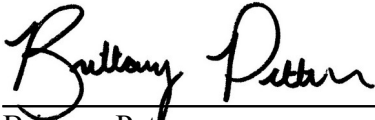
Derek T. Tran
Member of Congress



Bill Foster
Member of Congress



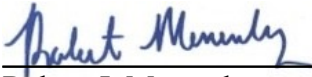
John B. Larson
Member of Congress



Brittany Pettersen
Member of Congress



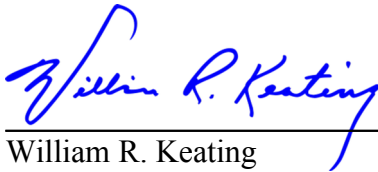
Lori Trahan
Member of Congress



Robert J. Menendez
Member of Congress



Al Green
Member of Congress



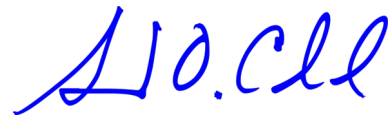
William R. Keating
Member of Congress



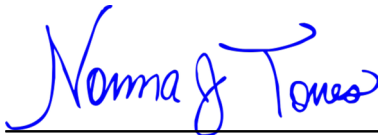
Robin L. Kelly
Member of Congress



Ritchie Torres
Member of Congress



Salud Carbajal
Member of Congress



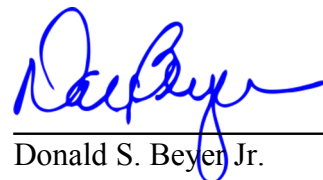
Norma J. Torres
Member of Congress



John Garamendi
Member of Congress



Donald Norcross
Member of Congress



Donald S. Beyer Jr.
Member of Congress

A handwritten signature in blue ink, appearing to read 'S McBride', written over a horizontal line.

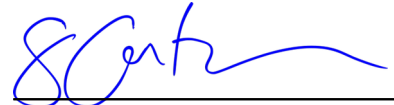
Sarah McBride
Member of Congress

A handwritten signature in blue ink, appearing to read 'D Evans', written over a horizontal line.

Dwight Evans
Member of Congress

A handwritten signature in blue ink, appearing to read 'B. Scott', written over a horizontal line.

Robert C. "Bobby" Scott
Member of Congress

A handwritten signature in blue ink, appearing to read 'S Casten', written over a horizontal line.

Sean Casten
Member of Congress