

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

January 16, 2026

The Honorable Kristi Noem
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, DC 20032

Dear Secretary Noem:

I am outraged at the repeated targeting and racial profiling of U.S. citizens facing warrantless searches and detainment by federal immigration authorities. I am also deeply concerned by misstatements of law by U.S. Customs and Border Patrol (CBP) Chief Gregory Bovino—the senior Trump Administration official responsible for overseeing a series of broadly criticized immigration enforcement actions across multiple states.¹ In response to a widely-viewed post describing immigration agents' refusal to check a U.S. citizen's REAL ID during an arrest, Mr. Bovino asserted that “[o]ne must carry immigration documents as per the INA,” and “[a] Real ID is not an immigration document.”² To state the obvious, we are not a “papers, please” country. American citizens generally do not have “immigration documents,” and to require them to carry such documents to avoid being violently stopped or interrogated by federal immigration agents is absurd and unconstitutional. There is no requirement in the law for U.S. citizens to carry identification to avoid arbitrary arrest and detention.

The founders included explicit protections from unreasonable searches and seizures in the U.S. Constitution to prevent the types of arbitrary and indiscriminate arrests of U.S. citizens that are currently occurring in American cities.³ The Immigration and Nationality Act gives an immigration agent limited authority to question individuals that the agent has a reason to believe are noncitizens as to their right to be or remain in the United States.⁴ However, as Justice Kavanaugh noted in his concurrence in *Vasquez Perdomo v. Dep't of Homeland Security*, “[t]o be clear, apparent ethnicity alone cannot furnish reasonable suspicion.”⁵ He also stated that, “reasonable suspicion means only that immigration officers may briefly stop the individual and inquire about immigration status. *If the person is a U.S. citizen or otherwise lawfully in the United States, that individual will be free to go after a brief encounter.*”⁶ Unfortunately, these

¹ Dan Mihalopoulos & Lauren Fitzpatrick, *Greg Bovino's the Star of Trump's Deportation Show. We Trace His Roots*, WBEZ CHICAGO (Dec. 12, 2025), <https://www.wbez.org/immigration/2025/12/12/gregory-bovino-border-patrol-deportation-elcentro-california-blowing-rock-boone-north-carolina-migrants-immigration>.

² @CMDROpAtLargeCA, X.COM (Dec. 11, 2025, 8:10 PM), <https://x.com/CMDROpAtLargeCA/status/1999285804288635054>.

³ U.S. Const. amend. IV. See also Cong. Research Serv., *Historical Background on Fourth Amendment, Constitution Annotated*, https://constitution.congress.gov/browse/essay/amdt4-2/ALDE_00013706/; and Mem. Op., Escobar Molina v. U.S. Dep't of Homeland Security, No. 25-03417 (D.D.C. Dec. 2, 2025), <https://law.justia.com/cases/federal/district-courts/district-of-columbia/dcdce/1:2025cv03417/285268/68/>.

⁴ 8 U.S.C. § 1357(a)(1); *contrast* 8 U.S.C. § 1304(e) (requiring noncitizens over the age of eighteen to carry certain immigration documents).

⁵ *Vasquez Perdomo v. Dep't of Homeland Security*, 606 U.S. ___, 5 (2025), https://www.supremecourt.gov/opinions/24pdf/25a169_5h25.pdf.

⁶ *Id.* at 6 (emphasis added).

caveats have not prevented an escalating number of arbitrary stops, arrests, and detentions of U.S. citizens by federal immigration agents.

Take the violent arrest of Mubashir, a 20-year-old Somali American in Minnesota. Video shows masked agents tackling Mubashir—who had stepped out for his lunch break—handcuffing him, and dragging him through the snow before placing him in a chokehold and pulling him into an unmarked SUV.⁷ He says that he repeatedly told an agent that he had identification and asked him to review it, but the agent declined: “I told him I have my passport, it’s in my phone. Can I open it and show you? He declined. I told him can I give you my name and my date of birth? He declined.”⁸ After refusing to consent to a photo, the agents reportedly detained him in their vehicle for an hour.⁹ Only after transporting Mubashir to a U.S. Immigration and Customs (ICE) facility and scanning his biometrics did immigration officials finally review his passport and release him from custody.¹⁰ Mr. Bovino publicly suggested Mubashir’s lack of “immigration documents” was the cause for his arrest.¹¹

Agents have approached numerous non-white individuals recently in Minneapolis and asked them where they were born and for their identification.¹² Just a few days ago, federal agents surrounded Emmanuel Sackie, a Liberian-born naturalized citizen, in a parking lot and questioned his citizenship.¹³ Sackie showed them his driver’s license, but they reportedly asked, “Can you give me more proof that you’re a citizen?”¹⁴ Video shows that when he could not provide additional documentation on the spot the agents violently arrested him.¹⁵ In another incident, CBP agents surrounded a Black man at a gas station as he filled his car’s gas tank; one agent proceeded to interrogate him, asking: “How do I know you are a U.S. citizen? ... Where were you born? ... Are you a U.S. citizen or you got naturalized? ... What year?”¹⁶ In another harrowing encounter, a woman walking in her neighborhood was harassed by federal agents: “Do you have an ID on you, ma’am? ... If not, we are going to put you in the vehicle, and we’re going to ID you ... Where were you born? ... We are doing an immigration check. We are doing a citizen check.”¹⁷

⁷ Matt Sepic, *ICE Agents Tackle, Arrest American Citizen in Minneapolis*, MPR NEWS (Dec. 12, 2025), <https://www.mprnews.org/story/2025/12/10/ice-agents-tackle-arrest-american-citizen-in-minneapolis>; and Jason Rantala, *ICE Agents Wrongfully Detained U.S. Citizen In Minneapolis For Looking Somali, City Leaders Say*, CBS NEWS (Dec. 10, 2025), <https://www.cbsnews.com/minnesota/news/minneapolis-leaders-say-us-citizen-was-wrongfully-arrested-by-ice-agents/>.

⁸ Matt Sepic, *ICE Agents Tackle, Arrest American Citizen in Minneapolis*, MPR NEWS (Dec. 12, 2025), <https://www.mprnews.org/story/2025/12/10/ice-agents-tackle-arrest-american-citizen-in-minneapolis>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ @CMDROpAtLargeCA, X.COM (Dec. 11, 2025, 8:10 PM), <https://x.com/CMDROpAtLargeCA/status/1999285804288635054>.

¹² Stephen Prager, ‘Where Were You Born?’ ICE Conducting Show-Your-Papers Stops in Minnesota Neighborhoods, THE REAL NEWS NETWORK (Jan. 14, 2026), <https://therealnews.com/ice-show-me-your-papers-stops-in-minnesota-neighborhoods>.

¹³ Ubah Ali, *U.S. Citizen Says Encounter with ICE Agents in Brooklyn Park Landed Him in the Hospital*, CBS NEWS (Jan. 6, 2026), <https://www.cbsnews.com/minnesota/news/us-citizen-ice-encounter-injury-brooklyn-park/>.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *CBP Confronted After Questioning Man at Gas Station*, NBC News (Jan. 11, 2026), <https://www.nbcnews.com/video/shorts/ice-confronted-after-questioning-man-at-gas-station-255761989835>.

¹⁷ *Id.*; @nimco_omar_, Instagram.com (Jan. 11, 2026), <https://www.instagram.com/p/DTYmmRLEptF/>.

The Department's cavalier attitude towards the law continues to lead to frequent abuses against American citizens.¹⁸ Contrary to your claim last year that "[t]here's no American citizens [that] have been arrested or detained" in the Administration's immigration enforcement actions,¹⁹ Mr. Bovino recently admitted that Border Patrol has arrested U.S. citizens; however, he attempted to justify these arrests by claiming that "the vast majority of U.S. citizens" arrested by CBP had "assaulted federal officers."²⁰ This is simply not the case. Immigration officials are targeting Black and Brown individuals and ignoring their desperate attempts to assert their citizenship—sometimes as they are chased, thrown to the ground, pulled into unmarked vehicles by masked men, handcuffed, and held for hours, even days.²¹

For example, during raids in Chicago, agents detained and restrained Maria Greeley—a U.S. citizen and Chicago resident—outside of her workplace, even after she provided documentation confirming her citizenship.²² She was born in the United States and adopted, yet agents questioned her passport and asserted she did not "look like" a Greeley, her family surname.²³ Another citizen, Javier Ramirez, pleaded with agents to review his U.S. passport, but he was still tackled to the ground and detained for four days.²⁴ Agents detained Leonardo Garcia Venegas twice in one month at separate construction sites, even when he presented them with his REAL ID as proof of citizenship.²⁵ The agents rejected the ID as "fake."²⁶ A federal court had to block the deportation of a Maryland woman whom DHS detained for 25 days, despite her

¹⁸ See e.g., George Chidi, *'I Lose My Liberty in that Moment': Charlotte Shuts Down as Citizens and Noncitizens Alike Face ICE Arrests*, THE GUARDIAN (Nov. 20, 2025), <https://www.theguardian.com/us-news/2025/nov/20/charlotte-north-carolina-ice-raids>; Kai Uyehara, *Indigenous Actor Elaine Miles Says ICE Called Her Tribal ID 'Fake'*, SEATTLE TIMES (Nov. 28, 2025), <https://www.seattletimes.com/seattle-news/indigenous-actress-elaine-miles-says-ice-called-her-tribal-id-fake/>; and Nicole Foy, *We Found That More Than 170 U.S. Citizens Have Been Held by Immigration Agents. They've Been Kicked, Dragged and Detained for Days*, PROPUBLICA (Oct. 16, 2025), <https://www.propublica.org/article/immigration-dhs-american-citizens-arrested-detained-against-will>.

¹⁹ <https://www.c-span.org/clip/news-conference/noem-denies-us-citizens-have-being-arrested-or-detained-in-ice-crackdown/5177694>

²⁰ Ellie Quinlan Houghtaling, *Border Patrol Chief Admits They're Arresting U.S. Citizens*, THE NEW REPUBLIC (Dec. 31, 2026), <https://newrepublic.com/post/204835/cbp-official-greg-bovino-arrest-us-citizens>.

²¹ See e.g., *supra* note 15; Letter from Sen. Durbin to Secretary Noem (Dec. 2, 2025), <https://www.durbin.senate.gov/newsroom/press-releases/durbin-investigates-arrests-of-us-citizens-by-president-trumps-out-of-control-immigration-forces>; and Sen. Perm. Subcomm. on Investigations, *Examining the Trump Administration's Extrajudicial Immigration Detentions of U.S. Citizens: Unchecked Authority, Minority Staff Report* (Dec. 9, 2025), https://www.hsgac.senate.gov/wp-content/uploads/2025.12.8_ICE-Report-revised-FINAL.pdf.

²² Gregory Royal Pratt, *ICE Tickets Chicago Man with Legal Residency \$130 for Not Having His Papers on Him: 'It's Not Fair...I'm A Resident'*, CHIC. TRIB. (Oct. 13, 2025), <https://www.chicagotribune.com/2025/10/13/ice-fines-chicago-man-for-not-having-papers-on-him/>.

²³ Malcolm Ferguson, *ICE Detains Citizen After Saying She Doesn't "Look Like" Her Last Name*, THE NEW REPUBLIC (Oct. 14, 2025), <https://newrepublic.com/post/201745/ice-detains-us-citizen-doesnt-look-american>.

²⁴ Vivian Chow, *Southern California Father Who is U.S. Citizen, Arrested During Immigration Raid, Family Says*, KTLA 5 (June 13, 2025), <https://ktla.com/news/local-news/southern-california-father-who-is-u-s-citizen-arrested-during-immigration-raid-family-says/>; and Adrian Florido, *U.S. Citizens Caught in Trump's Immigration Dragnet*, NPR WAMU 88.5 (Nov. 18, 2025), <https://www.npr.org/2025/11/18/nx-s1-5606356/u-s-citizens-caught-in-trumps-immigration-dragnet>.

²⁵ Tim Sullivan, *U.S. Citizen Wrongfully Detained Twice in Alabama Workplace Raids Sues Immigration Authorities*, PBS NEWS (Oct. 1, 2025), <https://www.pbs.org/newshour/nation/u-s-citizen-wrongfully-detained-twice-in-alabama-workplace-raids-sues-immigration-authorities>.

²⁶ *Id.*

lawyers providing evidence, including a birth certificate and hospital records, that she was born in the United States.²⁷

There are also growing and deeply troubling examples of immigration officials racially profiling and detaining Native Americans.²⁸ Last week in Minnesota, ICE agents attempted to enter Little Earth, the first Native American community housing project in the United States, and later tried to detain Rachel Dionne-Thunder, a Native American community member, as she sat in her car.²⁹

Under the Trump Administration, U.S. citizens now live in fear that their government-issued forms of ID, such as a REAL ID-compliant driver's license or identification or tribal identification, are not sufficient proof of citizenship,³⁰ meaning, like Mubashir, they may be "kidnapped" when "all [they] did was step outside and ... got chased by a masked person."³¹ This is especially problematic considering nearly half of Americans do not have a passport³²—though, as documented earlier, even a passport has not kept some Americans of color safe from arbitrary arrest and detention from ICE. Furthermore, nine percent of eligible voters—approximately 21.3 million Americans—do not have or do not have easy access to any documentary proof of citizenship.³³

Terrifying experiences like these undoubtedly will become more commonplace for American citizens unless the Department abides by the law and reins in its reckless immigration enforcement operations. Please immediately issue a correction to the Department's false statement that U.S. citizens must carry proof of citizenship and immediately instruct your employees that unconstitutional "citizen checks" are not permitted and must immediately cease. Please also ensure that your law enforcement agents, including Mr. Bovino, receive sufficient training in how to constitutionally enforce the law. Separately, please provide the following information by January 30, 2026:

²⁷ Joe Heim, *After 25 Days, ICE Releases Maryland Woman Who Says She is a U.S. Citizen*, WASH. POST (Jan. 7, 2025), <https://www.washingtonpost.com/dc-md-va/2026/01/07/diaz-morales-maryland-woman-released-ice/>.

²⁸ See Amelia Schafer, *Five Native Americans Detained by ICE During Ongoing Raids in Minneapolis*, ICT NEWS (Jan. 8, 2026), <https://ictnews.org/news/five-native-americans-detained-by-ice-during-ongoing-raids-in-minneapolis/>. See also, Native American Rights Fund, *Know Your Rights If You Are Approached by ICE* (Jan. 9, 2026), <https://narf.org/ice-resources-2026/>.

²⁹ Amelia Schafer, *Five Native Americans Detained by ICE During Ongoing Raids in Minneapolis*, ICT NEWS (Jan. 8, 2026), <https://ictnews.org/news/five-native-americans-detained-by-ice-during-ongoing-raids-in-minneapolis/>.

³⁰ See e.g., U.S. Dep't of Homeland Sec., Transp. Sec. Admin., *REAL ID*, <https://www.tsa.gov/real-id> (last visited Jan. 6, 2026); and U.S. Dep't of Homeland Sec., Transp. Sec. Admin., *TSA Introduces New \$45 Fee Option for Travelers Without REAL ID Starting February 1* (Dec. 1, 2025), <https://www.tsa.gov/news/press/releases/2025/12/01/tsa-introduces-new-45-fee-option-for-travelers-without-real-id>.

³¹ Emma Tucker, *This U.S. Citizen Went on His Lunch Break and Ended up in a Chokehold by a Masked Federal Agent and Detained*, Video Shows, CNN (Dec. 13, 2025), <https://www.cnn.com/2025/12/13/us/ice-minneapolis-us-citizen/>; and Ramon Antonio Vargas, *US Citizen Chased by Federal Agents In New Orleans Says She Was Targeted Because 'I'm Brown'*, THE GUARDIAN (Dec. 5, 2025), <https://www.theguardian.com/us-news/2025/dec/05/us-citizen-chased-ice-agents-new-orleans>.

³² See Quintin Willekens, *How Many Americans Have a Passport in 2025?*, Rustic Pathways (May 14, 2025), <https://rusticpathways.com/blog/how-many-americans-have-a-passport>.

³³ See JILLIAN ANDRES ROTHSCHILD, SAMUEL B. NOVEY, & MICHAEL J. HAMNER, UNIV. OF MD. CTR. FOR DEMOCRACY & CIVIC ENGAGEMENT, *WHO LACKS DOCUMENTARY PROOF OF CITIZENSHIP?* (March 2025), <https://cdce.umd.edu/sites/cdce.umd.edu/files/Who%20Lacks%20Documentary%20Proof%20of%20Citizenship%20March%202025.pdf>.

1. Questions DHS officials are legally permitted to ask individuals to determine U.S. citizenship during an immigration enforcement action.
2. Documentation that was shared with DHS employees to suggest that unlawful “citizen checks” are permitted and any corrective guidance.
3. Guidance regarding biometric scans, including whether scans can be required if agents are provided documentation indicating citizenship.
4. Guidance provided to agents relating to conducting warrantless arrests under the Immigration and Nationality Act, including questions agents may ask regarding an individual’s place of birth or naturalization process.³⁴
5. Criteria DHS officials use to determine if there is reason to believe that an individual does not have authorization to be in the United States.

In addition, please also respond to my December 2, 2025, letter regarding policies governing treatment of U.S. citizens during immigration enforcement actions and related data.³⁵ I look forward to your prompt response and attention to this important request.

Sincerely,



Richard J. Durbin
Ranking Member

³⁴ The INA requires an individualized probable cause determination that a noncitizen is in the United States unlawfully and is likely to escape before a warrant may be obtained. *See* 8 U.S.C. § 1357(a)(2); and *see also* Mem. Op., José Escobar Molina v. U.S. Dep’t of Homeland Sec., No. 25-03417 (D.D.C. Dec. 2, 2025), <https://law.justia.com/cases/federal/district-courts/district-of-columbia/dcdce/1:2025cv03417/285268/68/>.

³⁵ Letter from Sen. Durbin to Secretary Noem (Dec. 2, 2025), <https://www.durbin.senate.gov/newsroom/press-releases/durbin-investigates-arrests-of-us-citizens-by-president-trumps-out-of-control-immigration-forces>.