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RULES AND ADMINISTRATION

March 20, 2025

The Honorable Kristi Noem
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, D.C. 20528

Mr. Tom Homan
Executive Associate Director of
Enforcement and Removal Operations
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Mr. Todd Lyons
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street SW
Washington, DC 20536

Mr. Russell Hott
Director
U.S. Immigration and Customs Enforcement
Washington Field Office
14797 Murdock Street
Chantilly, VA 20151

Dear Secretary Noem, Mr. Homan, Acting Director Lyons, and Director Hott:

I write to you regarding ICE's recent enforcement efforts, and, in particular, the alarming treatment of a U.S. citizen and Virginia resident whom ICE stopped and interrogated in Manassas, Virginia on March 5, 2025.

In an interview with NBC4 Washington,¹ a U.S. citizen described that he was driving to work when ICE agents stopped and surrounded his truck, exited their vehicles with their weapons drawn and ordered him to "turn off the car, give [them] the keys, open the window." When the agents shared the name of the individual that ICE was seeking for deportation orders, the U.S. citizen responded that was not him and sought to verify his identify by offering to show his Real ID-compliant driver's license. As you are aware, proof of legal presence is required to obtain a Real ID-compliant driver's license.² The U.S. citizen's attempts to prove his U.S. citizenship were refused and ICE agents demanded he exit his vehicle and placed him in handcuffs. While handcuffed, the U.S. citizen reports that he was interrogated by the ICE agents on his entry to the U.S. and if he was awaiting any court orders. The U.S. citizen continued to attempt to his prove his U.S. citizenship, and in response, he reported that one of the ICE agents communicated doubt as to his U.S. citizenship despite his efforts to prove otherwise. The ICE agents released this U.S. citizen only after they permitted him to show his Real ID-compliant driver's license.

¹ NBC4 Washington, "Just following Hispanic people': Citizen detained by ICE questions vote for Trump," Jackie Benson, March 6, 2025, <https://www.nbcwashington.com/news/local/northern-virginia/just-following-hispanic-people-citizen-detained-by-ice-questions-vote-for-trump/3861172/>.

² Virginia Department of Motor Vehicles, "REAL ID," <https://www.dmv.virginia.gov/licenses-ids/real-id>.

I recognize the important work of federal, state, and local law enforcement in keeping Virginians safe and understand that law enforcement, including ICE agents, in the field have a complex and challenging job. It is because of that concern for both officer and Virginian safety that I express deep concern over the apprehension and treatment of this U.S. citizen and the disturbing potential or perception of what this treatment may indicate about ICE's law enforcement practices in Virginia.

All Virginians, regardless of their citizenship or immigration status, deserve to be treated with respect and must be properly afforded their rights as expressed in the U.S. Constitution. Any law enforcement performing immigration enforcement must abide by the U.S. Constitution and federal law. When ICE agents violate or create the appearance of a violating the rights of their fellow citizens, it does harm to all Virginians and all Americans.

Undisciplined, hostile, or threatening enforcement actions by ICE will hinder relationships with local communities, further compromising trust and safety and risk potentially degrading ICE's enforcement efforts and officer safety. Given DHS' recent emphasis on the safety of its law enforcement agents, particularly ICE, I expect you share my concern for the risks to Virginians and law enforcement alike created by a perception of capricious or unjustified action taken against U.S. citizens.³

U.S. citizens interacting with ICE who seek to prove their identity with identification or other documents that would assist ICE in determining their identity and immigration status should be permitted to do so. In this case, it is clear that the ICE agents misidentified this U.S. citizen, wasting valuable time and resources, and damaging ICE's public image in the process.

To better understand the circumstances surrounding ICE's immigration enforcement efforts in Virginia, I ask that you respond to these questions by no later than Friday, April 4, 2025.

1. Please provide a detailed description of the events leading up to and during ICE's arrest of a U.S. citizen in Manassas, Virginia on March 5, 2025.
 - a. Did ICE partner or collaborate with any state or local law enforcement entities for this enforcement action? If so, please list the entities and the extent of the collaboration.
 - b. Did the ICE agents present at the scene identify themselves as law enforcement? If so, how did they identify themselves? Were the individuals dressed in ICE uniform and/or was there a badge easily visible or a car plate to distinguish themselves as federal law enforcement?
 - c. If the agents did identify themselves as federal law enforcement, did they do so prior to drawing their weapons? Please provide a detailed timeline.
 - d. Were the ICE agents (and any other law enforcement involved in the incident) qualified to perform the detention and apprehension of the U.S. citizen and the

³ Fox News, "Kristi Noem says 2 leakers accused of disclosing ICE operations ID'd: 'Put law enforcement lives in jeopardy,'" Louis Casiano, Bill Melugin, March 7, 2025, <https://www.foxnews.com/politics/kristi-noem-says-2-leakers-accused-disclosing-ice-operations-idd-put-law-enforcement-lives-jeopardy>.

other vehicle occupants? Were the ICE agents current on ICE's use of force training and weapons qualifications?

2. Who were the ICE agents originally seeking when they misidentified and detained the U.S. citizen? What authority did ICE utilize to proceed with deportation orders for the individual with whom they were originally seeking?
3. How are ICE agents trained to investigate and verify U.S. citizenship or other lawful status when seeking persons of interest? How do ICE agents make an accurate determination of U.S. citizenship or other lawful status? What are the steps that ICE takes to ensure that its agents do not subject U.S. citizens and other individuals with lawful status to unnecessary and mistaken law enforcement encounters with ICE, including apprehension, arrest, detention, or deportation?
4. What tools or resources does ICE utilize to make an accurate citizenship or lawful status determination prior to an individual's interaction with ICE?
5. Does ICE have all the adequate training, tools, or resources to prevent U.S. citizens from being mistakenly subject to ICE enforcement? If not, what additional training, tools, and resources does ICE need to ensure it does not mistakenly subject such individuals to enforcement?
6. What identifying information about the person of interest did ICE have prior to stopping the U.S. citizen? What steps did ICE take to verify this information prior to stopping the U.S. citizen? Did ICE properly apply its own policies and procedures for verifying U.S. citizenship and did ICE exhaust all the tools and resources at their disposal to verify U.S. citizenship prior to stopping the U.S. citizen? Did the ICE agents contact the ICE Office of Principal Legal Advisor prior to detaining the U.S. citizen or after his release?
7. Does the Department of Homeland Security systematically collect and maintain data of its encounters with individuals for whom there is evidence of U.S. citizenship or lawful status? If so, please provide data on how many U.S. citizens have been mistakenly subjected to ICE enforcement, including being apprehend, detained, or deported since January 20, 2025. If ICE does not collect this data, why not?
8. How will ICE ensure that it is properly applying the policies and procedures regarding the investigation and verification of citizenship or lawful status prior to encounters with ICE?
9. What steps does ICE take to remedy an encounter whereby they mistakenly applied enforcement actions to an individual who is not subject to ICE enforcement, such as a U.S. citizen? How will the agency prevent future instances?
10. In a statement that ICE provided on March 7th, the agency states that the U.S. citizen "matched the description of the subject of an operation" and that ICE agents operated "based on reasonable suspicion, including a likeness to the description of the target."⁴ Please provide additional information to support the reasonable suspicion referenced in the statement, including any evidence that the U.S. citizen does indeed have a "likeness to the description of the target." If there is a photograph of the person of interest the ICE agents mistook for the U.S. citizen, please provide the photograph.

⁴ The Hill, "Virginia Dem spotlights case of US citizen detained by ICE," Ashleigh Fields, March 7, 2025, <https://thehill.com/homenews/house/5183248-us-citizen-detained-ice-immigration/>.

11. Were the ICE agents involved in the U.S. citizen's detention counseled or disciplined following the encounter based on mistaken identity? Please explain.

Additionally, I respectfully request that the appropriate individuals in your agencies provide a briefing on the events surrounding the U.S. citizen's encounter with ICE, including the sharing of information that may be law enforcement sensitive.

It is my hope that ICE can carry out its mission while upholding the rights of all Virginians and abiding by the U.S. Constitution. I look forward to hearing from you.

Sincerely,



Mark R. Warner