

Congress of the United States

Washington, DC 20515

May 28, 2025

The Honorable Kristi Noem
Secretary of Homeland
U.S. Department of Homeland Security
Washington, D.C. 20528

Mr. Todd M. Lyons
Acting Director
U.S. Immigration and Customs Enforcement
Washington, D.C. 20024

Dear Secretary Noem and Acting Director Lyons:

We write to express great concern regarding recent actions by U.S. Immigration and Customs Enforcement (ICE) at the Phoenix immigration court on May 20th and 21st, 2025, in light of reports that ICE abruptly detained multiple individuals who were attending their scheduled immigration court hearings¹—a pattern reported in other cities across the country.² As lawmakers representing a border state, we know firsthand the impact that decades of federal inaction have had on Arizona and our border communities, and we have been relieved to see illegal border crossings continue to decrease since mid-2024.³ However, targeting immigrants without a criminal record who are following the law by showing up for their scheduled immigration hearing has only created chaos and does not make our communities safer. These actions raise serious concerns about transparency, due process, and the integrity of this administration's immigration enforcement priorities.

Reporting on May 20, 2025, suggests that ICE attorneys either moved to terminate proceedings or withdrew the “Notice to Appear” that initiated the immigration court proceedings in order to detain immigrants and place them in a fast-track deportation process to circumvent the court.⁴ There has been no indication in any of the reports that these individuals have a criminal record. Also troubling, video footage shows ICE officers in plainclothes and masks detaining several

¹ “‘Mayhem’ as ICE officials arrest multiple people at immigration court in Phoenix,” AZ Mirror (May 21, 2025), <https://azmirror.com/2025/05/21/mayhem-as-ice-officials-arrest-multiple-people-at-immigration-court-in-phoenix/>

² “ICE agents at Seattle courthouse arrest people whose deportation hearings are dismissed,” KUOW (May 21, 2025), <https://www.kuow.org/stories/ice-agents-at-seattle-courthouse-arrest-people-whose-deportation-hearings-are-dismissed>; “ICE agents in Miami find new spot to carry out arrest: Immigration court,” Miami Herald (May 22, 2025), <https://www.miamiherald.com/news/local/immigration/article306900486.html>; “ICE agents wait in hallways of immigration court as Trump seeks to deliver on mass arrest pledge,” AP News (May 22, 2025), <https://apnews.com/article/immigration-courts-arrests-trump-ice-deportations-fa96435d4ec021cc8ff636b23d80d848>

³ U.S. Customs and Border Protection, Southwest Land Border Encounters, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

⁴ “For 2nd day, people attend Phoenix immigration hearings arrested by ICE,” AZ Central (May 21, 2025), <https://www.azcentral.com/story/news/politics/immigration/2025/05/21/ice-arrests-phoenix-immigration-court/83772323007/?tbref=hp>

women in front of their children, who approached an unmarked ICE vehicle crying and upset. For those individuals detained and witnesses at the courthouse, ICE's unprecedented enforcement actions created a confusing and frightening environment in what should have been a routine court appearance. This action targeted those who followed the rules and showed up to their hearing to present their case to an immigration judge as part of the process for claiming asylum or other legal status, where they would be granted or denied status.

These tactics make our immigration system less efficient and fair and discourage individuals from appearing for future hearings. In Phoenix, we have seen individuals denied the right to make their case and placed in a fast-track deportation process. This has the effect of denying protection and due process to those who need it most while preventing the court from discovering frivolous asylum claims. In addition, many of these individuals reportedly did not have sufficient time to find legal representation or translation services for their hearings, impairing their ability to understand the proceedings, meaningfully participate in their defense and claim for immigration status, or make sense of their detention by ICE—further dragging out the time it takes to move through the immigration system.

Not only do these tactics make the immigration system less fair and efficient, but they also directly contradict the administration's claims that it is targeting the worst criminals and genuine public safety threats. In fact, only about one-third of the immigrants detained by ICE this fiscal year have criminal convictions.⁵ The administration's use of limited resources and reassignment of law enforcement away from drug trafficking and human trafficking cases to target noncriminal immigrants means that serious criminals may be allowed to continue roaming the streets at large—making Arizonans less safe. Instead, finite ICE resources should be focused on removing individuals who pose genuine threats to public safety, such as gang members and violent offenders, not people complying with the law.

It is unacceptable that congressional oversight inquiries seeking answers have not been adequately answered to date. We now urge that you promptly and substantively respond to the following questions and produce information no later than by June 3, 2025:

1. How many individuals has ICE arrested and detained at an immigration court during the week of May 19, 2025, to date? Provide the total number of individuals arrested and detained, and also disaggregate by country of origin, age, and gender.
 - a. How many of the individuals were in removal proceedings after initially being granted parole at a port of entry of the United States?
 - b. How many individuals detained by ICE at the immigration court have been placed in expedited removal (INA Sec. 235)?
2. Provide a copy of the relevant memorandum, guidance, or other written directive associated with this ICE action.
3. How is ICE complying with statutory requirements for screening individuals for fear of persecution?

⁵ U.S. Customs and Immigration Enforcement, *ICE Initial Book-Ins by Criminality and MSC: FY2025 YTD* (May 17, 2025).

Furthermore, we request that you brief our offices on this matter, including operational information on how these actions are being carried out, the applicable policies and rules, and how DHS and ICE are complying with statutory obligations. Please schedule the briefing as soon as possible, but no later than by June 3, 2025.

Sincerely,



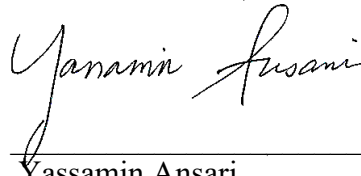
Mark Kelly
United States Senator



Ruben Gallego
United States Senator



Greg Stanton
Member of Congress



Yassamin Ansari
Member of Congress