

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/federal-immigration-enforcement-agencies-are-now-a-threat-to-our-civil-liberties>

Public Facing Advocacy Writing

This piece was written before recent confrontations between U.S. Department of Homeland Security (DHS) personnel and protestors in Portland, Oregon. Similar to the examples highlighted below, multiple news media outlets have since reported on the deployment of DHS officers to police protestors in Portland in July 2020. These officers are reportedly making unwarranted stops and searches of protest participants, using extraordinary force, and detaining Portland-area residents in unmarked vehicles.

On June 6, 2020, a video emerged in the media of U.S. Immigration and Customs Enforcement (ICE) officers at a rally jumping out of their van, heavily armed, to pull one of the anti-police brutality protestors from the crowd. The man, a U.S. citizen who is Puerto Rican, was [detained](#) by the officers for some time before finally being released.

As outrage over police violence and extrajudicial killings of Black Americans have led to widespread protests across the nation in recent weeks, our country has borne witness to the consequences of police militarization and what a lack of police accountability means for whole swaths of American communities. But there also exists a vast army of federal immigration enforcement officers that has long operated steeped in the same history of [racial profiling](#), excessive use of force, and abusive practices as traditional law enforcement. According to the [American Immigration Council](#), Border Patrol agents are known for regularly using excessive force during apprehensions, detaining people under inhumane conditions, and resorting to coercion and misinformation in order to remove people from the United States.

Residents in various cities, including the District of Columbia, Minneapolis, and New York City, witnessed and registered public shock and dismay over the deployment of ICE, and in some cases Border Patrol, agents (along with a host of other federal law enforcement officers) in their streets to crush civilian dissent. Indeed, these tactics caused such consternation that [Senator Kamala Harris and Congressman Juan Vargas drafted a letter](#) (co-signed by 98 members of Congress) to ICE and U.S. Customs and Border Protection (CBP) leadership demanding information about CBP and ICEs involvement in demonstrations.

Black and brown immigrants and residents of U.S. border communities have long known the danger posed to all of our civil liberties by Congress's continued allocation of billions of dollars to federal immigration police forces that have no accountability to the communities over which they exercise control. Indeed, [a 2014 Politico article](#) reported on this phenomenon, noting that immigration policing budgets outstrip the combined budgets of FBI, ATF, DEA, Secret Service and U.S. Marshals plus the entire NYPD annual budget. In short, our nation has invested an extraordinary amount of money in the infrastructure of immigration control, particularly since 9/11.

For decades, immigrant communities have faced the constant threat of force by ICE and CBP officers. Indeed, since January 2010, more than 100 people including immigrants, U.S. citizens, and Mexican nationals have been [killed in encounters with the Border Patrol](#) on the southern border without having even stepped foot in U.S. territory.

CBP has also pushed to carry out operations that are unconstitutional. Under both Republican and Democratic administrations, the Border Patrol has continued to assert the right to suspend the constitutional protections against arbitrary search and seizure, carrying out warrantless stops and searches of vehicles by roving patrols many miles inland from any U.S. border. Through administrative fiat, it has also claimed the right to conduct operations within 100 miles of any U.S. land *or sea* border. As [the ACLU has long warned](#), this administrative interpretation means that the Border Patrol claims the right to extraordinary policing powers over two-thirds of the nation's entire population. And earlier this year, the administration announced the [deployment of Border Patrol tactical units](#) to so-called sanctuary cities throughout the United States, regardless of their proximity to a U.S. border.

Billions of dollars dedicated to federal immigration enforcement are now being turned on U.S. citizens thousands of miles from the southern border at the behest of the executive branch to control the movements of, harass, and arrest people exercising their right to peaceful assembly and freedom of expression. As our country confronts the challenge of reining in police abuses at the local and state level, we must also seek to aggressively dismantle the federal policing apparatus that has criminalized and controlled Black and brown immigrant communities and is now posing a danger to the liberties enjoyed by all Americans.

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