

Report Finds Widespread Instances Of Federal Immigration Agents Breaking Into Homes Without Legal Authority
Read the full report [here](#).

New York, NY -- July 22, 2009 -- Today the Immigration Justice Clinic of the Benjamin N. Cardozo School of Law at Yeshiva University released the first public study of the U.S Immigration and Customs Enforcement (ICE) agency's home raid operations, finding that immigration agents have engaged in widespread constitutional violations during such operations. Constitution on ICE: A Report on Immigration Home Raid Operations documents the prevalence of these constitutional violations – violations involving immigration agents forcing their way into private residences during pre-dawn hours, without warrants or other legal authority, and seizing residents without legal basis, in a pattern suggestive of racial profiling.

In 2006, as previously uncovered by the Cardozo Immigration Justice Clinic, ICE vastly expanded its use of home raids as a strategy purportedly aimed at arresting and deporting high priority targets who pose some threat to society. ICE's home raids generally involve heavily armed seven-person teams of ICE agents making predawn tactical entries into private residences. The Report finds:

- Despite the purported focus of ICE home raid operations, the report concludes that the large majority (approximately two-thirds) of people arrested during home raids are not dangerous targets but rather are mere civil immigration violators who are in the wrong place at the wrong time -- people who have, for example, overstayed their visas.
- While ICE has publicly and repeatedly admitted that it does not obtain judicial warrants for its home raid operations, the report finds a pattern of ICE agents physically pushing and breaking their way into private homes in direct violation of the Fourth Amendment of the Constitution.
- Once inside, the study finds a pattern of ICE agents abandoning their purported focus on high priority targets and instead illegally seizing residents without legal authority – in an apparent effort to meet inflated arrest expectations.
- Finally, the data reveals that Latino residents are disproportionately likely to be arrested without any articulated basis during ICE home raid operations. Indeed, approximately 90% of the collateral arrest records reviewed, where ICE officers did not note any basis for seizing and questioning the individual, were of Latino men and women – though Latinos represented only 66% of target arrests.

"This report reveals an alarming pattern of federal immigration officials breaking into people's homes and bedrooms in the pre-dawn hours in flagrant violation of the Constitution. The government's heavy handed tactics are a monumental waste of public resources resulting primarily in the arrest of hard working immigrants who pose no danger at all to society," explained Peter L. Markowitz, Director of Cardozo's Immigration Justice Clinic and co-author of the report.

Through two Freedom of Information Act lawsuits, the authors of this report obtained significant samples of ICE arrest records from home raid operations in New York and New Jersey. The report relies on an analysis of these arrest records together with national data regarding immigration suppression motions and individual accounts of ICE home raids from across the country. In addition, the report relies upon the observations of political and law enforcement leaders who have a unique vantage point from which to view ICE misconduct during home raid operations in their local jurisdictions. Based on this evidence, the report concludes that "there is an established pattern of misconduct by ICE agents in the New York and New Jersey Field Offices" and "the evidence suggests that such pattern may be a widespread national phenomenon."

This report was prepared under the guidance of an advisory panel, chaired by Nassau County, New York, Police Commissioner Lawrence W. Mulvey, and comprised of law enforcement leaders and scholars from across the United States. The advisory panel played a critical role in reviewing the report's findings and in developing specific policy proposals to ensure that ICE officers comply with constitutional requirements when conducting home raids. "This report reflects precisely the types of misconduct we have seen during immigration home raid operations in Nassau County. If any local law enforcement agency in the nation were involved in these types of widespread constitutional violations it would prompt a federal investigation. Federal immigration agents simply need to play by the same rules as every other law enforcement officer in the United States," says Commissioner Mulvey.

The report concludes that the pattern of misconduct during ICE home raid operations stems from a variety of factors including: a flawed 2006 performance policy; the inability of suppression motions or civil lawsuits to serve as a meaningful deterrent to ICE misconduct; and serious management and oversight failures by ICE supervisors. In order to correct course and to improve the ability of ICE to carry out its mission, the report proposes several policy recommendations aimed at:

- Setting appropriate limits on the use of home raids

- Revising ICE's warrant & consent practices
- Improving supervision and training of ICE home raid teams
- Minimizing harm to local community policing efforts
- Minimizing the intrusion to non-targets encountered during ICE home raids
- Improving accountability for ICE agents and supervisors involved in illegal home raids.

"If the government were engaged in these types of systematic and widespread constitutional violations toward any other group in society, there would be a national outcry. Because these abuses have targeted the most vulnerable segments of our population they have gone largely unnoticed. Each and every one of us ought to be outraged and has an obligation to hold our government accountable. In light of the findings in this report, we call on the administration to bring an immediate end to its current home raid operations – an ineffective, wasteful and unjust response to immigration," explained Cardozo Law Student Jaya Vasandani, a co-author of the report.

The full text of the report is available for download [here](#).

The Immigration Justice Clinic is a new program of the Benjamin N. Cardozo School of Law at Yeshiva University. The clinic provides vital quality legal representation for indigent immigrants facing deportation and represents immigrant community-based organizations on litigation and advocacy projects while providing students with an invaluable hands-on lawyering experience.

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