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ICE Enforcement, Mass Deportations, and Constitutional Rights Explained



ICE agents on the streets of Minneapolis and protester Alex Pretti on the floor, Source: [The Guardian](#)

Donald Trump's re-election into office promised an installment of mass deportations across the United States as well as an increase in funding for Immigration and Customs Enforcement (ICE). Over the past year, funding for ICE agents and operations has "skyrocketed" with over [\\$85 billion](#) being allocated to mass deportations, but so has fear amongst civilians and violence from officers on the streets. Concerns over ICE's tactics and their use of force have created a wave of attention as multiple states across the country are seeing a pattern of impact.

As thousands of undocumented immigrants face targeting and deportation in the name of upholding the law and legal migration procedures, it is reasonable to question whether ICE and the state are also holding themselves to the same standards, respecting the law and the dignity of

people. The state has a right to enforce federal law and immigration policies, yet how it does so cannot surpass an individual's constitutional rights or the rule of law. Recently, protestors have also experienced an increase in this ruthless behavior perpetrated by ICE. These agents' actions have created pushback from people, demanding accountability and justice, while also raising questions as to who the law is really protecting.

How is ICE expanding and carrying out mass deportations?

Over the course of the past year, ICE's financial budget has seen a major increase, as President Trump's goal of intensifying the agenda for the expanded removal of undocumented immigrants has been given high priority. President Trump promised that his second term would ensure, "we will begin the largest deportation operation in the history of our country". This has been lived up to as [540,000](#) undocumented immigrants have faced deportation by ICE under the current administration. The considerable allocation of money has provided ICE with more resources to carry out mass deportations, which is only one of the factors influencing the scope of these procedures.

Immigration and Customs Enforcement (ICE) has been carrying out mass deportations in various ways to meet this objective, relying on a combination of efforts to detain and deport undocumented immigrants. These efforts have included using judicial and even administrative warrants to arrest people. Agents have also been the subject of controversy for allegedly relying on the visibility and appearance of individuals on the street to proceed with detainment on various occasions. Apart from these tactics, ICE agents often carry out deportations by raiding streets and showing up at worksites where undocumented communities are likely to be found. Since lawful arrests can take place in public spaces with an administrative warrant, which "an ICE officer can issue", or even without one, this is another common way in which ICE may detain individuals and groups of people for mass deportation.

Although these methods allow ICE to expand its ability to detain people, their actions face heavy criticism from the public for whether their behavior during arrests crosses into immoral or unconstitutional territory, such as being in violation of the [Fourth Amendment](#).



ICE detaining over 100 workers during raid at construction site in Tallahassee, FL

Source: [USA Today News](#)

What legal concerns have arisen from these actions?

The American Civil Liberties Union, or ACLU, as well as several sources, claim that ICE agents have increasingly been engaging in “racial profiling” to keep up with the goals of mass deportation efforts, explaining that this allows agents to target those whom they deem resemble undocumented immigrants in the country. The groups criticize ICE’s behavior as they point out how it remains consistent with constituting not only a discriminatory detainment process, but also being “unconstitutional” because physical appearance cannot be legally used to designate “probable cause”. The ACLU said that in Minnesota, one of the states most affected by ICE raids, “three Minnesotans challenge the administration’s policy of racial profiling, unlawful seizing, and unlawfully arresting people without a warrant and without probable cause”. This means that civilians, as well as legal organizations, are claiming that ICE is acting beyond the power it actually has under the law as they engage in mass deportations.

Although ICE agents are permitted to approach and question individuals, which *can* lead to their lawful arrest without a warrant if “reasonable suspicion” is established, individuals are

protected by the Fourth Amendment and should not be detained when this isn't the case. Additionally, concerns over ICE abusing the authority they dispel and the fear they may cause raises questions regarding the legality of their behavior, especially as agents may prevent targets from leaving situations in which they cannot always legally force them to engage in.

How do home raids under ICE raise Constitutional concerns?

Although ICE agents must comply with the law and may not break into homes for the purposes of detaining illegal immigrants without a judicial warrant signed by a judge, agents have nevertheless done so on various occasions.

The law establishes that administrative warrants, which in immigration proceedings are generally “signed by ICE officers after an immigration judge orders the removal of an undocumented immigrant” can only be used to detain people outside their homes. Yet, in late January of 2026, a ‘secretive’ [ICE memo](#) from last year was leaked in which the head of operations, ICE official Todd Lyons, indicated that ICE agents use administrative warrants to break into homes. This means that ICE has been operating under orders to bypass the authority that a judge would need to give for them to act in this way.

Many have questioned whether this memo vests power to agents that they are not legally entitled to, leaving way for them to act recklessly, and more importantly, to go against the Constitution and the rights set out by the Fourth Amendment. The Fourth Amendment outlines that individuals, especially those within their own home, are protected “against unreasonable searches and seizures”. This means that by law, forcing their way into homes would only be justified through means of a judicial warrant. The use of administrative warrants by ICE officials, by nature of action, would thus be “presumptively unreasonable” if used for detaining undocumented immigrants inside their homes.

1. Broader Considerations

Concerns have also been raised over how this sort of process contributes towards addressing a “civil offense”, such as residing in the United States without documentation, much more like it's a “criminal context”, leading to agents barging into homes and laying the ground for further disregard of the rights of people who are already vulnerable. Importantly, although

92% of undocumented individuals detained have [not committed](#) violent crimes, reports indicate that arrests for this group have nonetheless gone up.

Additionally, even in cases where ICE officers do not break the law by forcing their way into homes, the tactics they use to get people to come outside have been met with deep criticism for their immoral nature. In the case of Liam Ramos, an undocumented five year old, many viewed ICE's actions as highly questionable, claiming Liam was [used as "bait"](#) for his family to leave the house and be detained, which agents could not legally enter as they did not possess a judicial warrant.



Liam Ramos and ICE agents outside his home, Source: [PBS News](#)

What role has the National Guard played?

The National Guard has supported the objectives of ICE operations through how their presence has been used as a “protective” mechanism for ICE agents and facilities. It has also played a significant role in the outcomes seen in protests, influencing the interactions that play out between civilians and federal agents.

In the past year, President Donald Trump “federalized troops” in Los Angeles, which was an important moment in the timeline of protests and mass deportations seen across the country. The action received much attention because it essentially militarized the streets and enabled troops to aid ICE with arrests and with suppressing protests. Although President Trump claimed that taking this action was within his jurisdiction, legal experts argued he acted on authority he did not possess by calling in the National Guard the way he did. The Brennan Center for Justice points out that “the Constitution’s Fourth Clause gives Congress the authority to regulate when, where, and how the military is used domestically”. State governors also play an important

authority role in deciding how the National Guard can be used within the state, which critics pointed out were not formally considered by the President.

The tactic was seen as problematic by legal experts and governmental officials because they claimed it violated the Posse Comitatus Act – which exists to prevent the executive branch from commanding the use of troops without considering the [state or congress](#) in the decision.

A main argument was that the Posse Comitatus Act would have legally required President Trump to explicitly call upon the [Insurrection Act](#) if he were to act without the approval of others.

Congress later held that Trump’s actions were in [violation](#) of the Posse Comitatus Act, contributing to why the National Guard is no longer engaging in “arrests, searches, traffic or crowd control, and interrogation” much like they were in Los Angeles, CA. This is important because troops are generally not trained to handle civilian issues, which may result in the use of [excessive force](#) intended for contexts for which they are – such as war. In relation to ICE, this means that the National Guard was previously being used as extra hands for ICE agents in their operations.

As seen more recently, the National Guard is reinforcing the agenda of ICE agents aiming to detain and deport the over [10 million](#) immigrants who call the U.S their home. The National Guard has played a crucial role in places like Portland, Oregon where they have been sent out by the President to guard ICE facilities operated by agents. These troops act as a force backing ICE up, and with the unrest seen in Minneapolis “about 1,500 active-duty soldiers are on standby in Alaska for possible deployment”. They are primarily aiding ICE’s efforts through providing security and an extra presence to agents should they need it with protecting infrastructure or containing protests.

How is ICE responding to protests across the country?

Although many individuals in states such as California, Oregon, and Minnesota have engaged in predominantly peaceful protests, this has not deterred ICE from resorting to harsh tactics to silence the thousands who disapprove of their actions. ICE officials have not only used physical force and intimidation against civilians, but they have also used “tear gas, pepper balls, and rubber bullets” against protestors on several occasions. Those protesting have been subject to

verbal violence as well as arrests, with some even experiencing agents that have inflicted damage to their private property, such as their cars.

The actions of ICE have not stopped short of violence, as many have lost their lives at the hands of agents while standing up for the dignity of others. On January 7th of this year, Renee Good, an American citizen, was shot [three times](#) – once at the head – by ICE in Minneapolis, news of which quickly circulated. Shortly after this incident, another fatality at the hands of ICE followed, as [Alex Pretti](#) lost his life trying to help a man whom ICE agents had pushed to the floor on the street. In both cases, “officers did not perform CPR or any other medical aid, and when physicians at the scene attempted to help, federal agents either delayed or stopped them from doing so”. These events stand in conjunction with the death of at least six others [this year](#). These instances are important as they bring to light the deep negligence and violence with which ICE officers engage with civilians, even those who are protesting peacefully.

The implications for ICE agents’ behavior raise important concerns and strongly force the public to question if officer actions are really justifiable as federal authorities and the Department of Homeland Security (DHS) often claim, but also whether they are moral and constitutional. The First Amendment establishes that it is “the right of the people to peaceably assemble,” which is a right that has been disregarded and undermined by ICE most notably in the past months.

What are the implications for society?

It is clear that ICE is benefiting from a system that protects its actions, as their operations are working to mass deport tremendous numbers of people and meet the political agenda of President Trump. However, ICE agents’ actions frequently raise concerns as to how the means for doing this are being executed, and whether they are violating the rule of law. It is necessary to assess these agents' actions as well as the operations and chaos that have taken over the country to understand the bigger picture of this impact. One thing remains clear though, and that is that if ICE is demanding undocumented immigrants follow the law, they cannot hypocritically enforce this by breaking the law themselves. If those in power can decide who faces the consequences of their actions, but can exempt themselves from those same repercussions, then society is inevitably to be left with questions as to who the law is really protecting.

WE THE PEOPLE of the United States
do hereby ordain and establish this Constitution for the United States
in order to insure domestic Tranquility, provide for the common defence, promote
the general Welfare, and secure the Blessings of Liberty to ourselves and our
Posterity.

Article I.
Section 1.
All legislative Powers herein granted shall be vested
in a Senate and House of Representatives, which shall be composed of
the most qualified Persons requisite for Electors of the most
numerous State who shall not have attained to that Age in which
the major part of the Age of Manhood is arrived.

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