

## Immigration, ICE Detentions and Due Process

U.S. Immigration and Customs Enforcement (ICE) has a legitimate role in enforcing immigration law. However, current detention practices increasingly conflict with core American moral values and constitutional principles of due process, creating significant risks not only for undocumented immigrants but also for U.S. citizens and lawful residents.

### Conflict with American Values

The United States has long upheld human dignity, proportional justice, and the presumption of innocence. Yet ICE detention often functions more like punitive incarceration than civil enforcement. Many detainees are held in remote, privately run facilities with limited access to family, legal counsel, medical care, or independent oversight. Federal congress officials, inspectors, civil rights groups, the media and a growing number of wronged detainees have documented and reported on overcrowding, inadequate healthcare, prolonged isolation, and preventable deaths in custody, conditions inconsistent with basic standards of humane treatment and democratic accountability.

Family separation during enforcement actions further undermines deeply held commitments to family unity and fairness, particularly when parents, and children, are detained without a clear path to reunification.

### Due Process Failures

Although immigration detention is civil in nature, detainees frequently face harsher conditions than criminal defendants while receiving fewer legal protections. Major concerns include:

- **Indefinite detention** without timely review by an impartial judge.
- **No guaranteed legal counsel**, leaving many to navigate complex proceedings alone.
- **Warrantless detainers** that prolong custody without a judge's order, raising Fourth Amendment concerns.
- **Error-prone databases** that increase the likelihood of wrongful detention.

### Risks to U.S. Citizens and Legal Residents

These systemic flaws pose real dangers to Americans:

1. **Wrongful detention:** U.S. citizens—especially naturalized citizens and people of color—have been mistakenly detained due to record errors or name mismatches.
2. **Chilling civic engagement:** Fear of mistaken detention discourages lawful residents and citizens from reporting crimes, cooperating with police, or accessing public services.
3. **Erosion of constitutional protections:** Normalizing warrantless holds weakens safeguards that apply to everyone.

4. **Public safety harm:** When communities fear ICE, they are less likely to work with law enforcement, making neighborhoods less safe.

### **Need for Accountability**

It is essential that ICE and other government agencies be held accountable when they violate long-established legal principles and rights. This requires stronger independent oversight, transparent reporting, meaningful disciplinary consequences for misconduct, expanded judicial review, and accessible civil remedies for rights violations. Robust congressional oversight and empowered inspectors general are critical to preventing abuse and restoring public trust.

### **Conclusion**

**Effective immigration enforcement can and must respect constitutional rights and American values. Needed reforms include prompt judicial review of detention, limits on warrantless holds, independent facility oversight, guaranteed access to counsel, stronger safeguards against wrongful detention, and clear, enforceable accountability for government officials who violate the law.**

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