



Congress of the United States
House of Representatives
Washington, DC 20515

October 21, 2026

The Honorable Markwayne Mullin
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Mullin:

We write to express concerns over the continued detention of U.S. citizens by Department of Homeland Security (DHS) personnel during immigration enforcement operations and to request clarity regarding documentation necessary to prove citizenship or legal authorization to be present in the United States. Recent reporting has found that over 500 U.S. citizens have been detained by federal immigration authorities since the beginning of this Administration in January 2025, including more than 100 who were questioned about their citizenship.¹ We remain concerned that the Department's actions are violating American citizens' constitutional rights to due process, equal protection, and freedom from unreasonable search and seizure, and request transparency regarding the Department's actions.

Despite public reporting on the detention of U.S. citizens by DHS personnel, agency leadership under this Administration has largely denied that citizens are being detained during immigration enforcement operations. In October 2025, then Secretary Kristi Noem said, "There's no American citizens that have been arrested or detained. We focus on those that are here illegally. And anything that you would hear or report that would be different than that is simply not true."² Similarly, during a February 10, 2026, hearing before the House Committee on Homeland Security, then Acting Director of ICE Todd Lyons testified that "no American citizen falls under Title 8," and that he was not aware of any particular cases of U.S. citizens being detained by ICE—despite public reporting of U.S. citizens being detained and questioned about their citizenship status.³

Documented examples of U.S. citizens who were detained by DHS personnel during the past year include:

Willy Wender Aceituno is a U.S. Citizen who has lived in North Carolina for over 25 years. In November 2025, he was sitting in his car waiting for a food order from a restaurant when DHS agents approached him and asked if he was a citizen. Mr. Aceituno gave the agents his REAL ID and 15 minutes later was allowed to get his food. When he came out, he was approached a second time by a different group of Customs and Border Protection (CBP) agents. They broke open his truck window,

¹ Foy et al., *Federal Agents Have Detained More Than 500 American Citizens in Trump's Immigration Crackdown*, ProPublica (Oct. 6, 2026), <https://projects.propublica.org/american-citizens-detained-dhs-civil-rights/>.

² Schuba et al., *Noem Suggests Chicago Immigration Blitz Includes 5 Other States, Claims No U.S. Citizens Detained*, Chicago Sun Times, (Oct. 30, 2025), <https://chicago.suntimes.com/immigration/2025/10/30/chicago-midway-blitz-noem-trump-immigration-gary-indiana>.

³ House Committee on Homeland Security, *Oversight of the Department of Homeland Security: ICE, CBP, and USCIS*, (February 10, 2026), <https://homeland.house.gov/hearing/oversight-of-the-department-of-homeland-security-ice-cbp-and-uscis/>.

dragged him from his car, and handcuffed him. Mr. Aceituno told them he was a citizen and had identification, but agents placed him in a car and drove around for 10 minutes before finally checking his identification and releasing him.⁴

Yoshi Cuenca Villamar is a U.S. citizen and landscaping business owner who was born in Charlotte, North Carolina and has lived in North Carolina his whole life. When he went to work in November 2025, CBP agents grabbed him from behind and pushed him to the ground. Mr. Cuenca's brother shouted that they were all U.S. citizens, but agents handcuffed him and put him into a car without asking for his identification. Agents pulled out his wallet and found his driver's license 30 minutes later, but they did not believe it was real. They eventually confirmed it was real and released him on the side of the road.⁵

Brian Morales García, a U.S. citizen, was deported to Mexico in April 2026 following a traffic stop in Texas. Officers did not believe him when he said he was a citizen and refused to let him get his birth certificate. Mr. Morales was detained for four days without being able to call his lawyer or anyone else before being deported to Mexico.⁶

While public reporting has shed light on these three encounters, the Department has failed to provide information on the number of U.S. citizens who have been detained or arrested as a result of immigration enforcement operations—despite repeated requests from Members of Congress. The U.S. Government Accountability Office issued a report in July 2021 finding that ICE did not know the extent to which its officers were taking enforcement actions against individuals who could be U.S. citizens, recommending the agency improve its data documentation on encounters with potential citizens.⁷ In February 2025, ICE clarified its process to collect data on encounters with potential U.S. citizens and issued a broadcast message to field officials to make sure data is accurate. Despite supposedly instituting improvements to its data collection, ICE has not released information on the number of U.S. citizens encountered during immigration enforcement operations.

In addition to denying repeated requests for transparency, the Department has failed to provide consistent information to the public regarding what constitutes proof of U.S. citizenship during an encounter with DHS personnel. In a letter dated April 21, 2026, former Acting Director Lyons wrote that ICE officers “may ask individuals to provide documentation of U.S. citizenship, foreign citizenship, or legal authorization to be present in the United States,” but DHS has yet to provide clear guidance on what documentation is considered sufficient.⁸

During a June 30, 2026, House Committee on Homeland Security hearing when asked what it takes to prove American citizenship to DHS personnel, Border Patrol Acting Deputy Chief Jason Schneider replied, “If you’re

⁴ *Aceituno v. U.S. Department of Homeland Security*, (W.D.N.C.), <https://www.acluofnorthcarolina.org/cases/aceituno-v-usdhs/?document=Aceituno-v-USDHS-Complaint>.

⁵ *Id.*

⁶ María Luisa Paúl, *Born Here but Deported. A Texas Man's Harrowing Ordeal*, USA Today, (Sept. 6, 2026), <https://www.usatoday.com/story/news/nation/2026/09/06/us-citizen-deported-to-mexico-allowed-home-after-nearly-5-months/91569893007/>.

⁷ U.S. Government Accountability Office, GAO-21-487, *Immigration Enforcement: Actions Needed to Better Track Cases Involving U.S. Citizenship Investigations*, (Jul. 20, 2021), <https://www.gao.gov/products/gao-21-487>.

⁸ Lyons to Frost, April 21, 2026, <https://www.documentcloud.org/documents/28221052-lyons-response-to-frost-42126/>.

a U.S. citizen in this country you're not required to present any type of identification. You can simply say 'I'm a U.S. citizen.'" Executive Director of Operations for CBP's Office of Field Operations, Chris Holtzer, and Assistant Director for Domestic Operations at Homeland Security Investigations, Michael Krol also agreed.⁹

As noted by the examples of Mr. Aceituno, Mr. Cuenca, and Mr. Morales, simply saying you are a U.S. citizen or providing REAL ID compliant documentation has not been sufficient to prevent the detention of U.S. citizens. We respectfully request that you provide clarity regarding the process for verifying citizenship during an encounter between DHS personnel and the public, and that you ensure agents and officers are adequately trained on how to verify citizenship during encounters.

Additionally, we request answers to the following questions:

- How many U.S. citizens have been detained, which includes investigative stops, by DHS since January 20, 2025?
- Are your agents documenting all detentions of U.S. citizens, to include investigative stops? Where is this information being recorded?
- How many U.S. citizens have been arrested by DHS since January 20, 2025?
- What documentation does DHS consider sufficient to verify citizenship status?
- What training do DHS officers and agents receive regarding how to determine whether an individual is a U.S. citizen?

All Americans are entitled to due process, equal protection under the law, and freedom from illegal search and seizure. We respectfully request your assistance in ensuring these rights are not denied by providing the aforementioned information. Thank you for your attention to this matter and we look forward to your response.

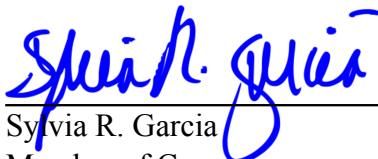
Sincerely,



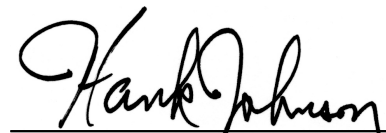
J. Luis Correa
Member of Congress



Stephen F. Lynch
Member of Congress



Sylvia R. Garcia
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress

⁹ House Committee on Homeland Security, *Northern Exposure: Assessing the Evolving Threat Landscape at America's Northern Border*, (June 30, 2026), <https://homeland.house.gov/hearing/northern-exposure-assessing-the-evolving-threat-landscape-at-americas-northern-border/>.



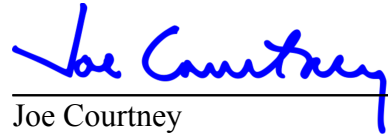
Dave Min
Member of Congress



Sydney Kamlager-Dove
Member of Congress



Jasmine Crockett
Member of Congress



Joe Courtney
Member of Congress



Debbie Wasserman Schultz
Member of Congress



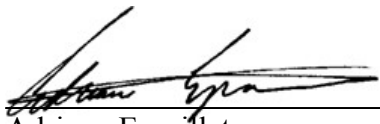
Al Green
Member of Congress



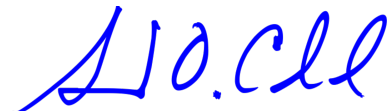
Raja Krishnamoorthi
Member of Congress



Julie Johnson
Member of Congress



Adriano Espaillat
Member of Congress



Salud Carbajal
Member of Congress



Yvette D. Clarke
Member of Congress



MARK TAKANO
Member of Congress



Richard E. Neal
Member of Congress



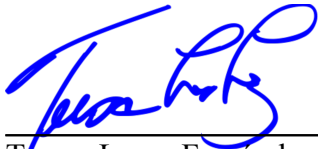
Dan Goldman
Member of Congress



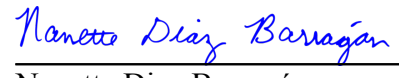
Joe Neguse
Member of Congress



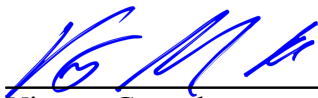
Pablo José Hernández
Member of Congress



Teresa Leger Fernández
Member of Congress



Nanette Diaz Barragán
Member of Congress



Vicente Gonzalez
Member of Congress



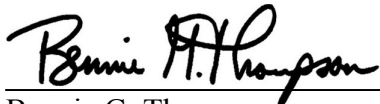
Bonnie Watson Coleman
Member of Congress



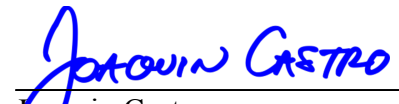
Diana DeGette
Member of Congress



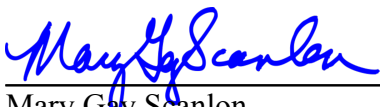
Maxine Waters
Member of Congress



Bennie G. Thompson
Member of Congress



Joaquin Castro
Member of Congress



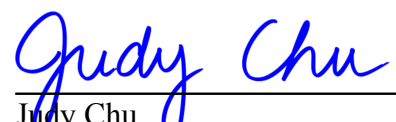
Mary Gay Scanlon
Member of Congress



Brittany Petersen
Member of Congress



Timothy M. Kennedy
Member of Congress



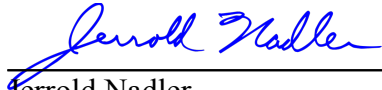
Judy Chu
Member of Congress



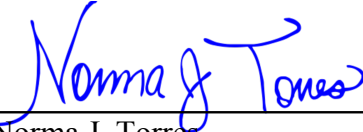
Mark DeSaulnier
Member of Congress



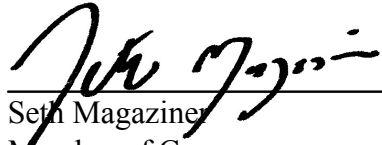
Dina Titus
Member of Congress



Jerrold Nadler
Member of Congress



Norma J. Torres
Member of Congress



Seth Magaziner
Member of Congress



Jim Costa
Member of Congress



Veronica Escobar
Member of Congress



Scott H. Peters
Member of Congress