

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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February 2, 2026

The Honorable Kristi Noem
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue, SE
Washington, DC 20528

Mr. Todd Lyons
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20024

Dear Secretary Noem and Acting Director Lyons:

We write to demand the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) rescind its May 12, 2025, memorandum instructing federal agents that they can violate the Fourth Amendment to the U.S. Constitution and enter homes without a judicial warrant.

During the federal government's ongoing siege of Minnesota's Twin Cities, DHS agents have repeatedly entered homes forcibly, without judicial warrants and without consent, to conduct arrests. In one of the most disturbing instances, masked immigration agents forced open a door and entered the home of U.S. citizen ChongLy "Scott" Thao in St. Paul.¹ Agents refused to produce a warrant or look at the identification Mr. Thao tried to show them to prove he was a U.S. citizen.² They held him in his home at gunpoint, then hauled him from the house into subfreezing cold wrapped in a blanket, wearing nothing but sandals and underwear.³ After realizing they had the wrong home and that Mr. Thao was a U.S. citizen with no criminal record, agents brought him back to his home, checked his ID, and left without apologizing for their humiliating, illegal, and unconstitutional conduct.⁴

In another example from Minnesota this month, federal agents broke down the door of Garrison Gibson, a Liberian man, entered his home, and took him into custody.⁵ They refused to

¹ Jack Brook, *A U.S. Citizen Says ICE Forced Open the Door to His Minnesota Home and Removed Him in His Underwear After a Warrantless Search*, PBS (Jan. 20, 2026), <https://www.pbs.org/newshour/nation/a-u-s-citizen-says-ice-forced-open-the-door-to-his-minnesota-home-and-removed-him-in-his-underwear-after-a-warrantless-search>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Dell Cameron & Matt Giles, *US Judge Rules ICE Raids Require Judicial Warrants, Contradicting Secret ICE Memo*, WIRED (Jan. 23, 2025), <https://www.wired.com/story/us-judge-rules-ice-raids-require-judicial-warrants-contradicting-secret-ice-memo/>.

produce a judicial warrant, despite being asked for one repeatedly.⁶ A federal judge ruled that Mr. Gibson's warrantless arrest violated Mr. Gibson's constitutional rights and ordered him released.⁷

These incidents are no accident—they are the result of DHS leadership authorizing its agents to violate the Fourth Amendment of the Constitution, which provides that:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.⁸

This month, two brave whistleblowers provided to Congress a May 12, 2025, memo signed by Acting ICE Director Todd Lyons, authorizing agents to forcibly enter homes without a judicial warrant.⁹ The memo claims that an ICE administrative “warrant” (Form I-205), a document signed by ICE supervisors without ever being reviewed by a federal judge, authorizes an ICE agent to do so. As the Supreme Court has repeatedly held, the Fourth Amendment requires that search and arrest warrants be issued by a *neutral and detached* magistrate—not an ICE supervisor engaged in immigration enforcement operations—to ensure that no search or arrest proceeds without a disinterested determination of probable cause.¹⁰ This memo stands in complete opposition to the principles on which this country was founded and longstanding legal precedent.¹¹

Even ICE's training materials demonstrate that the agency recognizes that judicial, not administrative warrants, are required to enter a home. In 2025, the DHS Office of Chief Counsel issued a Legal Training Handbook, which states:

The “physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed.” *Welsh v. Wisconsin*, 466 U.S. 740 (1984). For that reason, entering a home to arrest a person without a warrant or an exception to the warrant requirement is typically a violation of the Fourth Amendment, regardless of whether the officer has probable cause to arrest the suspect. An officer who enters a person's home to make an arrest must have: (1) a warrant; (2) consent; or (3) an exigent circumstance.¹²

⁶ *Id.*

⁷ *Id.*

⁸ U.S. Const. Amend. IV.

⁹ Rebecca Santana, *Immigration Officers Assert Sweeping Power to Enter Homes Without a Judge's Warrant, Memo Says*, ASSOC. PRESS (Jan. 21, 2025), <https://apnews.com/article/ice-arrests-warrants-minneapolis-trump-00d0ab0338e82341fd91b160758aeb2d>.

¹⁰ See, e.g., *Shadwick v. City of Tampa*, 407 U.S. 345, 350, 92 S. Ct. 2119, 32 L.Ed.2d 783 (1972); *Coolidge*, 403 U.S. at 449, 91 S. Ct. 2022; *Payton v. New York*, 445 U.S. 573 (1980).

¹¹ *Id.*

¹² Fed. Law Enforcement Training Cntr., Office of Chief Counsel, Glynco, Georgia, *Legal Training Handbook*, at 476 (2025) https://www.fletc.gov/sites/default/files/25_0106-LEG-LegalTrainingHandbook.pdf.

Further, the Handbook notes that the “[i]ssuance of an administrative warrant does not require probable cause in the criminal law sense.”¹³

Despite this clarity, ICE has forged ahead, instructing its agents to violate the Fourth Amendment and take a battering ram to the Constitution by busting into homes using only ICE administrative warrants. Since the memo was issued last May, ICE agents have repeatedly acted based on the opinions and directives provided in this memo and forced their way into homes without a judicial warrant in Minnesota and throughout the country.¹⁴

DHS’s attempt at a public defense of the May 12 memo’s legality is without merit. In an opinion piece published in the *Wall Street Journal* after the existence of the May 12 memo became public, Jimmy Percival, the DHS General Counsel, made the unsupported claim that non-citizens are not protected by the Fourth Amendment.¹⁵ No precedent has held or even suggested such a reading of the Fourth Amendment, and the Amendment’s text specifically refers to the rights of “people” rather than “citizens.”

Moreover, even if this distinction between citizens and non-citizens were legally true, as a practical matter, ICE’s aggressive tactics based on the May 12 memo renders such distinction irrelevant. Mr. Thao’s case demonstrates that ICE’s actions in entering homes without warrants violate *citizens’* rights. Moreover, many households include citizens living with non-citizen relatives, further heightening the threat that the May 12 memo poses to citizens’ rights.

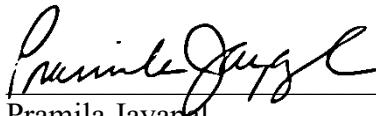
The law is clear: ICE does not have the authority to overturn any legal precedent, much less ignore one of the foundational constitutional rights enshrined in the Bill of Rights. You must rescind this memo and adhere to the requirements of the Fourth Amendment by ensuring your agents obtain a judicial warrant prior to making any non-consensual entry into a private residence.

Thank you for your prompt attention to this important matter.

Very truly yours,



Jamie Raskin
Ranking Member
Committee on the Judiciary



Pramila Jaypal
Ranking Member
Subcommittee on Immigration
Integrity, Security, and Enforcement

¹³ *Id.* at 517.

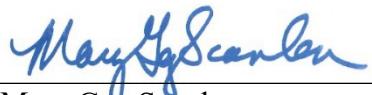
¹⁴ *Anonymous Whistleblower Disclosure*, WHISTLEBLOWER AID (Jan. 7, 2026), <https://www.documentcloud.org/documents/26499371-dhs-ice-memo-1-21-26/>.

¹⁵ Jimmy Percival, *How the Deep State Thwarted ICE Administrative Warrants*, WALL ST. J. (Jan. 22, 2026), <https://www.wsj.com/opinion/how-the-deep-state-thwarted-ice-administrative-warrants-1a847297>.

The Honorable Kristi Noem

Mr. Todd Lyons

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Mary Gay Scanlon

Ranking Member

Subcommittee on the Constitution
and Limited Government



Lucy McBath

Ranking Member

Subcommittee on Crime and Federal
Government Surveillance

cc: The Honorable Jim Jordan, Chairman
Committee on the Judiciary

The Honorable Tom Mc Clintock, Chairman
Subcommittee on Immigration Integrity, Security, and Enforcement

The Honorable Chip Roy, Chairman
Subcommittee on the Constitution and Limited Government

The Honorable Andy Biggs, Chairman
Subcommittee on Crime and Federal Government Surveillance