

119TH CONGRESS
1ST SESSION

S. RES. _____

Reaffirming that immigration officers under the direction of the Department of Homeland Security are not authorized to arrest, detain, interrogate, or deport United States citizens and must implement stronger measures to prevent future wrongful enforcement actions against such citizens.

IN THE SENATE OF THE UNITED STATES

Mr. GALLEGO submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Reaffirming that immigration officers under the direction of the Department of Homeland Security are not authorized to arrest, detain, interrogate, or deport United States citizens and must implement stronger measures to prevent future wrongful enforcement actions against such citizens.

Whereas the United States was founded on the axiom that all individuals possess natural rights, which cannot be taken away and must be protected by the Government;

Whereas the Framers of the United States Constitution codified this ethos in the Bill of Rights, including in the Fourth Amendment to the Constitution, which—

(1) protects individuals from unreasonable searches and seizures; and

(2) therefore requires reasonable suspicion or probable cause of a violation of the law to detain or arrest any person;

Whereas U.S. Immigration and Customs Enforcement and other immigration officers under the direction of the Department of Homeland Security have no authority to arrest, detain, interrogate, or deport United States citizens when conducting civil immigration enforcement;

Whereas U.S. Immigration and Customs Enforcement's internal guidance, designated as Policy Number 10074.2, states, "As a matter of law, ICE cannot assert its civil immigration enforcement authority to arrest and/or detain a U.S. citizen.";

Whereas despite this legal prohibition, there have been numerous recent reports of United States citizens, including children, veterans, and disabled individuals, being illegally arrested, detained, and interrogated by U.S. Immigration and Customs Enforcement and other immigration officers based on their occupation, physical appearance, or refusal to speak with officers, a right guaranteed by the Fifth Amendment to the Constitution;

Whereas such conduct violates the constitutional rights of United States citizens, erodes the rule of law, puts law enforcement officer safety at risk, and reduces trust in law enforcement; and

Whereas a government that unlawfully arrests, detains, and interrogates its own citizens is antithetical to an open and transparent society.

Now, therefore, be it

- 1 *Resolved*, That the Senate reaffirms that U.S. Immi-
- 2 gration and Customs Enforcement and other immigration

1 officers under the direction of the Department of Home-
2 land Security—

3 (1) are not authorized to arrest, detain, interro-
4 gate, or deport United States citizens; and

5 (2) must implement stronger measures to pre-
6 vent future wrongful enforcement actions against
7 such citizens.