

Whistleblowers expose ICE memo that disregards the 4th Amendment

Kevin Reed**22 January 2026**

On Wednesday, a whistleblower group published an internal memo issued by Immigration and Customs Enforcement (ICE) authorizing its agents to break into homes using only internal “administrative” warrants, in violation of the Fourth Amendment.

The exposure of the secret directive reveals the extent to which the Trump administration is erecting a police state and attempting to abolish fundamental democratic rights. These measures, which are today directed largely against immigrant workers and their families, are aimed ultimately against the entire working class.

The whistleblower complaint contains a copy of the internal memorandum dated May 12, 2025 and signed by Acting ICE Director Todd Lyons. It instructs ICE officers that they may enter private residences, including by force, based solely on a civil “administrative” warrant, without the consent of the occupants and without a warrant issued by a judge.

The memo was quietly circulated inside ICE and only came to light this week when two Department of Homeland Security (DHS) officials submitted it to the whistleblower organization Whistleblower Aid and to Congress.

Lyons writes that although DHS “has not historically relied on administrative warrants alone to arrest aliens subject to final orders of removal in their place of residence,” the DHS Office of General Counsel has “recently determined that the US Constitution, the Immigration and Nationality Act, and the immigration regulations do not prohibit relying on administrative warrants for this purpose.”

In other words, the agency’s lawyers have rewritten constitutional limits and prohibitions on warrantless searches and seizures at the heart of the Fourth Amendment to suit the requirements of Trump’s fascist immigrant crackdown and deportation campaign.

The directive further specifies that agents armed only with Form I?205, the official ICE “warrant of removal,” may enter homes “without consent, including by a necessary and reasonable amount of force,” provided they first knock and

announce themselves.

The memo also sets a nominal time window of 6:00 a.m. to 10:00 p.m. for executing such administrative warrants, underscoring that what is being constructed is not an extraordinary or emergency power but a routinized practice of forced home invasions.

The Fourth Amendment bars “unreasonable searches and seizures,” and it has long been understood that a warrant from a “neutral and detached magistrate” is required before police may enter a home.

ICE’s training materials as recently as 2025 acknowledged that “a home arrest without a warrant or an exception to the warrant requirement typically violates the Fourth Amendment regardless of the officer’s probable cause to arrest the suspect.”

Administrative warrants, such as Form I?205, are signed by DHS officials and have never been recognized as the equivalent of a judicial search warrant. By asserting that internal DHS paperwork is a valid substitute for an order of a federal judge, the Trump administration has placed search and seizure authority under the unchecked control of the executive branch.

This is very significant given that a defining characteristic of all police states is the arbitrary power of the executive or dictator who, through control of police and security forces, operates outside the constraints of a constitution or judicial system.

The language of the Lyons memo is explicit in asserting the sweeping power of ICE to invade homes with administrative warrants alone.

The Trump administration’s legal rationalizations for violating the basic rights of people within the US recall those of the Bush administration during the “war on terror” in the early 2000s. Lawyers in Bush’s Office of Legal Counsel (OLC) justified the unconstitutional treatment and torture of so-called “enemy combatants” through convoluted legal constructions—elaborated in the notorious “torture memos”—that redefined key terms and denied core legal protections and asserted unchecked presidential power

to do so in wartime.

The Obama administration did much the same in its legal memoranda claiming that the president had intrinsic authority to order drone missile assassinations anywhere in the world, including of American citizens like the Islamic cleric Anwar al-Awlaki, murdered in 2011 in Yemen.

In their complaint to Congress, the two anonymous DHS officials represented by Whistleblower Aid describe the memo and the training built around it as “a flagrant violation of the Fourth Amendment” and of DHS’s own policy manual.

The whistleblowers report that “upon information and belief, and consistent with the May 12 Memo, instructors for new ICE recruits are directed to teach that Form I-205 allows ICE agents to arrest aliens in their home—without consent to enter the residence and without judicial warrant.”

At the same time, the whistleblowers note that the Lyons memo “was not broadly disseminated within ICE.” Select officials were allowed to review it only “in the presence of a supervisor and were required to return it afterward.”

One whistleblower reported that agents implementing the policy in Texas justified it by pointing to the composition and opposition by federal courts in that region to the methods used in Trump’s anti-immigrant sweeps. The secretive circulation of the memo exposes the fact that Lyons and other high-level Trump officials are fully aware that what they are ordering is unconstitutional.

Whistleblower Aid also notes that the disclosure is “particularly timely and relevant given recent news reports of ICE officers breaking into homes, including those of US citizens, without a judicial warrant and forcibly removing the residents.”

Media reports have described incidents in which ICE agents have used administrative warrants as a pretext to force entry. In Minneapolis, for example, the directive has coincided with a “dramatic escalation of immigration arrests” as Trump has mobilized thousands of agents in a nationwide deportation drive.

Advocates report cases of officers battering down doors and dragging people out of homes in front of terrified children, relying solely on Form I-205. Civil liberties organizations have documented instances in Texas and other states where ICE officers arrived at homes without judicial warrants, refused to show meaningful documentation beyond an administrative form, and proceeded to enter anyway, in some cases detaining US citizens along with non-citizens.

These operations are clearly test cases for a regime in which the claims by Trump’s ICE Gestapo agents that they can enter any home, based on secret memos and internal “warrants” drafted by its own officials, are being normalized.

The response of the DHS to the exposure of the memo has been to double down on the illegal doctrine. DHS spokesperson Tricia McLaughlin told multiple outlets that “every illegal alien who DHS serves administrative warrants/I-205s has received full due process and a final order of removal from an immigration judge.”

McLaughlin also claimed, “The officers issuing these administrative warrants also have found probable cause,” and continued, “For decades, the Supreme Court and Congress have recognized the propriety of administrative warrants in cases of immigration enforcement.”

These are specious arguments that turn the Fourth Amendment on its head. The question is not whether the government believes someone has violated the law but whether it may violently enter private dwellings without a warrant issued by an independent judge.

Civil rights attorneys and constitutional experts have issued sharp warnings about the implications of the exposed memo. Immigration lawyer Rosanna Berardi said the policy “represents a fundamental Fourth Amendment challenge and another chapter of the Trump Administration ignoring long-established legal precedence and acting like the legislative branch.”

Legal commentators have emphasized that normalizing warrantless home entries with only internal administrative paperwork erodes one of the last remaining barriers to arbitrary state power. As one analysis put it, ICE’s assertion that administrative warrants allow agents to break into homes “collides with Fourth Amendment protections and upends years of advice given to immigrant communities,” illustrating how immigration enforcement is being used to “test the boundaries of constitutional rights more broadly.”



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact