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Sen. Elizabeth Warren requests investigation of Border Patrol and ICE detention of U.S. citizens

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Sen. Elizabeth Warren has requested that the inspector general's office of the Department of Homeland Security conduct an investigation into the detention of U.S. citizens by Customs and Border Protection and Immigration and Customs Enforcement.

In a letter dated Tuesday, July 30, to Joseph Cuffari, the inspector general of DHS, the U.S. senator from Massachusetts focused on two recent high-profile incidents — one in Texas, and the other in Southern California — in which Americans were detained.

Warren cited a Times investigation from April 2018, which reported that ICE released almost 1,500 people between 2012 and 2018 after investigating their citizenship claims. The article found hundreds of instances “in which people were forced to prove they are Americans and sometimes spent months or even years in detention.”

The two recent cases, Warren wrote, “represent a nightmare scenario in which U.S. citizens were stopped at the border or in the country, presented proof of their citizenship, were accused of no other crime, and were still held by ICE without recourse for hours or days at a time.”

Among other things, Warren demanded to know how many times ICE or the Border Patrol had detained U.S. citizens in the last five years and “what were the circumstances of these detentions.”

The senator, a presidential candidate, also wants to ascertain what policies are in place to prevent such detentions, and what steps immigration authorities have taken “to avoid the wrongful arrest and mistaken detention of United States citizens.”

The Department of Homeland Security did not immediately respond to a request for comment.

In her letter, Warren initially cites the case of Francisco Erwin Galicia, 18, a high school senior in Edinburg, Texas, who was detained by CBP at a checkpoint in Falfurrias on June 27 while on his way to a college soccer tryout. The Border Patrol claimed that Galicia's documents were fake, even when given “additional paperwork corroborating that he is a U.S. citizen,” according to the letter.

After three weeks, CBP transferred Galicia into ICE custody, the letter states. In total, Galicia was detained for almost a month, reports say. He was released to family members on July 23, having lost 26 pounds in custody and having endured what he called “inhumane” conditions, Warren's letter noted.

The letter also cites a Time magazine article that describes the detainment of 9-year-old U.S. citizen Julia Isabel Amparo Medina for about 32 hours in March 2018. She was on her way to school from Tijuana to San Ysidro, Calif. Though she showed her passport to officials at the border crossing, “CBP officers simply claimed she did not closely enough resemble the photograph on her card,” Warren’s letter states.

“To the extent that CBP and ICE are systematically detaining U.S. citizens under similar circumstances, it would represent a severe and unacceptable use of power and authority,” the senator writes.

In her letter, Warren points to a 2018 study by the CATO Institute, a Washington-based libertarian think tank, which found that ICE asked jails in Texas hundreds of times between 2006 and 2017 to hold U.S. citizens so that the agency could pick up those individuals.

Warren also asked what procedures the agencies “have in place regarding the use of racial profiling,” and how much money has been paid in settlements in the last five years to U.S. citizens because they’ve been “wrongly arrested and/or detained by ICE and CBP.”