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US IMMIGRATION & NATIONALITY LAW

POLICE STATE FOR NONCITIZENS IN THE US?

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By Cyrus D. Mehta and Kaitlyn Box*

In recent weeks, the Trump administration has taken troubling immigration-related actions that draw the United States ever closer to becoming a police state. Most notably, on January 7, 2025, an ICE agent shot and killed Renee Good, a U.S. citizen who was observing an ICE raid. In a NY Times op ed, Michelle Goldberg aptly points out that, "ll of us, citizens and immigrants alike, are being ruled by people who think life is a privilege bestowed by authority, and death is a fair penalty for disobedience." The killing of Ms. Good illustrates that the assault on our rights and liberties is no longer confined to noncitizens and has radiated outwards to encompass citizens as well as countries.

Violence and abductions have long been a hallmark of the Trump administration. Just days before the killing of Ms. Good, on January 3, 2025, the Trump administration led an operation in Venezuela that led to the capture of the country's leader, Nicolás Maduro, and his wife. In a NY Times op ed, M. Gessen noted that: "When he addressed the public in a news conference on Saturday, President Trump announced that U.S. forces had abducted the president of Venezuela and his wife in the name of democracy, justice, freedom for the Venezuelan people and the safety of Americans. It was a mockery: Despite what the hoodlums running our country may actually believe, abduction — whether on a street in Boston, in an apartment building in New York or Chicago, or in Maduro's compound in Caracas — never serves the cause of justice".

Noncitizens in the United States are living in what is becoming increasingly akin to a police state, fearing detention, deportation, or revocation of their visas if they exercise their free speech rights under the first amendment. The State Department boasts that it has revoked 100,000 visas including some 8,000

student visas and 2,500 specialized visas for individuals who had encounters with U.S. law enforcement for criminal activity, which it brands as “thugs”. It is not clear what the State Department visa means by “criminal activity” as we have heard about the revocation of visas based on minor traffic infractions or even if the charges got dismissed. The Trump administration has weaponized INA 237(a)(4)(c) to initiate detention and removal, and the fear of it, against anyone whose speech is disfavored including anti Americanism, however that is defined, and activities to moderate hate speech on the internet, even if undertaken as part of one's job. In September 2025, in *Vasquez Perdomo v. Noem*, the Supreme Court troublingly held that apparent ethnicity is a “relevant factor” for purposes of immigration stops, essentially sanctioning racial profiling by ICE agents. In Minneapolis, ICE is detaining noncitizens who may already be authorized to be in the US based on a status review of their application. Immigration law only permits detention of people who an officer has “reason to believe” are present in violation of law. No law permits detention for a fishing expedition.

In the current climate, it is increasingly important for noncitizens to know what their rights are if approached by ICE or questioned about their immigration status. Noncitizens who are in a lawful immigration status are advised to carry proof of their status, like a lawful permanent resident card or I-94, with them at all times, and to present it if approached by ICE. Undocumented individuals should be aware that they have the right to remain silent if approached by ICE in public or during a traffic stop, and can ask to contact an attorney. Noncitizens are advised not to open the door if ICE comes to their home, and should be familiar with the difference between a warrant signed by a judge and an “ICE warrant”, which is not signed by a judge and does not give ICE the right to enter a home without consent.

Trump appears to have little regard for whether his actions amount to violations of international law, stating that he is constrained only by his “own morality”.

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