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Policy Brief: ICE Arrests at USCIS Field Offices Undermine U.S. Immigration Processes

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In March 2025, American Immigration Lawyers Association (AILA) members began reporting cases of increased U.S. Immigration and Customs Enforcement (ICE) presence and arrests taking place at U.S. Citizenship and Immigration Services (USCIS) field offices during immigration interviews. Since then, USCIS field offices have facilitated, extended, and ramped up immigration enforcement efforts across the country.¹

On May 2, 2025, the Department of Homeland Security (DHS) circulated an [internal memo](#) delegating far-reaching immigration enforcement authority to the director of USCIS, overturning longstanding precedent without Congressional authority to do so. Following the passage of the Homeland Security Act, a [2003 DHS memo](#) made clear that USCIS did not have authority to enforce immigration laws. Conversely, the 2025 memo granted USCIS the authority to order expedited removal, issue orders of arrest and removal, and detain noncitizens. Further, on June 12, 2025, USCIS issued a [press release](#) boasting about its assistance to ICE, including actively providing ICE with volunteers to support enforcement operations.

These USCIS enforcement actions constitute a dramatic departure from its congressionally mandated mission to adjudicate immigration and naturalization applications. In 2002, the Homeland Security Act divided the responsibilities of the legacy Immigration and Naturalization Service (INS) among three new agencies and designated enforcement responsibilities to multiple offices within ICE and Customs and Border Protection (CBP), including Border Patrol, CBP Office of Field Operations, ICE Homeland Security Investigations (HSI), and ICE Enforcement and Removal Operations (ERO).

The USCIS Mission Statement from the 2023-2026 [Strategic Plan](#) states, “USCIS upholds America’s promise as a nation of welcome and possibility with fairness, integrity, and respect for all we serve.” Shifting its focus to enforcement sets a dangerous precedent that will discourage many individuals from filing applications with the agency and impact communities, families, and

¹As of this writing, AILA has received member reports of ICE arrests and activity at USCIS field office in Miami, Los Angeles, Minneapolis/St. Paul, Fresno, Tukwila, Charlotte, Indianapolis, San Fernando Valley, Santa Ana, Orlando, Dallas, Portland, and Tustin, CA. These enforcement actions though are likely include other field office locations not listed.

businesses who are seeking lawful pathways to come to and remain in the United States. Rather than making America safer and encouraging individuals to apply for lawful pathways undergoing eligibility and security vetting, such actions force them into the shadows.

This brief summarizes the key takeaways and concerns from AILA member reports regarding ICE presence and enforcement at USCIS field offices.

- **Arrests are taking place while individuals are still in the immigration process, thereby interrupting the USCIS adjudication process.** USCIS biometrics appointments and interviews are a required component of many applications, and these arrests are preventing eligible individuals from being approved for lawful status. AILA is aware of ICE is arresting people when they come to USCIS for biometrics appointments or interviews for I-130 petitions (forms filed by U.S. citizens and lawful permanent residents to sponsor their family members) and adjustment of status interviews (green card application). These individuals are awaiting a decision on their immigration request when they are detained.
 - For example, ICE detained an Afghan interpreter in valid parole status who worked for the U.S. military in Afghanistan following a routine biometrics appointment at a USCIS Application Service Center (ASC) in East Hartford, CT in July 2025. These appointments are a required part of the process for green card applications, so that the government can confirm the applicant's identity and perform background checks. Despite no known criminal convictions, the individual has been detained and now faces removal to Afghanistan where he fears the Taliban will harm or kill him as he worked for U.S. forces fighting against them.
- **Many of those arrested could still obtain legal status, despite alleged immigration violations.** Most of the reports document arrests of individuals with orders of removal issued in absentia (i.e. when they are not present); visa overstay; and those who entered the United States without inspection, but these circumstances are not necessarily final. Such individuals may be eligible for waivers that allow them to regularize their status; eligible individuals can file Form I-601A (Application for Provisional Unlawful Presence Waiver) or Form I-212 (Application for Permission to Reapply for Admission into the United States After Deportation or Removal) after they complete their immigration interviews. Prior to the Trump administration, individuals were generally allowed to complete their immigration process in its entirety before any enforcement action was taken. Disrupting the process through these arrests is incredibly inefficient, dedicating unnecessary enforcement efforts and time in immigration court for these individuals.
 - For example, one account described the deportation of a man who attended a marriage-based immigration interview alongside his U.S. citizen wife. Despite receiving an I-130 approval at the end of the interview and having no criminal convictions, he was still detained due to an old in absentia removal order. Rather than allow him to file for a waiver and potentially receive a green card, ICE officers chose to unnecessarily detain him and separate an American family.

- **Many individuals detained during immigration interviews have no criminal convictions.** Detaining these individuals does not improve national security or public safety. Instead, it punishes those affirmatively applying for legal status for which they are eligible and deters individuals from making themselves known to the U.S. government through their applications.
- **Enforcement at USCIS field offices removes valued community members and creates unnecessary and traumatizing separation of families.** Impacted individuals have built lives in this country and are now part of the community. U.S. citizens who are petitioning for their family members experience great hardship due to the administration separating their families with these arrests.
- **These arrests violate due process and, in some cases, presume criminality.** According to one report, ICE arrested an individual attending his marriage-based interview due to a claim that he was a gang member. The sole basis for this arrest was one police report from nearly a decade ago that never led to any charges or convictions. It is highly concerning that the detention was based on unproven suspicions. An integral part of U.S. criminal law is a presumption of innocence until proven guilty—for citizens and noncitizens alike.
- **ICE presence and enforcement at USCIS field offices will have a chilling effect on legal immigration.** Knowing that they could be deprived of their liberty without notice, deported, and separated from their families, jobs, and lives when they show up for a scheduled interview discourages eligible immigrants from pursuing lawful status out of fear. AILA member reports demonstrate that **ICE is detaining people who are trying to comply with the law, and the administration is preventing them from doing so.**

Conclusion

The ICE arrests taking place at USCIS field offices across the country are inefficient, undermine the legal immigration process, and unnecessarily separate families. Through the [Immigration and Nationality Act \(INA\)](#), Congress authorized the creation of waivers of inadmissibility for the above cases. Such waivers have allowed certain ineligible individuals to overcome inadmissibility and successfully obtain a U.S. visa or green card. Historically, ICE has exercised discretion to allow individuals to continue their legal process as envisioned by Congress. **Current ICE actions not only undermine trust in the system but also punish those who are actively trying to comply with the law.**