

Immigration Agents Have Held More Than 170 Americans Against Their Will, ProPublica Finds — ProPublica

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George Retes, an American combat veteran, at the site of his arrest by immigration agents on California's Central Coast. Retes was detained for three days without access to a lawyer and missed his daughter's third birthday.

Reporting Highlights

- **Americans Detained:** The government doesn't track how many citizens are held by immigration agents. We found more than 170 cases this year where citizens were detained at raids and protests.
- **Held Incommunicado:** More than 20 citizens have reported being held for over a day without being able to call their loved ones or a lawyer. In some cases their families couldn't find them.
- **Cases Wilted:** Agents have arrested about 130 Americans, including a dozen elected officials, for allegedly interfering with or assaulting officers, yet those cases were often dropped.

These highlights were written by the reporters and editors who worked on this story.

When the Supreme Court recently allowed immigration agents in the Los Angeles area to take race into consideration during sweeps, Justice Brett Kavanaugh said that citizens shouldn't be concerned.

"If the officers learn that the individual they stopped is a U.S. citizen or otherwise lawfully in the United States," [Kavanaugh wrote](#), "they promptly let the individual go."

But that is far from the reality many citizens have experienced. Americans have been [dragged](#), [tackled](#), [beaten](#), [tased](#) and [shot](#) by immigration agents. They've had their [necks kneeled on](#). They've been held outside [in the rain while in their underwear](#). At least three [citizens](#) were [pregnant](#) when [agents detained them](#). One of those women had already had the [door of her home blown off](#) while Department of Homeland Security Secretary Kristi Noem [watched](#).

About two dozen Americans have said they were held for [more than a day](#) without being able to phone lawyers or loved ones.

Videos of U.S. citizens being mistreated by immigration agents have filled social media feeds, but there is little clarity on the overall picture. The government [does not track how often](#) immigration agents hold Americans.

So ProPublica created its own count.

We compiled and reviewed every case we could find of agents holding citizens against their will, whether during immigration raids or protests. While the tally is almost certainly incomplete, we found more than 170 such incidents during the first nine months of President Donald Trump's second administration.

Among the citizens detained are nearly 20 children, including two with cancer. That includes four who were held for weeks with their undocumented mother and without access to the family's attorney until [a congresswoman intervened](#).

Immigration agents do have authority to detain Americans in limited circumstances. Agents can [hold people whom they reasonably suspect are in the country illegally](#). We found more than 50 Americans who were held after agents questioned their citizenship. They were almost all Latino.

Immigration agents also [can arrest citizens](#) who allegedly interfered with or assaulted officers. We compiled cases of about 130 Americans, including a dozen elected officials, accused of assaulting or impeding officers.

These cases have often wilted under scrutiny. In nearly 50 instances that we have identified so far, charges have never been filed or the cases were dismissed. Our count found a handful of citizens have pleaded guilty, mostly to misdemeanors.

Among the detentions in which allegations have not stuck, masked agents [pointed a gun at, pepper sprayed and punched](#) a young man who had filmed them searching for his relative. In another, agents [knocked over and then tackled](#) a 79-year-old car wash owner, pressing their knees into his neck and back. His lawyer said he was held for 12 hours and wasn't given medical attention despite having broken ribs in the incident and having recently had heart surgery. In a third case, agents grabbed and handcuffed a woman on her way to work who was caught up in a chaotic raid on street vendors. In a complaint filed against the government, she described being [held for more than two days](#), without being allowed to contact the outside world for much of that time. (The Supreme Court has [ruled](#) that two days is generally the longest federal officials can hold Americans without charges.)



George Retes, an American combat veteran, at the site of his arrest by immigration agents on California's Central Coast. Retes was detained for three days without access to a lawyer and missed his daughter's third birthday.

In response to questions from ProPublica, the Department of Homeland Security said agents do not racially profile or target Americans. "We don't arrest US citizens for immigration enforcement," wrote spokesperson Tricia McLaughlin.

A top immigration official recently acknowledged agents do consider someone's looks. "How do they look compared to, say, you?" Border Patrol chief Gregory Bovino [said to a white reporter](#) in Chicago.

The White House told ProPublica that anyone who assaults federal immigration agents would be prosecuted. "Interfering with law enforcement and assaulting law enforcement is a crime and anyone, regardless of immigration status, will be held accountable," said the Deputy Press Secretary Abigail Jackson. "Officers act heroically to enforce the law, arrest criminal illegal aliens, and protect American communities with the utmost professionalism."

A spokesperson for Kavanaugh did not return an emailed request for comment.

An immigration raid on 79-year-old Rafie Ollah Shouhed's car wash left him with broken ribs.

Courtesy of Rafie Ollah Shouhed. Compiled by ProPublica.

Tallying the number of Americans detained by immigration agents is inherently messy and incomplete. The government has long ignored [recommendations](#) for it to track such cases, even as the U.S. has a [history of detaining and even deporting citizens](#), including during the Obama administration and Trump's first term.

We compiled cases by sifting through both English- and Spanish-language social media, lawsuits, court records and local media reports. We did not include arrests of protesters by local police or the National Guard. Nor did we count cases in which arrests were made at a later date after a judicial process. That included cases of some people charged with serious crimes, like [throwing rocks](#) or tossing [a flare to start a fire](#).

Experts say that Americans appear to be getting picked up more now as a result of the government doing something that [it hasn't for decades](#): large-scale immigration sweeps across the country, often in communities that do not want them.

In earlier administrations, deportation agents used intelligence to target specific individuals, said Scott Shuchart, a top immigration official in the Biden, Obama and first Trump administrations. "The new idea is to use those resources unintelligently" — with officers targeting communities or workplaces where undocumented immigrants may be.

When federal officers roll through communities in the way the Supreme Court permitted, the constitutional rights of both citizens and noncitizens are inevitably violated, argued David Bier, the director of immigration studies at the libertarian Cato Institute. He recently [analyzed how sweeps in Los Angeles](#) have led to racial

profiling. "If the government can grab someone because he's a certain demographic group that's correlated with some offense category, then they can do that in any context."

Cody Wofsy, an attorney at the American Civil Liberties Union, put it even more starkly. "Any one of us could be next."

The video Garcia Venegas made of an immigration raid on a construction site shows him walking away from the officer while trying to film and then stating that he's a citizen before being detained. Courtesy of Garcia Venega

When Kavanaugh issued his opinion that immigration agents can consider race and other factors, the Supreme Court's three liberal justices strongly dissented. They warned that citizens risked being "grabbed, thrown to the ground, and handcuffed simply because of their looks, their accents, and the fact they make a living by doing manual labor."

Leonardo Garcia Venegas appears to have been just such a case. He was working at a construction site in coastal Alabama when he saw masked immigration agents from Homeland Security Investigations hop a fence and run by a "No trespassing" sign. Garcia Venegas recalled that they moved toward the Latino workers, ignoring the white and Black workers.

Garcia Venegas began filming after his undocumented brother asked agents for a warrant. In response, the footage shows, agents yanked his brother to the ground, shoving his face into wet concrete. Garcia Venegas kept filming until officers grabbed him too and knocked his phone to the ground.

Other co-workers filmed what happened next, as immigration agents twisted the 25-year-old's arms. They repeatedly tried to take him to the ground while he yelled, "I'm a citizen!"

Officers pulled out his REAL ID, which Alabama only issues to those legally in the U.S. But the agents dismissed it as fake. Officers held Garcia Venegas handcuffed for more than an hour. His brother was later deported.



Leonardo Garcia Venegas told agents he was a citizen both times he was detained. His REAL ID was dismissed as a fake.

Garcia Venegas was so shaken that he took two weeks off of work. Soon after he returned, he was working alone inside a nearly built house listening to music on his headphones when he sensed someone watching him. A masked immigration agent was standing in the bedroom doorway.

This time, agents didn't tackle him. But they again dismissed his REAL ID. And then they held him to check his citizenship. Garcia Venegas says agents also held two other workers who had legal status.

DHS did not respond to ProPublica's questions about Garcia Venegas' detentions, or to a federal lawsuit he filed last month. The agency has previously defended the agents' conduct, saying he "physically got in between agents and the subject" during the first incident. The footage does not show that, and Garcia Venegas was never charged with obstruction or any other crime.

Garcia Venegas' lawyers at the nonprofit Institute for Justice hope others may join his suit. After all, the reverberations of the immigration sweeps are being felt widely. Garcia Venegas said he knows of 15 more raids on nearby construction sites, and the industry along his portion of the Gulf Coast is struggling for lack of workers.

Kavanaugh's assurances hold little weight for Garcia Venegas. He's a U.S. citizen of Mexican descent, who speaks little English and works in construction. Even with his REAL ID and Social Security card in his wallet, Garcia Venegas worries that immigration agents will keep harassing him.

"If they decide they want to detain you," he said. "You're not going to get out of it."



Men building a home in rural Baldwin County, Alabama. Garcia Venegas was detained by immigration agents twice while working on homes in the area.

George Retes was among the citizens arrested despite immigration agents appearing to know his legal status. He also disappeared into the system for days without being able to contact anyone on the outside.

The only clue Retes' family had at first was a brief call he managed to make on his Apple Watch with his hands handcuffed behind his back. He quickly told his wife that "ICE" had arrested him during a [massive raid and protest](#) on the marijuana farm where he worked as a security guard.

Still, Retes' family couldn't find him. They called every law enforcement agency they could think of. No one gave them any answers.

Eventually, they spotted a TikTok video showing Retes driving to work and slowly trying to back up as he's caught between agents and protestors. Through the tear gas and dust, his family recognized Retes' car and the veteran decal on his window. The full video shows a man — Retes — splayed on the ground surrounded by agents.

George Retes' family noticed his car in a compiled video posted to TikTok. This clip from that longer video shows his white vehicle surrounded by tear gas. Immigration agents later pinned him on the ground. [nota.sra/TikTok](#)

Retes' family went to the farm, where local TV reporters were interviewing families who couldn't find their loved ones.

"[They broke his window](#), they pepper sprayed him, they grabbed him, threw him on the floor," [his sister told a reporter](#) between sobs. "We don't know what to do. We're just asking to let my brother go. He didn't do anything wrong. He's a veteran, disabled citizen. It says it on his car."

Retes was held for three days without being given an opportunity to make a call. His family only learned where he had been after his release. His leg had been cut from the broken glass, Retes told ProPublica, and lingering pepper spray burned his hands. He tried to soothe them by filling sandwich bags with water.

Retes recalled that agents knew he was a citizen. "They didn't care." He said one DHS official laughed at him, saying he shouldn't have come to work that day. "They still sent me away to jail." He added that cases like his show Kavanaugh was "wrong completely."

DHS did not answer our questions about Retes. It did respond on X after [Retes wrote an op-ed](#) last month in the San Francisco Chronicle. An [agency post](#) asserted he was arrested for assault after he "became violent and refused to comply with law enforcement." Yet Retes had been released without any charges. Indeed, he says he was never told why he was arrested.



Retes said that agents knew he was a citizen. "They didn't care."

The Department of Justice has encouraged agents to arrest anyone interfering with immigration operations, [twice ordering](#) law enforcement to prioritize cases of those suspected of obstructing, interfering with or assaulting immigration officials.

But the government's claims in those cases have often not been [borne out](#).

Daniel Montenegro was filming a raid at a Van Nuys, California, Home Depot with other day-laborer advocates this summer when, he told ProPublica, he was tackled by several officers who injured his back.

Bovino, the Border Patrol chief who [oversaw the LA raids](#) and has since taken similar operations to cities like [Sacramento](#) and Chicago, [tweeted out the names and photos](#) of Montenegro and three others, accusing them of using homemade

tire spikes to disable vehicles.

"I had no idea where that story came from," Montenegro told ProPublica. "I didn't find out until we were released. People were like, 'We saw you on Twitter and the news and you guys are terrorists, you were planning to slash tires.' I never saw those spike tire-popper things."

Officials have not charged Montenegro or the others with any crimes. (Bovino did not respond to a request for comment, while DHS defended him in a statement to ProPublica: "Chief Bovino's success in getting the worst of the worst out of the country speaks for itself.")

The government's cases are sometimes so muddied that it's unclear why agents actually arrested a citizen.

Andrea Velez was charged with assaulting an officer after she was accidentally dropped off for work during a raid on street vendors in downtown Los Angeles. She said in a federal complaint that officers repeatedly assumed she did not speak English. Federal officers later requested access to her phone in an attempt to prove she was colluding with [another citizen arrested that day](#), who was charged with [assault](#). She was one of the Americans held for more than two days.

DHS did not respond to our questions about Velez, but it has previously accused her of assaulting an officer. A federal judge has dismissed the charges.

Other citizens also said officers accused them of crimes and suddenly questioned their citizenship — including a man arrested after [filming Border Patrol agents break](#) a truck window, and a pregnant woman [who tried to stop officers](#) from taking her boyfriend.

The prospects for any significant reckoning over agents' conduct, even against citizens, are dim. The paths for suing federal agents are even more limited than they are for local police. And that's if agents can even be identified. What's more, the [administration has gutted the office that investigates allegations of abuse by agents](#).

"The often-inadequate guardrails that we have for state and local government — even those guardrails are nonexistent when you're talking about federal overreach," said Joanna Schwartz, a professor at UCLA School of Law.

More than 50 members of Congress have also written to the administration, demanding details about Americans who've been detained. One is Sen. Alex Padilla, a California Democrat. After trying to question Noem about detained citizens, federal agents grabbed Padilla, [pulled him to the ground and handcuffed him](#). The department later defended the agents, saying they "acted appropriately."