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New FOIA Document Shows Mass Use of Data Brokers by ICE Nationwide

ICE conducted 1.2 million queries using LexisNexis over a seven-month period; LexisNexis has been used by ICE in attempts to skirt sanctuary city laws

New government documents obtained through the Freedom of Information Act and summarized in a fact sheet by Just Futures Law show, for the first time ever, the extent of surveillance conducted by Immigration and Customs Enforcement (ICE) via the data broker LexisNexis, which has a $22.1 million contract with ICE selling access to a massive database of personal information.

LexisNexis, one of the world’s biggest aggregators of personal and commercial data, has also been used by ICE for the explicit purpose of skirting sanctuary protections. ICE agents, citing sanctuary laws that prohibit cooperation between local police and immigration agents, have contracted with LexisNexis to instead buy data directly from law enforcement sources, commercial databases, and other public sources, contravening the spirit of laws meant to shield personal information from ICE.

The documents released today, which cover a seven-month period between March and September 2021, show how ICE used LexisNexis to engage in mass surveillance of possibly millions of people, conducting more than 1.2 million searches across the country using the Accurint Virtual Crime Center (AVCC). The searches show that use of LexisNexis to skirt sanctuary laws by ICE is likely happening on a national scale.

These searches captured data on individuals, businesses, phones, email accounts, vehicles, jails, and more. And because each of those searches has the potential to capture multiple individuals, the total number of people queried by ICE could be in the millions.

Records generated by data brokers have been used by ICE to place individuals into removal proceedings, ultimately deporting them from the country. ICE arrest documents specifically cite personal information, such as an address, gleaned from data broker reports like those generated by LexisNexis.
It’s the first time ICE has released information on how often it uses data brokers to track and surveil people. The documents, obtained by Mijente and Just Futures Law, show the breakdown of searches by type (“advanced person search,” “real time phone search,” etc.) and by ICE field offices, divisions, and personnel.

“This is very concerning,” said Dinesh McCoy, a staff attorney at Just Futures Law and the lead researcher on the FOIA. “Unfortunately, we’re seeing a continuation of harmful surveillance practices under this administration. We need real opposition to the constant expansion of ICE’s power and infrastructure, but by providing the agency with invasive tools like Accurint, the Biden administration is just strengthening ICE’s institutional position for the future.”

Individual ICE agents were able to conduct tens of thousands of searches over the seven-month period; the single most prolific user alone conducted more than 26,000 searches. The document also shows that LexisNexis was prolifically used not only by ICE’s Homeland Security Investigations (HSI) division, but also by Enforcement and Removal Operations (ERO), the division that focuses on deportations.

The use of LexisNexis by both HSI and ERO, as well as the sheer scope of these searches across the country, contradicts ICE’s statement that LexisNexis is used “strictly...for identifying individuals with serious criminal backgrounds.” The 1.2 million searches recorded in a seven-month period represent dragnet surveillance—not a finely-tuned operation, but mass spying on potentially millions across the country.

“We’ve known ICE is using these tools to skirt sanctuary laws in different cities—now we have evidence that that’s happening across the country,” said Cinthya Rodriguez, national organizer with Mijente’s #NoTechforICE campaign. “These data brokers are supercharging ICE’s deportations even in the face of hard-fought legal limits on their authorities. ICE, instead of following laws passed in dozens of municipalities, has opted to turn to the private sector instead.”

ICE first started using LexisNexis in March 2021, after it ended a contract with a different data broker, Thomson Reuters, the previous month (ICE still has at least three other, active contracts with Thomson Reuters). LexisNexis offers ICE data on over 276 million “consumer identities” from over 10,000 different government and commercial sources, like utility bill companies and DMV records.

Lawmakers in Chicago have called for a public hearing to “discuss the potential risks of data brokers sharing and/or selling personal information with ICE” to “ensure that ICE respects our county’s sanctuary resolutions and ordinances”—the first time legislators have called for a public investigation into ICE’s use of data brokers to skirt sanctuary protections.

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Mijente is a national Latinx and Chicanx advocacy organization that leads the #NoTechforICE campaign, which has exposed the deep ties between Silicon Valley and immigration enforcement in an effort to end the contracts between tech companies and ICE or CBP.

Just Futures Law is a transformative legal organization that defends and builds the power of immigrants’ rights and criminal justice organizers and base-building community groups working to disrupt and dismantle our deportation and mass incarceration systems. Follow us on Twitter @JustFuturesLaw.