



March 16, 2025

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U.S. Department of Homeland Security  
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Office of the Immigration Detention Ombudsman  
U.S. Department of Homeland Security  
[OIDO\\_Outreach@hq.dhs.gov](mailto:OIDO_Outreach@hq.dhs.gov)

**RE: Arbitrary and Enforced Disappearance of New Mexico Residents**

To Whom It May Concern:

The American Civil Liberties Union of New Mexico (ACLU-NM) submits this complaint on its own behalf and on behalf of 48 unnamed New Mexico residents who have been forcibly disappeared by the U.S. Department of Homeland Security. We call on your offices to: (1) promptly investigate this matter; (2) ensure the physical and psychological well-being of the disappeared individuals; (3) ensure that no retaliation occurs against these individuals for the submission of this complaint; and (4) pursue accountability for all personnel and contractors involved in this matter.

### **Factual Background**

U.S. Immigration and Customs Enforcement (ICE) reported publicly on March 12, 2025, that the agency had conducted a “week-long enhanced enforcement operation” ending March 8, 2025 in Albuquerque, Santa Fe, and Roswell, New Mexico, which resulted in the apprehension of 48 individuals.<sup>1</sup> According to ICE, only 20 of those apprehended have been arrested or convicted of criminal offenses, and others were apprehended for immigration violations such as unlawful entry or re-entry. Reportedly, only 21 of the 48 individuals apprehended have final orders of removal. ICE stated that the operation was jointly conducted with U.S. Customs and Border Protection (CBP), the Federal Bureau of Investigations (FBI), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and the U.S. Marshal Service (USMS).

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<sup>1</sup> U.S. Imm. & Customs Enf., “ICE New Mexico Officers Arrest 48 Illegal Aliens, 20 of Whom Have criminal Charges or Convictions” (Mar. 12, 2025), <https://www.ice.gov/news/releases/ice-new-mexico-officers-arrest-48-illegal-aliens-20-whom-have-criminal-charges-or>.

One day later, ICE published a press release boasting that the agency had made a total of 32,809 apprehensions in the first 50 days of the Trump Administration.<sup>2</sup> DHS Secretary Kristi Noem stated, “We will see the number of deportations continue to rise.”

These 48 apprehensions in New Mexico come at a critical time, in which the Trump Administration has recently resumed detaining noncitizen families – including young children – in ICE detention facilities, run by CoreCivic and GEO Group, the two largest private prison companies in the country.<sup>3</sup> The CEO of CoreCivic, Damon Hininger, recently said on an earnings call, regarding the Trump Administration’s anti-immigrant executive actions, that “this is truly one of the most exciting periods in my career with the company.” He stated that he expects “perhaps the most significant growth in our company’s history over the next several years.”<sup>4</sup> CoreCivic stands to earn approximately \$180 million in annual revenue due to the reactivation of the family detention center in Dilley, Texas, which can hold up to 2,400 individuals.<sup>5</sup> The Trump Administration has stated that it plans to conduct operations across the country that will target families and children.<sup>6</sup>

The Trump Administration has additionally foreshadowed its plans to hold detained noncitizens on military bases across the United States, including most prominently at Fort Bliss, near El Paso, Texas, without any information on the authorities under which these individuals will be held, the minimum standards that will be required for detention conditions, or any plan for access to counsel.<sup>7</sup>

U.S. Senators Martin Heinrich (D-N.M.) and Ben Ray Lujan (D-N.M.), and U.S. Representatives Teresa Leger Fernández (D-N.M.), Melanie Stansbury (D-N.M.), and Gabe Vasquez (D-N.M.) sent a letter on March 6, 2025, to President Trump and DOD Secretary Pete Hegseth opposing the Trump Administration’s reported plans to use military installations, including Kirtland Air Force Base and Fort Bliss, to create a nationwide network of military

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<sup>2</sup> U.S. Imm. & Customs Enf., “ICE Arrests in First 50 Days of Trump Administration” (Mar. 13, 2025), <https://www.dhs.gov/news/2025/03/13/ice-arrests-first-50-days-trump-administration>.

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<sup>4</sup> Matt Sledge, “Private Prison CEO on Trump Deportation Surge: ‘One of the Most Exciting Periods in my Career,’” THE INTERCEPT (Feb. 11, 2025), <https://theintercept.com/2025/02/11/corecivic-private-prison-trump-immigrant-detention/>.

<sup>5</sup> “CoreCivic Announces Resumption of Operations at South Texas Family Residential Center in Dilley, Texas” (Mar. 5, 2025), <https://ir.corecivic.com/news-releases/news-release-details/corecivic-announces-resumption-operations-south-texas-family>.

<sup>6</sup> Julia Ainsley, “Trump Raids Will Now Target Migrant Families Who Entered the U.S. With Their Children,” NBC NEWS (Mar. 6, 2025), <https://www.nbcnews.com/politics/immigration/trump-raids-will-now-target-migrants-entered-us-families-children-rcna193611>.

<sup>7</sup> Zolan Kanno-Youngs et al., “Trump Plans to Use Military Sites Across the Country to Detain Undocumented Immigrants”, N.Y. TIMES (Feb. 21, 2025), <https://www.nytimes.com/2025/02/21/us/politics/migrants-military-sites.html>; Joel Rose & Tom Bowman, “DHS Memo Lays Out Plans to Detain Migrants at Fort Bliss and Other U.S. Bases,” NPR (Feb. 24, 2025), <https://www.npr.org/2025/02/24/nx-s1-5307156/immigration-dhs-memo-trump-migrant-detention-military-bases>.

detention facilities.<sup>8</sup> Representative Veronica Escobar (D-T.X.), whose congressional district includes Fort Bliss, warned against turning military installations into detention centers.<sup>9</sup>

The Trump Administration has already established a “military air bridge” from El Paso, Texas, and New Mexico – including the Otero County Processing Center and the Torrance County Detention Facility – to the notorious island prison on Guantánamo Bay, Cuba.<sup>10</sup> And, most recently, the Trump Administration has invoked the Alien Enemies Act in an unprecedented manner, evidently to target certain noncitizens for detention and deportation with little or no due process.<sup>11</sup>

The “enhanced enforcement operation” in New Mexico, which swept up four dozen residents of this state, comes at a time that the Trump Administration is escalating significantly its plans to rapidly detain and deport our immigrant neighbors, friends, and family.

### **Arbitrary and Enforced Disappearance**

ICE has not identified any of the 48 individuals apprehended in the “enhanced enforcement operation” centered on Albuquerque, Santa Fe, and Roswell. ICE has not indicated where any of them are being detained, whether they have access to counsel, in what conditions they are being held, or even which agency is holding them. These individuals have been effectively forcibly disappeared from our communities.

Neither our office nor any other legal service providers have, to our knowledge, made contact with these individuals. The online ICE detainee locator only allows for an individual’s location to be identified if that individual’s name and other personally identifiable information, such as that person’s date of birth, country of origin, or A-number, are already known.<sup>12</sup> Attorneys that provide services to individuals detained in New Mexico’s three ICE detention facilities – the Otero County Processing Center, the Cibola County Correctional Center, and the Torrance County Detention Facility – are typically only able to conduct pre-representation or representation legal visits with detained individuals if they are able to pre-identify them.<sup>13</sup>

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<sup>8</sup> “N.M. Delegation Oppose Plans to Use Kirtland & Fort Bliss for Immigration-Related Operations (Mar. 6, 2025), <https://www.heinrich.senate.gov/newsroom/press-releases/nm-delegation-oppose-plans-to-usekirtland-and-fort-bliss-for-immigration-related-operations>.

<sup>9</sup> Lorena Figueroa, “Texas Army Base Poised to Become Mass Deportation Hub under Trump Plan,” THE GUARDIAN (Mar. 8, 2025), <https://www.theguardian.com/us-news/2025/mar/08/texas-army-fort-bliss-deportation-detention>.

<sup>10</sup> Carol Rosenberg, “A Tent City Is Rising at Guantánamo Bay,” N.Y. TIMES (Feb. 8, 2025), <https://www.nytimes.com/2025/02/08/us/politics/guantanamo-bay-migrants.html>; *see also* Carol Rosenberg & Charlie Savage, “ICE Returns All Migrants From Guantánamo to Stateside Facilities,” N.Y. TIMES (Mar. 12, 2025), <https://www.nytimes.com/2025/03/12/us/politics/ice-migrants-guantanamo.html>.

<sup>11</sup> Camilo Montoya-Galvez et al., “Trump To Invoke Wartime Alien Enemies Act of 1978 to Carry Out Deportations to Guantanamo,” CBS NEWS (Mar. 15, 2025), <https://www.cbsnews.com/news/trump-alien-enemies-act-1798-deportations-guantanamo/>; Ryan Goodman, “Trump Administration Appears to Launch ‘Alien Enemies Act’ Deportation Program,” JUST SECURITY (Mar. 15, 2025), <https://www.justsecurity.org/109133/alien-enemies-act-venezuelan-gang/>.

<sup>12</sup> U.S. Imm. & Customs Enf., “Online Detainee Locator System,” <https://locator.ice.gov/odls/#/search>.

<sup>13</sup> U.S. Imm. & Customs Enf., “2011 Operations Manual ICE Performance-Based National Detention Standards” at 5.7, <https://www.ice.gov/doclib/detention-standards/2011/5-7.pdf>.

Arbitrary and enforced disappearance is unlawful under the U.S. Constitution and multiple international human rights treaties to which the U.S. is a party, including the International Covenant on Civil and Political Rights (ICCPR).<sup>14</sup> An enforced disappearance is considered under international law to be the arrest, detention, abduction, or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support, or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law.<sup>15</sup> An arbitrary and enforced disappearance has a “doubly paralyzing impact” – first, on the victim, who is removed from the protection of the law, and second, on the victim’s family, unaware of the fate of their loved ones, their emotions alternating between hope and despair, awaiting news. *Id.* States frequently rely on enforced disappearance as an *in terrorem* strategy meant to cause fear and panic within societies.

The U.S. has a long and disgraceful history of reliance on enforced disappearance, including on the notorious island prison of Guantánamo, which has become a symbol of injustice, abuse, and disregard for the rule of law.<sup>16</sup> When DOD Secretary Pete Hegseth visited Guantánamo on February 25, 2025, he stated that part of the Trump Administration’s mandate is “mass deportations of folks – wherever they came from – who came here illegally, and Guantánamo Bay is a big part of that.”<sup>17</sup> It is unconscionable that ICE enforcement practices amounting to enforced disappearance may become routine or commonplace and directly impact our own communities, affecting our neighbors, friends, and loved ones.

We are alarmed and disturbed that these four dozen New Mexican individuals remain unidentified and that insufficient transparency, oversight, and accountability has taken place to date regarding their whereabouts and wellbeing. We call on your offices to exercise the full extent of your authorities to determine their current status and ensure their safety.

### **Conclusion**

We respectfully request that your offices: (1) promptly investigate this matter; (2) ensure the physical and psychological well-being of the disappeared individuals; (3) ensure that no retaliation occurs against these individuals for the submission of this complaint; and (4) pursue accountability for all personnel and contractors involved in this matter.

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<sup>14</sup> Int’l Covenant on Civil and Political Rights (Dec. 16, 1966), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

<sup>15</sup> U.N. Office of the High Comm’r of Human Rights, “About Enforced Disappearance,” Working Group on Enforced or Involuntary Disappearances, <https://www.ohchr.org/en/special-procedures/wg-disappearances/about-enforced-disappearance>.

<sup>16</sup> Am. Civil Liberties Union, “Guantánamo Bay Detention Camp,” <https://www.aclu.org/issues/national-security/detention/guantanamo-bay-detention-camp>; Amnesty Int’l, “USA: New Amnesty International Report Details Ongoing Human Rights Violations at Guantánamo Bay Detention Facility” (Jan. 11, 2021), <https://www.amnesty.org/en/latest/press-release/2021/01/usa-report-human-rights-violations-guantanamo/>.

<sup>17</sup> Matthew Olay, “Hegseth Visits Guantánamo Bay, Engages With Troops,” DOD NEWS (Feb. 26, 2025), <https://www.defense.gov/News/News-Stories/Article/Article/4078647/hegseth-visits-guantanamo-bay-engages-with-troops/>.

Please confirm receipt of this complaint and provide updates to our office regarding the status of your investigation. The undersigned remain available for any additional information that may be helpful. Thank you for your prompt attention to this matter.

Respectfully submitted,

/s/ Leon Howard

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