

ICE Fraud and Abuse: Growing Concerns and a Path for Accountability

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March 25, 2026

The second Trump administration has broadly prioritized immigration enforcement, dedicating vast monetary and personnel resources to U.S. Immigration and Customs Enforcement (ICE) and increasing the number of people detained in ICE facilities by 50% between January and August 2025. *U.S. Immigrant Detention Grows to Record Heights Under Trump Administration* (Oct. 29, 2025).

While some of these efforts have themselves been subject to legal challenges on constitutional and other grounds, the Trump administration's increased focus on immigrant removals has also coincided with a concerning increase in new and evolving criminal patterns that fraudulently exploit the immigration legal framework and prey on fear of immigration enforcement—and most of all, are motivated by racial bias and stigma.

This article outlines emerging trends in impersonation and improper use of immigration enforcement mechanisms, followed by a discussion of the existing legal framework to hold perpetrators of these behaviors accountable. The article concludes with recommendations which legislators, activists, and attorneys can consider to promote change in the legal framework to better tailor the justice system, particularly hate crime frameworks, to combat these rising crimes.



U.S. flag and immigration papers.

A Growing Epidemic

Media reports broadly capture a number of emerging trends in illegal behavior relating to immigration enforcement.

First, headlines over since last year describe a surge in impersonation of law enforcement, especially ICE officials, in order to illegally victimize, intimidate, or exploit individuals based on their perceived ethnicity or nationality.

These impersonators have capitalized on ICE's own use of unmarked vehicles, masks, and frequent refusals to identify themselves, creating confusion that facilitates these crimes—a trend serious enough that the FBI issued a national bulletin warning law enforcement and the public.

Rebecca Beitsch, *FBI Warns ICE's Use of Masks, Unmarked Cars Could Enable Impersonators*, The Hill (Nov. 5, 2025). Some outlets have observed more incidents in 2025 than during the last four presidential terms combined. Allison Gordon, Rob Kuznia, and Kyung Lah, *ICE Impersonator Incidents Rise During Trump's Second Term*, CNN (Oct. 2, 2025).

To cite only a few reported examples, in January 2025, a South Carolina man was arrested and charged with impersonating a police officer and kidnapping after presenting himself as an ICE agent in a fake traffic stop, telling the Latino men in the car, "You're going back to Mexico!," mocking the driver's accent, and referring to Spanish as "pig-Latin." Artemis Moshtagian, Gloria Pazmino, and Nick Valencia, *Multiple ICE Impersonation Arrests Made During Nationwide Immigration Crackdown*, CNN (Feb. 5, 2025).

A Temple University student was also arrested and accused of impersonating ICE officers on campus in February 2025 after he and others attempted to enter a residence hall on campus, two of them wearing shirts with "Police" and "ICE" in white lettering.

Second, extortion and fraud schemes based on threats of immigration enforcement or false claims about legal status are also on the rise. Media outlets have reported extortion of immigrants by scammers, who call victims by phone pretending to be ICE agents or immigration attorneys. See, e.g., *Jonathan Franklin, Immigration Scammers Pose as ICE, Stealing from Terrified Victims*, WUSA9 (March 4, 2020).

The caller "informs the victim that he or she has violated immigration law(s) and is in immediate danger of arrest and deportation," and the "only way to avoid arrest and deportation is by paying thousands of dollars in immigration fees and fines," which the caller collects through counterfeit ICE websites. Other scammers promise appointments with consulates and expedition of immigration documents, like visas or green cards, for significant fees. See, e.g., Eleanor Bennett,

Local Attorneys Spread Awareness About Increase in Scams Targeting Immigrants, Aspen Public Radio (June 6, 2025).

Third, media outlets also report an increase in false reporting of violations of immigration law, particularly targeting individuals assumed to be violating immigration law solely as a result of their perceived ethnicity or nationality. In many cases, these reports suggest that false reporting is also used as a threat against individuals without any suspicion of violating immigration law. In one case, a man was arrested in North Carolina for allegedly impersonating an ICE officer and sexually assaulting a woman at a Motel 6, threatening to deport her if she did not comply. Allison Gordon, Rob Kuznia, and Kyung Lah, *ICE Impersonator Incidents Rise During Trump's Second Term*, CNN (Oct. 2, 2025).

And in another highly publicized example, a man was charged with four felonies for "attempting to frame an undocumented immigrant he [was] accused of assaulting, by sending forged letters in the immigrant's name with a threat to kill Donald Trump," which were then mailed to "Wisconsin's attorney general, Milwaukee police, and [ICE]." Robert Mackey, *US Man Charged for Framing Immigrant in Fake Plot to Kill Trump*, The Guardian (June 2, 2025). Still other outlets report immigration threats leveraged over small "personal grudges" between neighbors or landlords and tenants. April Xu, 'Don't Bully or Hurt Me': Undocumented Immigrants Speak Out on Illegal Threats to Call ICE, Documented (Feb. 21, 2025).

Fourth, and relatedly, developers have introduced vigilante reporting apps and platforms designed to facilitate immigration enforcement, representing a new frontier of legal concerns. The apps typically solicit or disseminate information about individuals suspected of immigration violations, likely with insufficient safeguards to address false reporting, privacy rights, or racial or ethnic profiling.

One website offers cryptocurrency rewards to users who provide evidence of suspected

undocumented immigrants, and another website enables tip-offs of suspected immigration violations. Alicia Civita, Ex-Proud Boys Leader Enrique Tarrio Fronts App to Report Undocumented Migrants for Crypto Rewards, *Latin Times* (June 13, 2025). At the very least, these platforms raise concerns about racial and ethnic profiling, privacy concerns, due process protections, and broader immigration rights issues that, given how recent these developments are, courts and lawmakers have not yet had occasion to fully address.

While impersonation, fraud, and false reporting are hardly new offenses, the targets of these crimes and the motives behind them are ever evolving. The recent wave of impersonation and extortion schemes is not random. Rather, these crimes are now directed toward individuals perceived to be of certain racial backgrounds, ethnicities, or national origins, all of which are traits recognized as protected characteristics under many hate crime frameworks.

These developments pose an urgent question as to whether existing legal frameworks are sufficient to address these emerging forms of criminal exploitation and intimidation, and in particular, whether hate crime laws are appropriately leveraged to address these circumstances.

Existing Hate Crime Frameworks and Their Challenges in Implementation

Current hate crime frameworks vary widely in their ability to encompass and address these emerging crimes. Some states, including California, New Jersey, and New York, expressly cover race, national origin, and ethnicity as protected characteristics and authorize criminal sentencing enhancements and civil remedies through statutes like California's Ralph and Bane Acts or New Jersey's bias-intimidation law.

Others, including Georgia, Indiana, and South Carolina, either limit their hate crime statutes to sentencing enhancements, omit civil remedies, or in South Carolina's case, lack a general hate crime statute entirely. And states like Kentucky and Georgia limit their hate crime statutes to sentencing

enhancement only, provided that bias-related motivation can be proven, and do not provide any civil remedy. Complicating factors are also introduced when an offender has multiple motives.

This complex patchwork brings with it multiple challenges in application to the criminal patterns observed in increasing frequency as a result of growing anti-immigration rhetoric. As an initial matter, the wide variation in coverage between states makes it more difficult for government attorneys to recognize how to prosecute these incidents as hate crimes and for victims to know their rights and exercise them. In those states without any hate crime framework, victims of bias-motivated and immigration-related impersonation, fraud, or digital harassment are left without meaningful redress or remedies tailored to these unique forms of misconduct.

More broadly, many victims of immigration-related scams or impersonation might not report incidents to the police for a variety of reasons: lack of knowledge about their rights, fear of immigration consequences, language barriers, or general mistrust of law enforcement. A report from the U.S. Department of Justice's Bureau of Justice Statistics found that almost half of all violent hate crimes were not reported to the police. U.S. Department of Justice, Bureau of Statistics, (September 2021) *Hate Crime Victimization, 2005–2019* (Publication No. NCJ 300954). In part due to this reluctance in reporting, data collection relating to hate crimes is also difficult and may be subject to significant inaccuracy. *'Consistently Inconsistent': Thousands of Law Enforcement Agencies Fail to Provide Hate Crime Data to the FBI*, The Southern Poverty Law Center (Dec. 13, 2022).

Research also shows that intensified immigration enforcement leads to under-reporting of crime among immigrants and their communities. Reva Dhingra, Mitchell Kilborn & Olivia Woldemikael, *Immigration Policies and Access to the Justice System: The Effect of Enforcement Escalations on Undocumented Immigrants and Their Communities*, 44 *Pol. Behav.* 1359 (2022), Brief

of Asian Americans Advancing Justice and Seven Additional Civil Rights and Advocacy Groups as *Amici Curiae* in Support of Plaintiff-Appellee City of Chicago, *City of Chicago v. Sessions*, 888 F.3d 272 (2018) (No. 17-2991).

Even when reports are made, classifying an incident as a hate crime depends on law enforcement agencies recognizing bias, undergoing proper training, and using processes to track and share credible data. Prosecutors then determine whether to file hate crime charges and must overcome the significant hurdle of proving that the reason the perpetrator committed the crime was the actual or perceived protected characteristic of the victim. U.S. Department of Justice, Bureau of Statistics, *Bias-Motivated/Hate Crime*.

Even for more “traditional” hate crimes that do not involve these immigration enforcement-related fact patterns, proving motive may also prove challenging where perpetrators purposefully try to obscure their bias, such as by avoiding the use of outright racial slurs or reference to any protected characteristic. Tien Nguyen, *Why Are Hate Crimes so Hard to Convict in Court?*, The Center for Public Integrity (May 9, 2024).

Finally, immigration-related fact patterns poorly map to many, if not most, existing hate crime statutes, which often contemplate physical violence, verbal harassment, and property damage. See, e.g., Wash. Rev. Code §9A.36.080 (2025) (defining hate crime offenses as acts of assault, physical damage or destruction of property, or threat of harm); Cal. Penal Code §422.6 (2025) (addressing acts “by force or threat of force”); Colo. Rev. Stat. §18-9-121 (2025) (imposing criminal penalties for bias-motivated crimes, including causing physical harm, property destruction, or fear of bodily injury or property damage).

These emerging crimes involve both bias-related motives and harms not traditionally associated with hate crimes, i.e., impersonation, fraud, extortion, false law enforcement reporting, and use of digital platforms. Hate crime statutes designed to address physical harm or property damage may

not sufficiently address the emerging types of crimes seen today.

Potential for Change

Some states stand out as models of robust hate crime regimes. For example, California considers nationality (including immigration status), race, and ethnicity to be protected characteristics under its hate crime statute in the penal code. Cal. Penal Code §422.55 (2025). The statute covers acts committed in whole or in part because of actual or perceived protected characteristics of the victim.

California also defines hate crimes broadly and authorizes sentencing enhancements for crimes that interfere with another person’s legal rights. Cal. Penal Code §422.6 (2025); Hate Crimes, State of California - Department of Justice - Office of the Attorney General (2025), <https://oag.ca.gov/hatecrimes>. Additionally, California’s Ralph and Bane Civil Rights Acts create a private right of action and provide victims with a path to civil redress even when criminal charges are not filed. Cal. Civil Code §51.7 (2025); Cal. Civil Code §52.1 (2025).

Drawing on the law in California and other states with robust hate crime laws, lawmakers and activists seeking to increase accountability for hate crimes can consider advocating for the following changes to hate crime legislation and frameworks:

- Thoughtful articulation of protected characteristics, including perceived or actual nationality/national origin, ancestry, race, color, ethnicity, and immigration status;
- Appropriate definitions of motive that allow the possibility that hate crimes are committed not only in whole, but also in part, by prejudicial motivations;
- Express applicability of hate crimes, where specific acts are identified, to impersonation of government officials, or improper leverage of government immigration mechanisms;
- Increased dedication of resources to investigation, data collection, and training for law

enforcement officers and prosecutors that would help identify, track, and respond to ever-changing forms of prejudice-driven activity;

- Authorize a “Marsy’s Law”-style provision granting victims of hate crimes the right to compel government investigation and prosecution, including statutory timelines for response and judicial remedies when law enforcement and prosecutors fail to act. Victims’ Bill of Rights, State of California—Department of Justice—Office of the Attorney General (2025).

Lawmakers and activists can also consider advocating for community-based, non-prosecutorial solutions in tandem with changes to existing hate crime legislation:

- Explore incorporating restorative justice into hate crime responses through victim-offender dialogue and community-based accountability measures that complement traditional prosecution;

- Create non-law-enforcement reporting and response systems by funding confidential hotlines, digital platforms, and community-based victim support, ensuring coordination with civil rights agencies for timely intervention and data collection;

- Conduct multilingual public awareness campaigns on impersonation, fraud, and hate crime risks, and hold regular community-law enforcement forums involving community members and law enforcement to build trust and clarify enforcement practices.

The Path Forward

As immigration policy continues to shift dramatically under the current administration and, with it, the potential for misuse and exploitation of immigration enforcement mechanisms continues to increase, it is imperative that legislators, law enforcement, prosecutors, attorneys, and activists

continue to consider the best ways to effect change—whether through increased awareness of legal remedies for potential victims, reinforcing mechanisms for reporting of hate crimes, prosecutorial education and training, development of new model hate crime laws or legislative changes, or other initiatives.

These efforts are especially crucial now, as some experts in the field have predicted a likely misleading decline in reports of hate crimes in the near future. As co-author Sim J. Singh Attariwala warned in *Advancing Justice | AAJC’s analysis of the FBI’s 2024 hate crime data*, “This anticipated drop should not be misinterpreted as a sign that hate has subsided. Rather, it reflects a troubling shift: hate is becoming increasingly invisible due to emerging risk patterns that suppress reporting, erode trust, and weaken institutional response. Without proactive intervention, communities may lose confidence in government efforts to prevent and respond to hate.” See *Advancing Justice | AAJC, (November 2025) Anti-Asian Hate in 2024: Analysis and Recommendations for Change*.

By holding perpetrators of hate-based immigration-related crimes accountable under existing hate crime laws where appropriate or, where needed, expanding hate crime laws to allow applicability for race-based immigration-related crimes, legislatures, activists, and attorneys can maximize justice for victims.

The views expressed in this article are the authors’ personal opinions and not those of the firm.

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