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How Democrats Can Rebuild the Public's Trust in Immigration Enforcement

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Immigration enforcement has become a two-sided trust challenge for Democrats. Voters overwhelmingly want to see changes to rein in and professionalize Immigration and Customs Enforcement (ICE), reflecting how badly trust in immigration enforcement has collapsed under the Trump Administration. But that opening for Democrats comes with a catch: voters still trust Republicans more than Democrats on immigration due to a Biden hangover. That means Democrats face two challenges at once: rebuilding public confidence in immigration enforcement itself while also rebuilding public confidence that they are willing and able to enforce our immigration laws.

That leaves Democrats with both an opportunity and an obligation. They cannot simply oppose Trump's chaos and cruelty—they also need a credible plan to replace it. To regain public trust on immigration enforcement, Democrats must show both that they will enforce the law, and that they will do so in a way that is safe, targeted, transparent, and consistent with the rule of law.

This memo is the second in Third Way's broader effort to encourage Democrats to center public trust in their immigration policy and messaging. Drawing on polling commissioned by Third Way and UnidosUS, as well as broader research on trust in law enforcement across different sectors, it lays out a roadmap for how Democrats can address both sides of the enforcement problem at once. To do so, they must overhaul ICE to make immigration enforcement more professional, lawful, and accountable and also advance a smart enforcement agenda that shows voters Democrats can be trusted to keep our communities safe and our country secure. That roadmap is built on four steps:

1. **Rebuild trust in immigration enforcement itself** by overhauling ICE and related enforcement agencies with a focus on procedural justice.
2. **Restore accountability** through fair, independent, and transparent processes for addressing abuses committed under Trump.
3. **Adopt a smart enforcement agenda** that prioritizes threats to public safety and the integrity of the immigration system.
4. **Prove that the government is following that agenda** through transparent implementation, measurable goals, and regular public reporting.

Destroying Public Trust

Voters are losing confidence in both Trump's immigration agenda and ICE itself. According to polling commissioned by Third Way and UnidosUS, Trump's job approval on immigration has fallen to 44%, and ICE is viewed unfavorably by voters overall, with a 43% favorable to 55% unfavorable rating. Both are even more underwater with Latino voters:

just 32% approve of Trump's handling of immigration, and ICE is viewed unfavorably by 34 points.

Against that backdrop, voters are receptive to Democrats' critiques of Trump's enforcement approach. In the fight over DHS funding, for example, they say Republicans are more to blame for refusing to reform ICE than Democrats are to blame for insisting on ICE reforms by an 11-point margin (53% to 42%). That suggests there is real political space for Democrats to continue arguing that immigration enforcement needs to be reined in, professionalized, and made more accountable.

But that opening has not yet translated into trust in Democrats to handle the issue of immigration. Many voters still doubt that Democrats are serious about enforcing immigration laws at all. The significant rise in arrivals during the Biden Administration, politically damaging policies such as the 100-day deportation moratorium, and a general perception of chaos at the border and in our asylum system, all fed the perception that Democrats were either unwilling or unable to enforce immigration laws. That perception persists. Even as trust in Trump's approach falters, voters still trust Republicans more than Democrats on the issue, 43% to 37%.

That is the two-sided trust problem Democrats now have to solve. The public has soured on Trump's approach and is open to reforming ICE, but it still does not fully trust Democrats to carry out immigration enforcement. A serious Democratic agenda must therefore do both at once: rebuild trust in the professionalism and legitimacy of immigration enforcement agencies and rebuild trust in Democrats' willingness and ability to enforce the law.

Overhauling ICE to Rebuild Trust

Democrats have started to lay out the steps for rebuilding and reforming immigration enforcement through the [ten basic guardrails](#) demanded in the recent DHS funding showdown. But a full [overhaul of ICE](#) that brings the agency to a place of public trust, compliance, and cooperation will require looking to the robust history of law enforcement reforms and applying what we've learned in those contexts.

Law enforcement agencies are not strangers to trust collapses—and immigration enforcement is far from the first system in the United States to face one. American policing has gone through repeated crises of legitimacy, from its roots in [slave patrols](#) and [Black-code enforcement](#), to the unrest examined by the [Kerner Commission](#), to [Rodney King](#), [Ferguson](#), and the [sharp national decline in confidence](#) after George Floyd's murder. Because these crises are not new, the playbook for responding to them is not new either. Decades of research and reform efforts point to the same broad lessons: trust is rebuilt when agencies operate with procedural justice, impose real accountability after

wrongdoing, and make visible changes that convince the public the system is no longer functioning as it did before.

Procedural Justice

Procedural justice—a broadly accepted policing framework, refined over decades to help build trust and legitimacy in law enforcement—should be the blueprint for fixing the immigration enforcement trust collapse. Decades of research show that people judge authorities not just by what they do, but by how they do it. In law enforcement, the procedural justice framework builds legitimacy with four core principles: treating people with dignity and respect, giving them a voice, acting without bias, and conveying trustworthy motives. When those principles are present, people are more likely to comply with the law and cooperate voluntarily. Even a single encounter grounded in procedural justice can measurably improve public trust.

ICE and Customs and Border Protection (CBP)—the parent agency to Border Patrol—were already failing this test before Trump returned to office. Even before his second term, ICE's record included violent arrests; inhumane detention conditions; disregard for immigrants' voices—including in decisions about their own medical care; disproportionate detentions of Hispanic or African American individuals, including US citizens; and the use of deception to secure compliance, including by posing as police or utility workers. And CBP, the border agency that this Administration has deployed into the interior, has an even more troubling history.

Trump's mass deportation agenda has made those failures even worse. Videos have captured ICE and other federal officers pulling US citizens from their vehicles, pointing guns at bystanders, impersonating utility workers, and using excessive force, such as chokeholds, kneeling on a target's head, vehicle maneuvers, pepper balls against peaceful protesters and reporters, and tear gas in residential areas and at close range. This enforcement push has already involved at least 23 shootings, including three fatal shootings of US citizens. Yet the accountability has been strikingly inadequate.

And this enforcement system is not just unaccountable—it is increasingly biased and untrustworthy. DHS and ICE social media and recruitment materials have included racist propaganda. ICE continues to rely on ruses, while officers now increasingly conceal their faces and identities. That is not professional law enforcement. It is an enforcement system operating far outside the basic principles of justice.

Democrats should answer this crisis by rebuilding immigration enforcement around the procedural justice framework.

That means reforms such as:

- **Dignity & Respect:** This entails training officers to treat the public with dignity and respect, which has been shown to greatly improve how they treat the public. But the agency culture matters too. Officers are more likely to treat people fairly when they themselves are treated fairly—when leadership explains decisions, applies discipline consistently, and includes employees in decision-making.
- **Voice and Participation:** Communities should have a real role in shaping how ICE and CBP operate. That includes involving community partners in officer training and creating structured forums where officers and community members can work through recurring concerns together.
- **Freedom From Bias:** Agencies need clear anti-bias policies, effective training, strong supervision, and transparent data collection and reporting. They should spell out when demographic factors may and may not be considered and back those rules with real accountability if they are violated.
- **Trustworthiness:** Officers should identify themselves, explain what is happening, give people a chance to speak, and treat people respectfully in everyday encounters. This trustworthiness has to be built into the agency itself—through fair internal practices, community input, and policies that make professionalism visible.

Procedural justice alone will not be enough. Immigration enforcement must also be lawful, effective, and fair. And rebuilding these agencies will also require rebuilding the workforce itself. Given concerns about how quickly and carelessly this Administration has expanded the immigration enforcement workforce, future leaders will need a personnel strategy focused on hiring, training, and retaining officers who embody equality, trustworthiness, and sound judgment, in addition to technical competence and knowledge of the law.

Clear, Actionable Accountability

Restoring trust in law enforcement also requires real accountability. One of the most important steps Democrats can take to rebuild confidence in immigration enforcement is to create an independent body to investigate abuses committed by ICE and CBP during the Trump Administration. So far, President Trump's DHS and DOJ have shown little interest in holding wrongdoers accountable and, at times, have even praised reckless or dangerous conduct.

Creating an independent body to investigate wrongdoing by ICE and CBP officers during the Trump Administration would help establish the truth, impose consequences where warranted, and begin restoring public trust that these agencies are not above the law.

Impunity is one of the fastest ways to destroy confidence in law enforcement. When officers abuse their authority and face no meaningful consequences, the public loses faith not just in individual actors, but in the institution itself. To begin repairing that damage, any accountability process for ICE and CBP must be fair, independent, transparent, and consequential.

When public trust has collapsed, agencies cannot be trusted to investigate themselves. That is why governments confronting serious law enforcement abuses have often turned to outside bodies to restore legitimacy. Countries such as the United Kingdom, Norway, and Canada, along with several US states, have created independent investigative bodies to examine police-caused deaths and other serious abuses. These structures bring the independence and credibility that internal processes often lack. They can establish the facts, investigate potential criminal misconduct, and refer cases for prosecution by special prosecutors or other independent authorities. Just as important, they show the public that accountability is real and not performative.

Democrats should establish a new body to ensure fair, independent, and transparent consequences for the abuses committed by ICE and CBP during the Trump Administration.

Such a body should be:

- **Radically Transparent:** The strongest accountability bodies are open and transparent, and have a clear jurisdiction and mandate.
- **Independent and Authoritative:** To ensure independence, the body should be structurally distinct from ICE and CBP, and, ideally, from DHS itself. The body should also have full access to officers, records, and evidence, and the authority to compel cooperation, including through subpoenas and search warrants, when needed.
- **Fair and Dignified:** The accountability process must also reflect procedural justice, ensuring its processes are viewed as legitimate, fair, and credible by both the public and the law enforcement personnel subject to it.

Such a body could help the country reckon with what happened under Trump. It could establish a public record of wrongdoing, identify patterns of abuse, recommend cases for prosecution or discipline, and make clear that no officer or agent is above the law. Just as important, it would show the public that immigration enforcement is no longer operating beyond meaningful oversight.

That body would not need to be permanent. DHS already has internal watchdogs and oversight offices that are supposed to make the department answerable to the public. But the Trump Administration has largely ignored or sidelined them. Over the long term, Democrats should revitalize those offices and consider strengthening their statutory authority so that oversight does not depend on the goodwill of future administrations.

Using Smart Enforcement to Rebuild Trust in Democrats

Democrats should not respond to their persistent poor polling on immigration enforcement by embracing “Trump lite,” or by reflexively swinging toward open borders. Americans want immigration laws enforced, but they do not want chaos, lawlessness, or enforcement for enforcement’s sake.

Trump’s approach has been defined by numbers-driven, indiscriminate enforcement: chasing deportation quotas, detaining and attempting to deport people who pose little or no public safety threat, and pursuing removals regardless of the broader costs to communities, institutions, the economy, or the rule of law. And voters are wholly rejecting this indiscriminate approach: 54% of voters overall and two-thirds of Latino voters oppose deporting all undocumented immigrants. Instead, a supermajority—77%—of voters support a targeted approach to immigration enforcement that focuses on removing immigrants with criminal records and recent unauthorized arrivals.

Democrats should define themselves as the party of smart immigration enforcement.

That means enforcing the law in ways that actually benefit the country. Broader law enforcement research suggests that when agencies target their resources toward problems the public sees as serious and recurring, public trust in police effectiveness can increase. The same principle should guide immigration enforcement.

A smart enforcement agenda should:

- **First, focus on threats to public safety and on protecting the integrity of the immigration system.** That means prioritizing enforcement actions against

individuals who pose genuine public safety risks, individuals who have recently entered unlawfully, and other categories tied to clear national interests.

- **Next, show those priorities are real with visible follow-through.** That means making clear what the priorities are, setting specific enforcement goals, and regularly reporting data that allows the public to judge whether the government is actually adhering to them.

The Obama Administration offers an important, if incomplete, example of what this can look like. When President Barack Obama took office, he inherited an immigration enforcement system with unprecedented capacity to identify, apprehend, and deport undocumented immigrants. His Administration then expanded upon this capacity and, as a result, in Obama's first five years, removals approached the total number carried out during all eight years of the George W. Bush Administration.

The increased enforcement resulted in a strong backlash on the left. Many allies of the Administration criticized the high number of removals and the degree to which enforcement actions disrupted families and communities. In response, the Obama Administration publicly initiated a review of its deportation policies and committed to making immigration enforcement "more humane" while remaining within federal law.

The resulting executive actions in November 2014 included a smart enforcement agenda:

- First, they focused immigration enforcement actions on three priority categories that included threats to national security, public safety, and border security, including people with criminal records and recent arrivals.
- Second, they directed DHS to collect, maintain, and report data showing whether enforcement actions were in fact aligned with those priorities.

The resulting reporting showed the Administration did exactly what it had promised to the American people. In fiscal year (FY) 2015, more than 98% of ICE removals fell within one of the three designated priority categories. In FY 2016, more than 99% did. Soon after announcing the priorities, the administration showed that the system was following them—putting its proverbial money where its mouth was.

With only two remaining years of the Obama Administration, the 2014 shift did not appear to dramatically improve broad public perception of Obama's handling of immigration—though there is evidence of improved trust with immigrant communities and law enforcement. But it did show how an administration can do the two things Democrats desperately need to do again now: set smart enforcement priorities tied to public interests,

and back them up with transparent reporting that proves the government is doing what it said it would do.

Conclusion

Democrats need more than criticism of Trump's excesses—they need a governing plan that shows they can make immigration enforcement work for the country. The failing credibility of the federal immigration enforcement apparatus will eventually become a Democratic problem—whether the next time a Democrat takes the White House, the next time Democrats govern Congress, or both. If Democrats do not have a plan for how to fix immigration enforcement, they will be trying to enforce immigration laws against the grain of a public that does not trust the system or want to cooperate with it.

Righting the ship means starting now with a plan to overhaul ICE, restore accountability for abuses, focus enforcement on threats that matter most, and provide thorough transparency and results that show the system is being run competently and in the public interest. Only then can Democrats begin to close both trust gaps at once: the public's distrust of immigration enforcement agencies, and the public's lingering doubt that Democrats are willing and able to enforce the law.
