

Congress of the United States
U.S. House of Representatives
Washington, DC 20515

May 19, 2025

Hon. Kristi Noem
Secretary
U.S. Department of Homeland Security
Mail Stop 0525
Washington, DC 20528

Mr. Todd M. Lyons
Acting Director
U.S. Immigrations and Customs Enforcement
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Secretary Noem and Acting Director Lyons:

We write with alarm regarding reports that Department of Homeland Security (DHS) and U.S. Immigrations and Customs Enforcement (ICE) personnel have begun appearing without judicial warrants at numerous restaurants and small businesses in the Washington, DC metropolitan area, seeking access to employees and their records for immigration enforcement purposes.¹ In particular, these visits seem to have overwhelmingly occurred at local neighborhood eateries, rather than chain restaurants.²

As you know, America and its 35 million small businesses are facing an unprecedented labor shortage, and job openings have frequently outnumbered unemployed Americans in recent months.³ According to the American Immigration Council, the Trump Administration's immigration detention and deportation practices "would exacerbate the U.S. labor shortage." These effects may be more intense than initially thought, given DHS and ICE's apparent willingness to detain and deport individuals with legal status and U.S. citizenship.⁴ Moreover, they would also disproportionately constrain the workforce supply for small businesses in the hospitality industry, where one in 14 workers is undocumented,⁵ and which were targeted in the newest round of ICE appearances.⁶

¹ Pablo Manríquez, *ICE in DC: Restaurants Brace For Friday; Bilingual Schools Lawyer Up*, MIGRANT INSIDER (May 6, 2025), <https://migrantinsider.com/p/ice-in-dc-restaurants-brace-for-friday>.

² *Id.*

³ *Number of unemployed persons per job opening, seasonally adjusted*, U.S. BUREAU OF LAB. STAT. (Apr. 29, 2025), <https://www.bls.gov/charts/job-openings-and-labor-turnover/unemp-per-job-opening.htm>.

⁴ María Luisa Paúl, *Here are the U.S. citizens caught in Trump's immigration crackdown*, WASH. POST (May 3, 2025), <https://www.washingtonpost.com/immigration/2025/05/02/citizens-caught-trump-immigration-crackdown>; Joel Rose, *Green-card holders, travelers caught in Trump's immigration crackdown*, NPR (Apr. 1, 2025), <https://www.npr.org/2025/04/01/nx-s1-5339698/green-card-holders-detained-border-crackdown>.

⁵ AM. IMMIGR. COUNCIL, MASS DEPORTATION; DEVASTATING COSTS TO AMERICA, ITS BUDGET AND ECONOMY 5 (Oct. 2024).

⁶ Pablo Manríquez, *supra* note 1.

Hundreds of arrests have been claimed,⁷ and we have also read reports that ICE agents may have attempted to violate the constitutional and due process rights of small business owners and employees during their visits to these restaurants. In the early afternoon of May 6, 2025, ICE personnel entered a restaurant in Washington, DC's Dupont neighborhood. When those agents were told by a manager that they needed a warrant to access private areas and the staff within, the agents explicitly denied this fact and attempted to "push past the staff to get at the kitchen workers."⁸

Like all Americans and other persons on American soil, Main Street businessowners and employees are entitled to constitutional protections against warrantless search and seizure under the Fourth Amendment.

Altogether, ICE's apparent targeting of small businesses and disregard for the constitutional rights of Main Street entrepreneurs and employees has added to compounding waves of anxiety and fear among the staff and diners that support those enterprises. This fear has dissuaded restaurant and delivery workers from reporting for shifts and gigs, and potential customers from frequenting establishments, draining businesses' capacities and sales.⁹ It is reflected in the Committee on Small Business's February hearing testimony of Ms. Molly Moon Neitzel, the Founder and CEO of Molly Moon's Homemade Ice Cream in Seattle,¹⁰ and countless stories shared by small business owners across the country. In Washington, DC, in response to recent ICE appearances, some restaurants began locking their doors and even closed early, preventing agents from entering their premises but also discouraging possible guests from entering as well.¹¹

Should these operations metastasize and spread outside Washington, DC, it would gravely injure the backbones of local economies across our country, just as it has in our nation's capital.

DHS and ICE's heavy-handed pursuit of hardworking immigrants – and seeming disregard of the constitutional and due process rights of small business owners and employees – adds to the numerous existential threats the Trump Administration's policies and actions are posing to the millions of jobs and livelihoods powered by Main Street America. We strongly urge you to consider the impact your actions and approaches to immigration are having on America's small employers.

⁷ Sophie Rosenthal, *Trump administration says it arrested 189 people in immigration crackdown in DC*, WUSA9 (May 13, 2025), <https://www.wusa9.com/article/news/dmv-immigration/trump-administration-announces-arrests-in-dc-ice-operation/65-9610c6ca-0112-4ea2-9b6c-5ba77c301041>.

⁸ Pablo Manríquez (@PabloReports), Twitter (May 6, 2025, 2:32 PM), <https://twitter.com/PabloReports/status/1919822694477947003>.

⁹ Rafael Sanchez-Cruz, *'We need help' | DC on high alert over reports of immigration enforcement operations*, WUSA9 (May 6, 2025), <https://www.wusa9.com/article/news/dmv-immigration/dc-ice-enforcement-operations/65-8a1a631-45ab-4f45-bee8-da1a860989ce>; Elissa Salamy, *ICE agents went into DC restaurants asking to see staff I-9 forms*, FOX 5 WASH. D.C. (May 6, 2025), <https://www.fox5dc.com/news/ice-agents-went-into-dc-restaurants-asking-to-see-staff-forms>; Nicolae Viorel Butler, *ICE in DC: Fear Paralyzes Migrant Life in the District*, MIGRANT INSIDER (May 7, 2025), <https://migrantinsider.com/p/ice-in-dc-fear-paralyzes-migrant>.

¹⁰ Hope on the Horizon: Prioritizing Small Business Growth in the 119th Congress: Hearing before the H. COMM. ON SMALL BUS., 119th Cong. (Feb. 5, 2025).

¹¹ Pablo Manríquez, *supra* note 1; Pablo Manríquez (@PabloReports), Twitter (May 6, 2025, 4:21 PM), <https://twitter.com/PabloReports/status/1919850093760463329>; Beatrice Peterson, *ICE targets businesses and restaurants across DC*, ABC NEWS (May 6, 2025), <https://abcnews.go.com/US/ice-reportedly-targeting-businesses-restaurants-dc/story?id=121539713>.

With that, we ask that you respond to the following informational requests by **no later than Thursday, May 29**:

- 1) Within the last month, how many visits have DHS and ICE personnel made to restaurants? Of these visits:
 - How many of these restaurants were small businesses?
 - How many were prompted by substantial evidence that an employee of the restaurant was an undocumented immigrant with a criminal history?
 - How many were scheduled based on the suspected physical presence of a specific employee of the restaurant?
 - How many were conducted under the auspices of a judicial warrant signed by a federal District Court judge?
- 2) Are DHS and ICE considering whether a workplace is a small business when deciding to send personnel there on visits?
- 3) To what extent have DHS and ICE trained and reminded personnel undertaking workplace visits on the Fourth Amendment rights of the individuals they encounter?
 - Do any training programs or reminders for DHS and ICE personnel include statements that they cannot forcibly enter staff-only areas of workplaces, including kitchens, without a judicial warrant? If so, are those programs or reminders required for personnel to attend or receive?
- 4) Have DHS and ICE evaluated the disproportionate regulatory and paperwork burdens that immigration audits and raids have on small businesses? If not, do they plan to do so?
- 5) To what extent have DHS and ICE considered enforcement fairness for small businesses when enacting immigration policy changes and planning enforcement crackdowns? If they have not done so, will they plan to?

Pursuant to Rule X of the House of Representatives, the Committee on Small Business (Committee) has broad authority to investigate “problems of all types of small business.” The Committee possesses jurisdiction over “assistance to and protection of small businesses.” If you have any questions, please contact Matt Low with the Committee’s Democratic staff at (202) 225-4038.

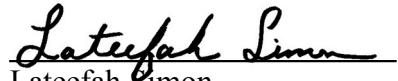
Sincerely,



Nydia M. Velázquez
Ranking Member
Committee on Small Business



LaMonica McIver
Member of Congress



Lateefah Simon
Member of Congress



Eleanor Holmes Norton
Member of Congress



Gilbert Ray Cisneros, Jr.
Member of Congress



Johnny Giszewski, Jr.
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