



Minneapolis, 24 January 2026. ICE and Border Patrol agents in gas masks hold Nicollet Avenue hours after federal agents shot dead Alex Pretti, an intensive care nurse and US citizen. Photo: Chad Davis, CC BY 4.0, via Wikimedia Commons. Cropped.



NO. 2 · 22 OCTOBER 2026

Killed, Jailed, and Disappeared

The Human Record of US Immigration Enforcement, January 2025 to October 2026

The Supreme Court holds that immigration detention is civil and may never punish. Since January 2025 at least sixty people have died in ICE custody, thirty-seven of them in the last fiscal year, the most since the agency began. Federal agents have shot dead American citizens on American streets, and no agent has been charged with any of those killings.

County medical examiners, federal inspectors and federal judges, Trump's own appointees among them, have recorded the punishment the law forbids.

Daphy Michel was 31, a Haitian asylum seeker with a severe mental illness that no one had treated. The Washington County jail in Pennsylvania held her for six months on misdemeanour charges of terroristic threats and harassment. When a court dismissed the charges, the jail handed her to Immigration and Customs Enforcement (ICE) instead of setting her free. On 27 February 2026, ICE released her into a Pittsburgh winter with an ankle monitor and what her lawyer called “September clothes”. She spent about a day in a bus shelter. She died on 2 March 2026. On 12 June 2026 the Allegheny County Medical Examiner ruled the cause hypothermia and the manner homicide. The examiner described her as “a vulnerable adult, suffering from untreated severe mental health issues and a significant language barrier” [1, 2, 3].

No court had convicted her of anything, and no court could have convicted her for being in the country. No prosecutor has charged anyone over her death. Because she died after ICE released her, her name appears nowhere in ICE’s count of deaths in custody.

The United States tells its courts that immigration detention is civil, a holding measure to make sure people attend their hearings, and that it may never serve as punishment. Public officials’ own records tell a different story: ICE’s death notices, federal inspectors’ reports, the findings of county medical examiners, and the rulings of federal judges, several of them appointed by the present President. Those records describe punishment, sometimes fatal, inflicted on people whom no court has tried or sentenced. To tell the courts one thing and do another is hypocrisy. When the toll includes deaths that ordinary medical care could have prevented, it is a grave and continuing injustice, and the government that commits it owes the dead an accounting.

What US Law Promises the People It Detains

On one premise the Court has spoken plainly. In *Arizona v. United States* in 2012, Justice Anthony Kennedy wrote for the Supreme Court: “As a general rule, it is not a crime for a removable alien to remain present in the United States.” He added: “Removal is a civil, not criminal, matter” [4]. Crossing the border without inspection is a separate federal misdemeanour, but most people in ICE detention face a civil question under civil law: whether they may stay.

The Court has also set limits on civil detention. In *Zadvydas v. Davis* in 2001 it wrote: “The proceedings at issue here are civil, not criminal, and we assume that they are nonpunitive in purpose and effect.” It recalled *Wong Wing v. United States*, an 1896 case in which it struck down a law that imprisoned Chinese people found unlawfully in the country at hard labour for up to a year, without a jury trial, before removing them. Punishment of that kind, the Court held, required a criminal trial, because “all persons within the territory of the United States are entitled to the protection” of the Constitution [5].

The Court has even supplied a test for telling punishment from administration. In *Bell v. Wolfish* in 1979, a case about people jailed while they awaited trial, it held that when a condition of detention “is not reasonably related to a legitimate goal” and is “arbitrary or purposeless”, a court may infer that its purpose is punishment, which “may not constitutionally be inflicted upon detainees qua detainees” [6]. Denying insulin to a diabetic does nothing to bring him to his hearing. Neither does ignoring an infection for weeks, or confining a man in a cage as discipline. Under the Court’s test, conditions like these invite the inference of punishment, and where officials know of the danger and do nothing, courts call it deliberate indifference.

The Court has gone further still. In *Youngberg v. Romeo* in 1982 it held: “Persons who have been involuntarily committed are entitled to more considerate treatment and conditions of confinement than criminals whose

conditions of confinement are designed to punish” [7]. Several federal appeals courts have applied that reasoning to other civil detainees: a person held for a civil purpose is owed better treatment than a convicted prisoner receives.

Custody also brings a duty of care. A locked-up person can no longer fetch their own insulin, see their own dentist or leave a cold room. In *DeShaney v. Winnebago County* in 1989, a judgment that denied any remedy to a small boy beaten by his father, the Court still affirmed the principle: “when the State takes a person into its custody and holds him there against his will, the Constitution imposes upon it a corresponding duty to assume some responsibility for his safety and general well-being” [8].

These are the government’s own terms: detention may not punish, and custody brings a duty of care. Measure the record against them.

A Record Death Toll, and a Rising Death Rate

Thirty-seven people died in ICE custody in the fiscal year that ended on 30 September 2026, the highest annual total since the agency’s founding in 2003 [9]. The previous record, 28 deaths in fiscal 2004, fell by mid-April 2026 [10]. Since January 2025 at least sixty people have died in ICE custody, by the count of Relevant Research, a group that tracks detainee deaths. The sixtieth, Emiliano Andrade-Covarrubias, 56, a lawful permanent resident from Dallas, died at the Rio Grande Processing Center in Laredo, Texas, on 17 October 2026. His daughter, Estefani Andrade, says staff would not give him the medications he had brought with him [11, 12].

Defenders of the system answer that ICE now detains far more people, and it does: about 73,000 in mid-January 2026, the first time the population had passed 70,000 [13]. Human Rights Watch therefore measured the death rate as well as the count. It found the mortality rate in ICE custody about 140 per cent higher in the year from January 2025 to January 2026 than in

the year before, while the detained population rose by 77 per cent [14]. Deaths have outrun the growth in detention. Each person ICE holds now faces a greater risk of dying in its hands.

Independent physicians who reviewed the deaths in ICE detention from 2017 to 2021 judged 95 per cent of them preventable or possibly preventable [15]. The suicides follow the same course. An Associated Press investigation found at least ten suicides in ICE custody between January 2025 and May 2026, seven of them in fiscal 2026 alone, already a record. Seven of the ten had no record of violent crime [16].

Agents Shoot, Officials Blame the Dead, and No One Is Charged

Deaths in custody come slowly. Killings on the street come in seconds, and they follow a pattern. An agent shoots someone. Within hours the Department of Homeland Security (DHS) says the victim attacked the agent, usually with a car. Then the evidence arrives: video, an autopsy, a body-camera recording. The evidence contradicts the department, and still no prosecutor charges the agent with the killing.



A federal agent during an ICE enforcement operation in Los Angeles, 12 June 2025. Photo: Tia Dufour, Department of Homeland Security (public domain).

On 7 January 2026 an ICE officer, Jonathan Ross, shot Renee Good as she sat at the wheel of her SUV in Minneapolis. She was 37, a US citizen, a poet and a mother of three. Kristi Noem, then Secretary of Homeland Security, called the shooting “an act of domestic terrorism” and said Good had tried to “weaponize her vehicle”. Cellphone video appears to show her turning the wheel away from Ross before she drove away. An autopsy commissioned by her family found three gunshot wounds and a graze, one through the left side of her head [17, 18]. The FBI took sole control of the investigation, and Minnesota’s state investigators withdrew. Minnesota had to sue to obtain the evidence, which arrived in July 2026; the Hennepin County Attorney is still reviewing it. No prosecutor has charged anyone. On 1 October 2026 her family sued the United States for wrongful death, and sued Ross and senior officials under the Ku Klux Klan Act of 1871, among them Noem; Stephen Miller, the White House deputy chief of staff; Tom Homan, the President’s border adviser; and Corey Lewandowski, Noem’s former senior adviser [19].



A vigil for Renee Good in South Minneapolis on the night of her killing, 7 January 2026. Photo: Chad Davis, CC BY 4.0.

Seventeen days later, in the same city, federal agents killed Alex Pretti, 37, an intensive care nurse at the Minneapolis VA Medical Center and a US citizen. He was filming an enforcement operation. Video appears to show agents spraying him, forcing him to the ground and taking the handgun he carried under permit before two of them opened fire. Noem called his conduct “domestic terrorism” [20]. The Hennepin County Medical Examiner ruled his death a homicide [21]. ProPublica later identified the two men who fired as Border Patrol agent Jesus Ochoa and Customs and Border Protection officer Raymundo Gutierrez. CBP placed both on leave [22].

On 12 September 2025 an ICE agent shot Silverio Villegas González, a 38-year-old line cook, in Franklin Park, Illinois, minutes after he had dropped his children at school. DHS said he had dragged an officer “a significant distance”. Body-camera footage obtained by the *Chicago Sun-Times* shows the officer calling his own injuries “nothing major” [23]. The coroner found that he had been shot from behind at close range, downward through the back of his neck [24]. DHS says federal prosecutors declined to charge the agent; an Illinois State Police investigation remains open.

In Chicago in October 2025, Border Patrol agent Charles Exum shot Marimar Martinez, a US citizen, five times. The government charged her with assaulting an officer and charged him with nothing. On 20 November 2025 a federal judge dismissed the case against her with prejudice, at the government's own request [25]. A forensic reconstruction commissioned for her lawsuit alleges that Exum fired from outside her car's path [26].

The pattern began early. On 15 March 2025, at a crash scene on South Padre Island, Texas, a Homeland Security Investigations agent, Jack Stevens, fired three shots into a car and killed Ruben Ray Martinez, 23, a US citizen. ICE's report says the car struck an agent, who ended up on its hood [27]. The public learned of ICE's involvement only in February 2026, eleven months later, through records obtained by the watchdog group American Oversight. Video released by the Texas Department of Public Safety, including a local police officer's body-camera footage, cast doubt on DHS's account, and the family's lawyer says the car was braking [28]. On 25 February 2026 the grand jury declined to indict [29].

The killings continued. On 7 July 2026 an ICE officer shot and killed Lorenzo Salgado Araujo, 52, as he drove his construction crew in Houston. The officers had come to arrest someone else, and they wore no body cameras [30, 31]. Six days later in Biddeford, Maine, an ICE officer shot and killed Johan Sebastián Durán Guerrero, 25. The warrant named another man, and his family's lawyer says no one had ever accused him of a crime [32].

Each killing, taken alone, can be described as a tragic split-second judgement. Taken together, they form a pattern: the accusation comes first, the contrary evidence later, and the outcome never varies. No agent has faced a criminal charge for any of these killings. When the same sequence recurs in case after case, the structure of the system explains it better than chance or any one agent's split-second judgement does.

How the System Shields Agents From Prosecution

That structure has identifiable parts. Federal investigators take over the cases and shut out state ones, as the FBI did after Renee Good's death. Many officers wear no body cameras. When a state does charge an agent, the agent can find refuge: in May 2026 the Hennepin County Attorney charged an ICE agent with assault over a non-fatal shooting in Minneapolis, Texas has refused to extradite him, and in August 2026 a federal judge declined to make it [33]. Federal officers can claim immunity from state prosecution for acts within their federal duties, a doctrine the Supreme Court recognised in 1890 [34]. And in *Egbert v. Boule* in 2022, the Supreme Court all but closed the main road by which victims once sued federal agents for damages under the Constitution, ruling that a man injured by a Border Patrol agent had no such claim [35]. That ruling explains why Renee Good's family, besides suing the United States, has reached back to the Ku Klux Klan Act, a statute Congress passed in 1871 to stop the Klan's terror against Black citizens. A law written against the night riders of Reconstruction now offers one of the few routes to holding federal officials personally liable.

Deaths From Illnesses Any Clinic Could Treat

Most of the people who died in custody died of illnesses that prompt medical care can treat.

Ismael Ayala-Urbe came to the United States at the age of four and once held protection under the Deferred Action for Childhood Arrivals (DACA) program. At the Adelanto ICE Processing Center in California, run by the private prison company GEO Group, he reported fever and pain on 18 September 2025, and staff returned him to his cell with over-the-counter pain pills. Three days passed before they sent him to hospital. He died on 22 September 2025, aged 39, 37 days into his detention. His parents' lawsuit says a serious infection had progressed to sepsis [36]. Conditions at Adelanto grew bad enough that on 16 July 2026 US District Judge Sunshine

Sykes ordered the government to give the people held there 24-hour access to clean drinking water and adequate medical care [37]. A federal court had to order the United States government to give the people it detains clean water.

Carlos Josué Marchena-Marchena, 36, from Costa Rica, had type 1 diabetes. His sister says that at Winn Correctional Center in Louisiana he missed insulin and meals. His girlfriend says that for chest pain, “All they gave him was a pill”. Guards found him unresponsive on 18 September 2026 [38]. Edwin Jovanny López Cornejo, 41 by ICE’s account, had diabetes, hypertension and epilepsy and had lived in the United States for more than twenty years. His family says that at Delaney Hall in Newark he received his medication “when they wanted, not when he needed them.” The day before he collapsed, he said he could not feel half his face or his right hand. He died on 1 August 2026 [39]. Fouad Saeed Abdulkadir, 46, an imam from northeast Ohio, asked a federal court on 11 December 2025 for emergency release to obtain medical care. The judge denied the request that day. Three days later he died at the Moshannon Valley Processing Center in Pennsylvania after complaining, by ICE’s own account, of chest pains [40].

Emmanuel Clifford Damas, 56, was a Haitian man arrested in Boston. CoreCivic, a private prison company, held him in Florence, Arizona. His family says he complained of a toothache in mid-February 2026. A helicopter took him to hospital on 19 February 2026, and he died on 2 March 2026. The Maricopa County Medical Examiner found that an infection from a neck abscess, “in the setting of severe dental caries and periodontal disease”, had spread into his chest [41]. The examiner’s record also shows that he declined tooth extractions in October 2025 and January 2026, and refused an evaluation the day before he went to hospital [42]. Staff therefore knew of his dental disease for at least four months before it killed him.

The official record offers other explanations in some deaths. The El Paso County Medical Examiner ruled the first death at Camp East Montana, that of Francisco Gaspar-Andrés, a Guatemalan man, natural, from cirrhosis of the liver [43]. ICE says Parady La, a refugee who arrived in Philadelphia in the 1980s, was in severe drug withdrawal when officers found him unresponsive the day after his arrest [44].

A natural death in custody remains a death in custody. Withdrawal is a medical emergency, and any competent jail screens for it. A dental infection that kills gives months of warning, and a patient who refuses one treatment still needs another. The state that holds a person against their will takes responsibility for their safety and wellbeing. When a person dies in custody of a condition medicine can treat, the question becomes why no one treated it.

Some deaths in custody admit no natural explanation at all. Geraldo Lunas Campos, 55, a Cuban man who had lived in the United States since 1996, was held at Camp East Montana because Cuba would not issue him travel documents. ICE had held him since July 2025. He had bipolar disorder, and staff had found him with a sheet around his neck three months before he died on 3 January 2026 [45]. ICE first reported “medical distress”, then a suicide attempt, then death after staff’s “spontaneous use of force”. On 21 January 2026 the El Paso County Medical Examiner ruled his death a homicide by “asphyxia due to neck and torso compression”. Six detainees told a federal court that he begged for his asthma medication, and one said a guard choked him until he lost consciousness [46, 47]. He had criminal convictions from 2003 and 2009. Those convictions belong in the record. They did nothing to lessen the state’s duty to keep him alive.



Housing tents at Camp East Montana, Fort Bliss, El Paso. Image: US Government Accountability Office, GAO-26-108886 (public domain).

What Inspectors Found, and What ICE Concealed

ICE has kept much of its record from public view.

Federal policy requires ICE to post a public notice within 48 hours of a death in custody. In April 2026 two Democratic senators from Georgia, Jon Ossoff and Raphael Warnock, reported that ICE had met that requirement in only 15 of 49 deaths [10]. Questioned in Congress on 16 April 2026, the acting director of ICE, Todd Lyons, answered only: “We are reporting. We are working on that timeline.” Later that day he announced that he would resign at the end of May 2026 [48].

According to KPRC, a Houston television station, ICE sent the next body from Camp East Montana to an Army hospital instead of the El Paso County Medical Examiner, whose office later ruled the earlier death a homicide. Staff found Victor Manuel Diaz, 36, a Nicaraguan man, with a ligature on 14 January 2026 after hours in a medical holding room. ICE reported a

presumed suicide and sent his body to William Beaumont Army Medical Center, which releases autopsies only to families and investigators [49]. His brother says: “I don’t believe he took his life” [50].

Staff found Chaofeng Ge, 32, a Mandarin speaker held by GEO Group at Moshannon Valley in Pennsylvania, hanged in a shower stall on 5 August 2025, four days after he entered custody. The coroner’s autopsy ruled his death a suicide and recorded that he was found “with his hands and feet tied behind his back” [51]. ICE’s death report made no mention of the bindings [52]. Royer Pérez-Jiménez, 19, the youngest person to die in ICE custody under this administration, died at the Glades County jail in Florida on 16 March 2026. ICE reported a presumed suicide and said he faced felony charges in Volusia County, but the Volusia County sheriff’s office says he does not appear in its system [53].

The Government Accountability Office, the investigative arm of Congress, examined Camp East Montana, the tent camp at Fort Bliss in El Paso that serves as ICE’s largest facility. It found that the camp opened before construction had finished, that evidence in one death was “missing or destroyed”, and that a detainee with tuberculosis was housed with the general population after the contractor screened people by questionnaire instead of the required skin test. Under a \$1.3 billion contract, the Army wasted up to \$11.5 million in the first two weeks, before any detainee arrived, and ICE paid millions more for meals it did not need. At the end of February 2026 the camp held about 1,600 people, and the government was paying to hold 5,000 [54]. Human Rights Watch and the American Civil Liberties Union interviewed 80 people about conditions there. They titled their report with what guards told one detainee: “You’re only getting out deported or dead” [55].

The DHS Office of Inspector General found that at Alligator Alcatraz, a detention camp Florida built and ran in the Everglades for ICE detainees until it closed in June 2026, staff held 79 people in metal enclosures of

about 18 square feet, for up to nearly two hours, and in at least one instance may have used the enclosures as discipline. The inspectors found that the practice “does not meet standards for humane treatment” [56].



A small metal enclosure at Alligator Alcatraz, 21 January 2026. Photo: DHS Office of Inspector General (public domain).

What Federal Judges Have Found, Trump’s Appointees Among Them

Federal judges heard sworn testimony, watched the video, and made findings.

In Chicago, US District Judge Sara Ellis reviewed hundreds of hours of footage. On 7 November 2025 she found that agents’ “use of force shocks the conscience”, and that the Border Patrol commander, Gregory Bovino, had admitted lying about being hit by a rock before he ordered tear gas [57]. At the Broadview processing centre outside Chicago, US District Judge Robert Gettleman said from the bench that the facility “has really become a prison”, and he ordered changes to sleeping conditions he found unnecessarily cruel [58]. In Manhattan, on 24 September 2026, US District

Judge Lewis Kaplan found that ICE had complied with his orders on its holding rooms at 26 Federal Plaza “only when convenient for them”. He found that ICE imposed the conditions there “to inflict punishment on detainees and induce them to self-deport”, and he issued a permanent injunction requiring sanitation, meals, medical care and free calls to lawyers [59]. A federal judge has found, in so many words, that ICE uses detention to punish.

Some of the sharpest findings come from judges whom Donald Trump appointed. In Alabama, on 21 September 2026, Chief Judge Jeffrey Beavertock temporarily halted warrantless immigration raids on private construction sites. Leonardo Garcia Venegas, a US-born construction worker whom agents had twice detained, brought the case; on the second occasion they told him his valid Alabama REAL ID was fake [60, 61]. On Long Island, on 6 October 2026, Judge Gary R. Brown found that ICE agents gave “evasive and apparently perjurious” testimony and fabricated a warrant after the fact to justify a wrong-identity arrest in the Bronx. “ICE agents falsified official records trying to conceal their illegal actions,” he wrote, “which included significant injury to a U.S. citizen” [62]. The President chose these judges himself.

American Citizens Held, Beaten and Deported

The record denies American citizens the comfort of supposing that all this happens to other people.

ProPublica documented 506 US citizens held by immigration agents between January 2025 and September 2026, at least 70 of them children and teenagers. Agents deported roughly a dozen citizens, most of them children. Agents held more than 100 after questioning their citizenship, and nearly all of those were people of colour. Of the more than 300 citizens detained on accusations of assault or obstruction, prosecutors charged fewer than half in federal court, and at least 63 were detained while recording agents. The government keeps no count of its own [63].

George Retes, an Iraq War veteran working as a security guard, told agents at a roadblock that he was a citizen. They broke his driver's-side window and pepper-sprayed him; one agent knelt on his neck and another on his back. They held him for more than 72 hours without charges, a hearing or access to a lawyer. No one ever charged him with anything [64]. Agents held Brian Morales Garcia, born in Denver, for days and deported him to Mexico on 7 April 2026. The Justice Department let him re-enter on 30 August 2026, and DHS still disputes his citizenship [65]. In April 2025 ICE deported a two-year-old American girl with her mother before a judge could rule. Judge Terry Doughty, a Trump appointee on the federal bench in Louisiana, wrote of a “strong suspicion that the Government just deported a U.S. citizen with no meaningful process” [66]. The government said the mother had asked to take her daughter with her.

The Supreme Court made such abuses easier. In September 2025, in *Noem v. Vasquez Perdomo*, it stayed a Los Angeles order that had barred agents from stopping people based solely on apparent ethnicity, speaking Spanish or accented English, presence at places such as car washes and bus stops, or type of work, alone or in combination. Justice Brett Kavanaugh wrote that ethnicity can be “a ‘relevant factor’ when considered along with other salient factors.” Justice Sonia Sotomayor, joined by Justices Elena Kagan and Ketanji Brown Jackson, answered him: “We should not have to live in a country where the Government can seize anyone who looks Latino, speaks Spanish, and appears to work a low wage job” [67]. Enforcement that begins with how a person looks cannot stop at citizenship, because no one can see citizenship.

Is “Concentration Camp” the Right Word?

Many writers call these places concentration camps, and many readers recoil from the term. The word deserves use only with a definition.

The historian Andrea Pitzer, author of *One Long Night*, a global history of such camps, defines them as “mass civilian detention without real trials targeting vulnerable groups for political gain”, with people chosen for their ethnicity, race, religion or politics “rather than for crimes committed”. She distinguishes them from extermination camps, and in July 2025 she applied the term to Alligator Alcatraz [68]. On that definition the question becomes one of fact. Does the United States hold civilians in large numbers? Yes: more than 70,000 at the peak. Without real trials? Detainees face immigration judges who work for the Justice Department, most of them without a lawyer, and no jury ever hears their cases [69]. Chosen by ethnicity rather than for crimes committed? At the stops where detention often begins, Justice Kavanaugh wrote that apparent ethnicity may count, the Court let the stops resume, and nearly all the citizens whom agents held after questioning their citizenship were people of colour. For political gain? On 1 July 2025 the President toured Alligator Alcatraz before the cameras. On Pitzer’s definition, the camps qualify.

The United States has done this before and has said so. During the Second World War it incarcerated about 120,000 people of Japanese ancestry, most of them American citizens. In 1988 President Ronald Reagan signed the Civil Liberties Act, which apologised to them and paid each survivor \$20,000. Camp East Montana stands on Fort Bliss, where in 1942 the Army ran a detention station for enemy aliens, mostly men of Japanese, German and Italian descent [70, 71]. The country has detained civilians on this ground before. It later apologised to the Japanese Americans it confined, though never to the German and Italian nationals held here.



Inside Alligator Alcatraz during the President's tour, 1 July 2025. White House photograph (public domain).



The Mochida family, US citizens among them, await the bus to incarceration, Hayward, California, 8 May 1942. Photo: Dorothea Lange, US National Archives (public domain).

The record stops short of death camps, and so does my claim. My claim is narrower and harder to escape. The United States now holds tens of thousands of civilians without trial in conditions that its own judges call cruel, and its own inspectors have found people held in small metal cages. They die there at a rising rate, and no one answers for their deaths.

Australia's High Court Drew the Same Line

I write as an American who lives in Australia. Australia's own record of immigration detention is harsh, yet its High Court has drawn, in Australian law, the line that the US Supreme Court drew in *Wong Wing*.

In Australia, the High Court set the rule in 1992. In *Chu Kheng Lim v Minister for Immigration*, a case brought by Cambodian asylum seekers held in Australian detention, it held that the Australian government may detain a non-citizen only so far as detention is “reasonably capable of being seen as necessary” to deport them or to decide their application. Beyond that limit, the Court held, detention becomes punishment, and in Australia only a court may punish [72].

The same Australian court then retreated. In *Al-Kateb v Godwin* in 2004, it upheld the indefinite detention of a stateless man whom Australia could not deport. Nineteen years later it reversed itself. In *NZYQ* in 2023, the case of a stateless Rohingya man known only by that pseudonym, a unanimous High Court overruled *Al-Kateb* and held detention unlawful where the government has no real prospect of removing the person. About 150 people left Australian immigration detention within months [73].

In the United States, the Supreme Court holds the same principle. In *Zadvydas v. Davis* in 2001, it presumed detention unreasonable after six months once removal is no longer reasonably foreseeable [5]. Geraldo Lunas Campos stood in exactly that position: ICE held him at Camp East Montana because Cuba would not take him back, and he died in its custody about six months after ICE detained him.

In both countries, the principle protects only the people whose cases reach a court in time.

A Country Judged by Its Treatment of the Powerless

A country is judged by what it does to people who cannot vote, cannot hire a lawyer and cannot leave. The United States has written down, in its own courts, that detention may not punish and that custody brings a duty of care. Its own medical examiners, inspectors and judges have now recorded what it does in place of those promises. That conduct is wrong in law and wrong in morals. It inflicts suffering on people whom no court has judged, and it lies to the courts about what it does.

Defenders of the system will call these isolated failures. They will point to the criminal records of some of the dead, and they will say the agents feared for their lives. The evidence has answered each claim: the video, the autopsies, the coroner's finding of a shot from behind, the bindings left out of ICE's report, the 15 notices out of 49. A failure that repeats for nearly two years has become the way the system works.

What to do next

- **Free a detained person through a community bond fund.** Immigration bonds start at \$1,500 and must be paid in full, in cash. The National Bail Fund Network lists about thirty funds that pay them, among them the Envision Freedom Fund in New York, which has freed more than 1,300 people [74, 75].
- **Fund a lawyer for someone in detention.** In a national study, detained immigrants with counsel won release from custody four times as often as those without, yet only 14 per cent had a lawyer [69]. Give to a local deportation-defence provider, or press your city or county to join the Vera Institute's SAFE Network, which publicly funds representation [76].

- **Answer calls on the National Immigration Detention Hotline.** Freedom for Immigrants runs the free hotline for people in detention and connects volunteers with local visitation groups [77].
- Back state oversight with powers of entry. California has made state inspections of detention facilities permanent and enacted a civil detainees' bill of rights; Washington won a court order admitting state health inspectors to the Tacoma detention centre [78, 79]. Press your own legislature for the same powers, and for a law that sends every death in ICE custody to an independent county medical examiner.
- **Train as a legal observer before you film agents.** The National Lawyers Guild trains observers through its local chapters [80]. ProPublica found that agents detained at least 63 citizens who were recording them.

Their Names

The system works to erase the dead. Their names close the record, each with the little the public record has kept of a life.

15 MARCH 2025

Ruben Ray Martinez

23, a US citizen

Shot by a Homeland Security
Investigations agent, South
Padre Island, Texas

5 AUGUST 2025

Chaofeng Ge

32, from China

Died in ICE custody,
Moshannon Valley,
Pennsylvania

12 SEPTEMBER 2025

Silverio Villegas
González

38, a line cook and father

Shot by an ICE agent, Franklin
Park, Illinois

22 SEPTEMBER 2025

Ismael Ayala-Uribe

39, brought to the United
States at the age of four

Died in ICE custody, Adelanto,
California

DECEMBER 2025

Francisco
Gaspar-Andrés

48, from Guatemala

Died in ICE custody, Camp
East Montana, El Paso, Texas

14 DECEMBER 2025

Fouad Saeed
Abdulkadir

46, an imam from Ohio

Died in ICE custody,
Moshannon Valley,
Pennsylvania

3 JANUARY 2026

Geraldo Lunas Campos

55, from Cuba, in the United States since 1996
Died in ICE custody, Camp East Montana, El Paso, Texas.
Ruled a homicide

7 JANUARY 2026

Renee Good

37, a poet and mother of three, a US citizen
Shot by an ICE officer, Minneapolis

9 JANUARY 2026

Parady La

46, of Philadelphia
Died in ICE custody, Philadelphia

14 JANUARY 2026

Victor Manuel Diaz

36, from Nicaragua
Died in ICE custody, Camp East Montana, El Paso, Texas

24 JANUARY 2026

Alex Pretti

37, an intensive care nurse, a US citizen
Shot by federal agents, Minneapolis. Ruled a homicide

2 MARCH 2026

Emmanuel Damas

56, from Haiti
Died in ICE custody, Florence, Arizona

2 MARCH 2026

Daphy Michel

31, an asylum seeker from Haiti
Died of cold days after ICE released her, Pittsburgh.
Ruled a homicide

16 MARCH 2026

Royer Pérez-Jiménez

19, from Mexico
Died in ICE custody, Moore Haven, Florida

7 JULY 2026

**Lorenzo Salgado
Araujo**

52, a builder, driving his crew
to work
Shot by an ICE officer,
Houston

13 JULY 2026

**Johan Sebastián
Durán Guerrero**

25, a father
Shot by an ICE officer,
Biddeford, Maine

1 AUGUST 2026

Edwin López Cornejo

41, in the United States more
than twenty years
Died in ICE custody, Newark,
New Jersey

18 SEPTEMBER 2026

**Carlos
Marchena-Marchena**

36, from Costa Rica
Died in ICE custody,
Winnfield, Louisiana

17 OCTOBER 2026

**Emiliano
Andrade-Covarrubias**

56, a lawful permanent
resident of Dallas
Died in ICE custody, Laredo,
Texas, the sixtieth death since
January 2025

At least sixty people have died in ICE custody since January 2025.

The Case Record sets out each named case in full:

philippefoubert.com/writings/letter-to-america-2-case-record.html

No court sentenced any of them to die. Each died at the hands of American immigration enforcement, in its custody, or days after it turned them out, and the government calls all of it administration.

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