

Secretary Alejandro Mayorkas
Department of Homeland Security
Washington, DC 20528, USA

Re: Permanently Cancel ICE Contract with Data Broker LexisNexis Ahead of February 28th Contract Renewal Date

Dear Secretary Mayorkas,

The undersigned immigrant rights, racial justice, government accountability, human rights and privacy organizations call on the Department of Homeland Security (DHS) to **cancel** Immigration and Customs Enforcement's (ICE) \$22.1 million contract with LexisNexis Risk Solutions Inc. (LexisNexis) ahead of the scheduled contract renewal date on **February 28, 2023**.¹ LexisNexis sells ICE access to an unprecedented amount of sensitive and granular personal data and massively expands the agency's surveillance of Black, brown and immigrant communities, including citizens and non-citizens alike. LexisNexis is one among many companies in a data broker industry that is under increasing scrutiny by other federal agencies as evidence emerges showing how data brokers' largely unregulated procurement of sensitive data has far-reaching consequences for our communities.² We urge DHS to cancel ICE's contract with LexisNexis and stop ICE from using data brokers to circumvent local laws, erode civil rights and civil liberties, and conduct mass surveillance to fuel raids and deportations.

LexisNexis claims that ICE's use of its technology is limited in scope and that ICE does not use its technology to separate families.³ **Yet, ICE's own documents contradict those claims.** A June 2021 email from a high-ranking official at ICE Enforcement and Removal Operations (ERO) trumpeted the widespread use of one of LexisNexis' invasive search tools, the Accurint Virtual Crime Center (Accurint). Accurint is a data product for law enforcement advertised to provide "a comprehensive view of peoples' identities."⁴ In the email, ERO's assistant director of enforcement said Accurint should be "widely utilized by ERO personnel" for "...the identification, location, arrest, and removal of noncitizens..."⁵ This directive appears to grant ERO agents wide discretion to comb through extensive, intimate details of individuals' lives for the purposes of identifying, tracking, arresting and deporting people.

LexisNexis provides a loophole for ICE to access enormous troves of personal and sensitive data that the agency may otherwise need a warrant to obtain. As the primary personal data provider for ICE, LexisNexis sells ICE access to billions of data points on over 276 million U.S. residents.⁶ This

¹ U.S. Immigration and Customs Enforcement, Definitive Contract 70CMSD21C00000001, https://www.usaspending.gov/award/CONT_AWD_70CMSD21C00000001_7012_-NONE_-NONE-.

² Mounting evidence shows how data brokers may be infringing on people's ability to safely seek out reproductive healthcare, practice their faith, access mental health counseling and more. See: Staff, the Premerger Notification Office, and DPIP and CTO Staff. "FTC Sues Kochava for Selling Data That Tracks People at Reproductive Health Clinics, Places of Worship, and Other Sensitive Locations." Federal Trade Commission, 29 August 2022, <https://www.ftc.gov/news-events/news/press-releases/2022/08/ftc-sues-kochava-selling-data-tracks-people-reproductive-health-clinics-places-worship-other>.

³ "About LexisNexis Risk Solutions and the U.S. Department of Homeland Security," *LexisNexis Risk Solutions*, <https://risk.lexisnexis.com/government/our-services-for-homeland-security>.

⁴ "Accurint Virtual Crime Center," *LexisNexis Risk Solutions*, <https://risk.lexisnexis.com/products/accurint-virtual-crime-center>.

⁵ Sam Biddle, "ICE Searched LexisNexis Database Over 1 Million Times in Just Seven Months," *The Intercept*, 9 June 2022, <https://theintercept.com/2022/06/09/ice-lexisnexis-mass-surveillances>.

⁶ *Ibid*.

information is compiled from thousands of government and commercial sources – including non-public information – and includes data such as vehicle records, property records, marriage licenses, cell phone data, social media data, cable and phone bills, financial and medical records, and more.⁷ LexisNexis also sells ICE data tools that map an individual’s relationships with family members, colleagues and neighbors. ICE agents are virtually unconstrained in their ability to scour LexisNexis datasets to target people for deportations; records show that during just a 7-month period in 2021, ICE agents searched the database over 1.2 million times.⁸ Raising significant Fourth Amendment concerns, LexisNexis effectively gives ICE the ability to mount a fishing expedition and to search and seize information detailing the private lives of hundreds of millions of residents, all at the click of a button.

ICE is openly using LexisNexis as a backdoor to buy its way around local and state laws and policies that safeguard the rights of immigrant communities (i.e. “sanctuary cities”). Many jurisdictions passed such policies to stop the unfettered information sharing between state and city police agencies and ICE that have helped to facilitate mass deportations.⁹ In response, ICE turned to LexisNexis to buy bulk access to the same data many of these laws intended to prevent the agency from obtaining.¹⁰ A 2021 ICE contracting document justifies ICE’s use of LexisNexis due to “an increase in the number of law enforcement agencies and state or local governments that do not share information about real time incarceration of foreign-born nationals with ICE.”¹¹ We are troubled that ICE has looked to data brokers to undermine sanctuary laws and sabotage community protections for immigrants, especially at a time when Texas and other states with anti-immigrant legislatures traffick migrant children and families to sanctuary cities as a political stunt.¹²

Communities around the country are increasingly alarmed by ICE’s use of data brokers to violate sanctuary policies and breach privacy rights, prompting investigations and lawsuits. Local officials are often shocked to learn that the data that they are providing to a data broker for one purpose, such as a credit check, is resold to ICE to carry out deportations. In July 2022, the Cook County, Illinois Board of Commissioners held a hearing to launch an investigation into whether ICE is violating the county’s sanctuary ordinance through its use of data brokers, including LexisNexis.¹³ At the hearing, a Cook County resident described the 43-page report that LexisNexis had amassed about her life, which included the names of dozens of her neighbors.¹⁴ From March through September 2021 alone, ICE’s ERO Chicago

⁷ To obtain this data, LexisNexis sometimes purchases data from the government. In other cases, LexisNexis can obtain the data without having to pay for it, such as via IPRA request or via online data scraping.

⁸ Sam Biddle, “ICE Searched LexisNexis Database Over 1 Million Times in Just Seven Months,” *The Intercept*, 9 June 2022, <https://theintercept.com/2022/06/09/ice-lexisnexis-mass-surveillances>.

⁹ “Searching for Sanctuary: An Analysis of America’s Counties and Their Voluntary Assistance with Deportations,” *Immigrant Legal Resource Center*, https://www.ilrc.org/sites/default/files/resources/sanctuary_report_final_1-min.pdf.

¹⁰ While some incarceration data is typically considered public record, LexisNexis’ product gives ICE bulk access to jail data at a scale and speed far beyond what any member of the public is able to obtain. LexisNexis provides ICE bulk access to real-time jail booking and release data from over 2,800 jails nationwide, including in sanctuary jurisdictions. See:

Bhuiyan, Johana, “US Immigration Agency Explores Data Loophole to Obtain Information on Deportation Targets,” *The Guardian*, 20 April 2022,

<https://www.theguardian.com/us-news/2022/apr/19/us-immigration-agency-data-loophole-information-deportation-targets>.

¹¹ U.S. Immigration and Customs Enforcement, Justification for Other than Full and Open Competition J&A-21-00148, 17 June 2021.

¹² Kika, Thomas, “Greg Abbott Condemned as Migrant Kids Bussed to Freezing DC: ‘so Cruel,’” *Newsweek*, 26 December 2022, <https://www.newsweek.com/greg-abbott-condemned-migrant-kids-bussed-freezing-dc-so-cruel-1769580>.

¹³ Lima, Cristiano, and Aaron Schaffer, “Analysis Ice’s Use of Data Brokers to ‘Go around’ Sanctuary Laws under Fire,” *The Washington Post*, 27 July 2022, <https://www.washingtonpost.com/politics/2022/07/27/ices-use-data-brokers-go-around-sanctuary-laws-under-fire/>.

¹⁴ DeGeurin, Mack, “This Is a Massive Loophole: Activists Slam Ice for Using LexisNexis Data to Target Undocumented Immigrants,” *Gizmodo*, 28 July 2022, <https://gizmodo.com/lexisnexis-ice-data-brokers-undocumented-immigrants-1849340046>.

Field Office ran over 13,000 people searches in LexisNexis, generating over 1,800 such reports on individuals for civil immigration enforcement purposes.¹⁵ In August 2022, immigrant rights groups sued LexisNexis, alleging that the company's technology violates privacy and consumer protection rights and facilitates government surveillance of protestors, immigrants, and other communities of color.¹⁶

ICE's opaque and negligent track record of data management further underscores the need for DHS to sever ties with companies that profit from the mass collection and sale of personal data regardless of the cost to communities. ICE has failed to transparently or accurately disclose how it is using sensitive data, including as it relies on corporations to power its extraction of personal data. In December 2022, ICE admitted that its previous reporting about its digital detention surveillance program, ISAP (Intensive Supervision Appearance Program) was inaccurate, saying that ICE had "no records" on the hundreds of thousands of immigrants subjected to biometric data collection and electronic monitoring by ICE and its for-profit contractor, B.I. Incorporated.¹⁷ That same month, ICE leaked location data and other sensitive information about over 6,000 asylum seekers, putting many migrants' lives in jeopardy and violating federal law.¹⁸ ICE's inadequate data practices deepen concerns about its use of LexisNexis, including as LexisNexis warns that it cannot guarantee the accuracy of the data it sells to customers¹⁹ and ICE uses this information for deportation efforts that tear communities apart.

With the LexisNexis ICE contract renewal date approaching on February 28th, we urge DHS to use this timely opportunity to cancel the LexisNexis contract and stop funding data broker companies that help ICE disregard the will of local governments and put the well-being of immigrant communities at risk.

Signed,

Advocates for Immigrant Rights
Alianza Americas
American Friends Service Committee (AFSC)
Arab American Action Network (AAAN)
Black and Brown United in Action
Boston Immigration Justice Accompaniment Network
Bridges Faith Initiative
California Immigrant Policy Center
Center on Privacy & Technology at Georgetown Law
Centro de Trabajadores Unidos: United Workers Center
Cleveland Jobs with Justice
Coalición de Derechos Humanos

¹⁵ From documents produced pursuant to Just Futures Law Freedom of Information Act lawsuit. For more information on ICE use of data brokers in Cook County, IL, see: "How Data Brokers Assist ICE in Cook County," *Mijente and Just Futures Law*, <https://static1.squarespace.com/static/62c3198c117dd661bd99eb3a/t/6361715937803f4f79e52600/1667330394703/-4818574603440947626cook-county-hearing.pdf>.

¹⁶ *Castellanos et al. v. LexisNexis Risk Solutions* (Circuit Court of Cook County, Illinois August 16, 2022), <https://static1.squarespace.com/static/62c3198c117dd661bd99eb3a/t/635c14235d4769714665c318/1666978851837/Castellanos+et+al.+v.+LexisNexis+Risk+Solutions+-+Complaint+%5BFor+Filing%5D.pdf>.

¹⁷ "ICE Lacks Transparency: Asserts No Records Exist to Substantiate Its ATD Custody Claims," *News from Transactional Records Access Clearinghouse (TRAC)*, <https://trac.syr.edu/whatsnew/email.221223.html>.

¹⁸ Albeck-ripka, Livia and Miriam Jordan, "Identities of Thousands of Migrants Seeking Asylum in U.S. Posted in Error," *The New York Times*, 1 December 2022, <https://www.nytimes.com/2022/12/01/us/ice-migrants-privacy.html>.

¹⁹ "Accurint Virtual Crime Center," *LexisNexis Risk Solutions*, <https://risk.lexisnexis.com/products/accurint-virtual-crime-center>.

Colorado Immigrant Rights Coalition
Colorado Jobs with Justice
Communities United for Status & Protection (CUSP)
Community Justice Exchange
Connecticut Shoreline Indivisible
Defending Rights & Dissent
Demand Progress Education Fund
Drug Policy Alliance
Electronic Privacy Information Center (EPIC)
Envision Freedom Fund
Eye on Surveillance
Familia: Trans Queer Liberation Movement
Families for Freedom
Fight for the Future
First Friends of NJ & NY
Fix the Court
Florence Immigrant & Refugee Rights Project
Freedom to Thrive
GEORGIA LATINO ALLIANCE FOR HUMAN RIGHTS
Government Accountability Project
Government Information Watch
Grassroots Leadership
H-CAN Immigration and Refugees group
Human Rights Initiative Of North Texas
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Defense Project
Immigrant Justice Network
Immigrant Support Committee, St Andrews Presbyterian
Japanese American Citizens League
Jewish Activists for Immigration Justice of Western Mass
JUNTOS
Just Futures Law
La Resistencia
Laredo Immigrant Alliance
Las Americas Immigrant Advocacy Center
LBIRC
Legal Aid Justice Center
Library Freedom Project
Louisiana Organization for Refugees and Immigrants
MediaJustice
Mijente
MPower Change
Muslim Advocates
Muslim Justice League

National Immigrant Justice Center
National Network for Arab American Communities
Network in Solidarity with the People of Guatemala (NISGUA)
NETWORK Lobby for Catholic Social Justice
New York Immigration Coalition
OneAmerica
Open MIC (Open Media and Information Companies Initiative)
Progressive Leadership Alliance of Nevada
Project On Government Oversight
Restore The Fourth
S.T.O.P. - The Surveillance Technology Oversight Project
SÍ - Serving Immigrants
Society of the flora, fauna & friend
Surveillance Resistance Lab
T'ruah: The Rabbinic Call for Human Rights
The Mami Chelo Foundation
Transformations CDC
Unidad Latina en Accion NJ
University of Miami School of Law Immigration Clinic
UnLocal
Utah Valley Mutual Aid
Voces Unidas (RGV)
Wind of the Spirit Immigrant Resource Center
X-Lab