



FACTCHECK POSTS > FEATURED POSTS

As ICE Arrests Increased, a Higher Portion Had No U.S. Criminal Record

By [Robert Farley](#)

Posted on January 28, 2026 | Corrected on January 28, 2026

THIS ARTICLE IS AVAILABLE IN BOTH ENGLISH AND ESPAÑOL

English ▼

While the Trump administration insists that it is targeting the “worst of the worst” in its immigration enforcement, it has not provided information to substantiate that, and the data that is available suggests the claim has become less accurate over time.

“The Trump administration has specifically targeted the worst of the worst,” Department of Homeland Security Secretary Kristi Noem [said](#) in a press conference in July. “The individuals that we are going after are those that are violent criminals, those that are breaking our laws and those that have final removal orders.”

While the number of monthly Immigration and Customs Enforcement arrests has risen steadily over the first year of Trump’s second term, the percentage of those arrested who have no criminal convictions or pending charges has also gone up.

Our analysis of ICE arrest data obtained by the [Deportation Data Project](#) found a doubling over time of the percentage without criminal records, meaning neither convictions nor charges. In Trump’s first three months in office, 21.9% of those arrested had no criminal record. The percentage rose to 34.2% in Trump’s second three months, and then to 40.5% in the three months ending in mid-October.

In January, nearly 43% of those detained had no convictions or charges, according to publicly available [ICE data](#).

Meanwhile, the percentage of those arrested by ICE who have criminal convictions — not merely pending charges — fell from 44.7% in Trump’s first three months to 31.8% in the three months ending in mid-October.

Trump administration officials claim most of those without charges in the U.S. have convictions or pending charges in their home country, but DHS has provided no data to back that up.

Moreover, while the administration has long said it is targeting the “worst of the worst” criminals, only a small fraction of those detained by ICE have been convicted of the type of violent felony offenses often cited by the administration, according to an analysis of leaked ICE data by the libertarian Cato Institute.

“I think when you listen to senior leaders in the Trump administration, what they’re saying is that they’re arresting what they’re calling the, quote, worst of the worst. They’re arresting people that they’re referring to as murderers and rapists,” [Graeme Blair](#), associate professor of political science at UCLA and co-director of the Deportation Data Project, [told](#) KTLA 5 News in July. “And I think that that just really doesn’t tell the story of what they’re doing.”

The Definition of ‘Criminals’

President Donald Trump has repeatedly insisted — as he did in a [Truth Social post](#) on Jan. 25 — that immigration enforcement efforts are targeted at the “Tens of Millions of Illegal Alien Criminals [who] poured into our Country, including Hundreds of Thousands of Convicted Murderers, Rapists, Kidnappers, Drug Dealers, and Terrorists.”

In early December, DHS launched what it calls its “Worst of the Worst” [website](#). The purpose, DHS Assistant Secretary for Public Affairs Tricia McLaughlin [said](#), was “so every American can see for themselves the criminal illegal aliens that we are arresting, what crimes they committed, and which communities we removed them from.” The site is filled with examples of immigrants arrested by ICE during the Trump administration who have convictions for serious violent felonies, according to DHS.

Noem insists the administration’s enforcement efforts are targeting just such criminals.

“Every single individual [arrested or detained] has committed a crime, but 70% of them have committed or have charges against them on violent crimes and crimes that they are charged with or have been convicted of that have come from other countries,” Noem said on [CBS’ “Face the Nation”](#) on Jan. 18.



During a briefing at the White House on Jan. 20, Trump holds up a mugshot as an example of the so-called “worst of the worst” being arrested by ICE. Photo by Saul Loeb/ AFP via Getty Images.

“And let’s remember the true data, the true data, 70%, approximately, it goes anywhere from 60% to 70%, of people that are arrested are criminals, bottom line,” White House border czar Tom Homan said on NBC’s [“Meet the Press”](#) on Jan. 11.

Later on that same program, Democratic Sen. Chris Murphy disputed those figures. “I heard him [Homan] say that they are undertaking targeted enforcement actions against criminals. Just not true. The vast majority of people they are rounding up are peaceful immigrants.”

DHS’ public data does not provide a breakdown of the types of crimes committed by those with criminal convictions, nor of the types of crimes faced by those with pending charges, that would allow the public to assess Noem’s claim about the percentage detained who have committed violent crimes. (Similarly, the data can’t answer whether the “vast majority” are “peaceful,” as Murphy claimed — though it is accurate that the vast majority have not been convicted of a crime in the U.S.)

“We have no way of knowing if the worst of the worst are being targeted,” [Colleen Putzel-Kavanaugh](#), an associate policy analyst at the Migration Policy Institute, told us. “The government is not giving us

access to that kind of data.”

The administration’s 70% claim also relies on including those with pending charges as “criminals.”

“A charge is not a conviction,” [Lauren-Brooke Eisen](#), senior director for justice at the Brennan Center for Justice, told us. “Just because someone is charged with a crime. ... People are innocent until proven guilty.”

“Someone with a pending charge who is not convicted is not usually called a ‘criminal’ in our criminal system,” David Hausman, an assistant professor at the University of California, Berkeley School of Law who directs the Deportation Data Project, told us.

According to DHS data, about 29% of those detained by ICE in January had criminal convictions, down from about 54% last February.

The transition toward arresting a higher percentage of immigrants with no criminal record appears to coincide with the [reported pressure](#) from Noem and others in the Trump administration to significantly increase the number of immigration arrests.

“Under President Trump’s leadership, we are looking to set a goal of a minimum of 3,000 arrests for ICE every day and President Trump is going to keep pushing to get that number up higher each and every single day,” senior White House adviser Stephen Miller [said](#) on Fox News on May 29.

While the number of arrests has not reached that goal, the number of those in ICE detention has risen by about 80% since May, according to [DHS data](#). (Those in ICE detention include arrests made over an unknown period of time.)

Much of that growth, records indicate, is being driven by the arrest of people without criminal records, at least not in the U.S.

Convictions or Pending Charges

In Trump’s first year, about 36.5% of those arrested by ICE had prior criminal convictions. Another 29.8% faced pending criminal charges. And about a third had neither a conviction nor a pending charge. That’s according to our analysis of data gathered by the [Deportation Data Project](#), a joint project of the UC Berkeley Law School and UCLA that obtains individual-level arrest data through Freedom of Information Act requests and lawsuits. Our analysis covers the period between Trump’s inauguration on Jan. 20, 2025, and Oct. 15, the latest data the project was able to obtain.

Together, those with criminal convictions or pending charges represented 66% of arrests, which the administration has rounded up to 70%. But there’s more context: the trend over time of higher percentages of arrests of people with neither a conviction nor pending charge.

As we said, in the first three months of Trump’s presidency, about 22% of those arrested by ICE had no criminal record. By the three months ending in mid-October, that had jumped to approximately 40.5%.

ICE’s [public statistics](#) also show that over time, a higher percentage of those being detained have no criminal convictions or pending charges.

Consider, in February 2025, the first full month of Trump's second term, about 14.7% of those detained by ICE had no criminal convictions or pending charges. By September, that percentage had shot up to 34.6%, and in January it was 42.7%.



The number of immigrants detained by ICE who have no convictions or pending charges has soared, from 3,165 in February 2025 to 25,193 in January of this year.

By comparison, just 869 of those detained by ICE in December 2024 (Biden's last full month) had no convictions or pending charges. Then, 64% of those detained by ICE had criminal convictions. In January, 2026, it was roughly 29%, according to ICE data.

Types of Crimes

[David Bier](#), the director of immigration studies at the Cato Institute, [analyzed](#) nonpublic data from ICE leaked to Cato, and he found that among those with criminal convictions detained by ICE, 8% were convicted of violent or property crimes (about 5% were violent criminal convictions).

“And that includes very minor assaults. I mean, not like rape and murder,” [Bier said](#) in a radio interview with KPFA on Jan. 22. “These are someone had an altercation at a bar or things like that, not serious violent criminals who committed murder and rape.”

Contrary to administration rhetoric about targeting the worst of the worst, Bier described the arrests under Trump as “indiscriminate.”

“They have removed the prioritization that was in place under the Biden administration to go after those violent criminals that they’re highlighting,” Bier said. “They got rid of that policy and replaced it on Day One with a policy of arresting people who are the most convenient to arrest.”

Cato’s findings were corroborated by a [New York Times analysis](#) of ICE data obtained through the Deportation Data Project. Between the period of Jan. 20 and Oct. 15, the Times found that nationwide, 37% of those arrested in ICE operations had any past criminal conviction. Just 7% had a violent conviction. Another 30% had pending criminal charges, and 33% had no criminal charges.

The disparity was even wider in cities and states that have been targeted for enhanced immigration enforcement. In the four areas analyzed — Los Angeles, Washington, D.C., Massachusetts and Illinois, the majority of those swept up by ICE had no criminal record (convictions or pending charges). Details on the operations in Minneapolis were not available yet.

The New York Times analysis noted that while only a fraction of those arrested had been convicted of a violent crime, “The most common non-violent convictions were for driving under the influence and other traffic offenses.”

Charges in Home Countries?

Pushing back against reports of higher percentages of ICE arrests of immigrants without criminal records, administration officials have claimed that those people often have convictions or pending charges in their home countries.

Although DHS did not respond to our queries for this story, DHS’ McLaughlin has [said](#), “Many of the individuals that are counted as ‘non-criminals’ are actually terrorists, human rights abusers, gangsters and more; they just don’t have a rap sheet in the U.S.”

But DHS does not provide any public data to corroborate how many of those arrested by ICE fit that description, or what charges they face or have been convicted of in their home countries.

It’s part of the lack of transparency that has been a problem with the Trump administration, said Putzel-Kavanaugh of the Migration Policy Institute, adding that whether the U.S. is able to obtain criminal records from an immigrant’s home country is highly country specific. Some countries are simply more forthcoming about sharing such data.

“We’re not aware of data that DHS holds, and certainly it’s not been provided in the data that they’ve shared with us about any kind of foreign criminal connections,” Blair of the Deportation Data Project [said](#). “I think that that’s, frankly, a lot of bluster.”

Correction, Jan. 28: We corrected the date of a quote by Noem, which was in July, and added the full sentence of her remark.

Editor’s note: FactCheck.org does not accept advertising. We rely on grants and individual donations from people like you. Please consider a donation. Credit card donations may be made through [our “Donate” page](#). If you prefer to give by check, send to: FactCheck.org, Annenberg Public Policy Center, P.O. Box 58100, Philadelphia, PA 19102.

Categories [FactCheck Posts](#) [Featured Posts](#)

Issue [Department Of Homeland Security](#) [Illegal Immigration](#) [Immigration](#) [Immigration And Customs Enforcement](#)

People [Donald Trump](#) [Kristi Noem](#) [Tom Homan](#)

[PREVIOUS STORY](#)

[Patel’s Remarks Conflict With Minnesota Gun Law](#)

[NEXT STORY](#)

[Trump’s Aspirin Use and Doctors’ Recommendations](#)

[ARCHIVES](#)

[PRIVACY](#)

[COPYRIGHT POLICY](#)

[CONTACT US](#)

[REPORT ACCESSIBILITY ISSUES AND GET HELP](#)

© Copyright 2026 FactCheck.org®

A Project of The Annenberg Public Policy Center of the University of Pennsylvania