




Homeland Security

June 9, 2026

MEMORANDUM FOR: Charles Wall
Principal Legal Advisor

FROM: James H. Percival II 
General Counsel

SUBJECT: Zealous Enforcement of Removability Charges Related to Illegal Voting

The importance of free, fair, and honest elections is without question. Echoing the words of the President, “[t]he right of American citizens to have their votes properly counted and tabulated, without illegal dilution, is vital to determining the rightful winner of an election.” Exec. Order No. 14248, *Preserving and Protecting the Integrity of American Elections*, 90 Fed. Reg. 14005 (Mar. 28, 2025). Illegal voting by aliens dilutes the votes of American citizens and undermines our democracy. It must have consequences.

In support of this declared policy of the Administration “to enforce federal law and to protect the integrity of our election process,” *id.* at 14006, President Trump directed actions across the federal government, including with regard to verifying voter eligibility, grant administration, information-sharing, enforcement of federal integrity laws, improving voting systems, and criminal prosecution of unlawful voting by aliens. Although not specifically addressed in the President’s executive order, U.S. Immigration and Customs Enforcement, and the Office of the Principal Legal Advisor (OPLA) in particular, has long had at its disposal important tools to ensure consequences attach to unlawful voting and related conduct by aliens.

The Immigration and Nationality Act directs the removal of aliens who vote illegally or make a false claim to U.S. citizenship, which often go hand-in-hand. 8 U.S.C. §§ 1182(a)(10)(D)(i), 1227(a)(6)(A), 1182(a)(6)(C)(ii), 1227(a)(3)(D). Because these grounds include deportability grounds, these provisions allow the removal of even lawfully present aliens when they illegally participate in our elections. Notably, the Board of Immigration Appeals has determined that these removability grounds do not require specific intent by the alien. *See Matter of Fitzpatrick*, 26 I&N Dec. 559, 561 (BIA 2015); *Matter of Zhang*, 27 I&N Dec. 569 (BIA 2019). Further, a criminal conviction is not required to invoke these provisions.

In light of the importance of these laws and their role in ensuring fair elections, I expect OPLA attorneys to invoke these provisions in removal proceedings to the maximum extent allowed by law.