

ICE Demands More Access to Minnesota Inmates. But It's Complicated.

The Trump administration said it would ease its immigration operation in Minnesota in exchange for broader access to inmates. Local leaders say they already cooperate significantly.



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Reporting from St. Paul, Minn.

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The Trump administration's immigration crackdown has resulted in more than 3,000 arrests in Minnesota and clashes between federal agents and residents.

But swirling beneath the surface of the tense, sometimes chaotic scenes playing out across the state is a political dispute over how local officials handle the cases of immigrants who are being held in state prisons and county jails.

Federal officials have suggested that they might wind down their campaign if Democratic leaders like Gov. Tim Walz and Mayor Jacob Frey would give them access to the people subject to deportation in Minnesota's prisons and jails.

“Let us in the damn jail,” Tom Homan, the White House’s border czar, said recently. “Frey and Walz could fix this today.”

The Department of Homeland Security has asserted that Mr. Walz and Mr. Frey are shielding 1,360 immigrants charged with crimes who are subject to deportation, though it did not explain how it came to that conclusion. But state and local officials dispute the claim.

The Minnesota Department of Corrections said the number of incarcerated people that U.S. Immigration and Customs Enforcement has identified as being subject to deportation was slightly over 300 as of last Monday. The department also says the Trump administration is misrepresenting how Minnesota jails and prisons assist in immigration matters.

In Minnesota, officials say that state prisons have long released inmates subject to deportation to federal immigration officials after their sentences end. Mr. Frey has no authority over Minnesota’s county jails, which have a patchwork of policies on the issue. Some counties explicitly cooperate with federal authorities, and at least one, Hennepin, the state’s most populous county, refrains from assisting ICE agents as a matter of policy.

Nationally, the degree to which local law enforcement officials overseeing prisons and jails are willing to cooperate with immigration enforcement has long been a thorny issue.

Here is how it has played out in Minnesota:

What happens to immigrants sentenced to prison?



Gov. Tim Walz and his wife Gwen Walz, center, with candles, at the State Capitol in St. Paul, Minn., earlier this month. (David Guttenfelder/The New York Times)

Under Minnesota law, the state’s Department of Corrections must notify ICE officials when an immigrant convicted of a felony is set to be released. The agency, overseen by Governor Walz, says that it has long coordinated with ICE agents to transfer custody of those who are subject to deportation.

Last year, prison officials turned over to ICE 84 inmates who had finished sentences and were leaving the state prison system, according to the state agency.

Paul Schnell, the commissioner of the state’s Department of Corrections, said he and other state officials had struggled to get clear answers from the administration about the specific steps the White House would like them to take.

“We would certainly like to be in a place where we could offer things that may be useful and relevant and serve the interest of ICE,” Mr. Schnell said.

He said that some of the people federal officials have publicly highlighted as having been arrested during the crackdown were actually transferred directly from prisons with assistance from the state.

Does Minneapolis cooperate with ICE?

Minneapolis, the state’s largest city, has a policy barring municipal officials, including police officers, from asking residents about their immigration status, with rare exceptions. City officials said the policy was aimed at building trust between the police and immigrants.

“I recognize that the fear of deportation prevents some people from calling police in times of need or to report crime,” Chief Brian O’Hara of the Minneapolis police said in a statement explaining the policy.

Mayor Frey said that the city’s policy has no effect on inmates. “At the city level, we do not have authority over jails and prisons — period,” he said.

What about the jail in Minneapolis?



The Hennepin County Public Safety Facility in Minneapolis. (Stephen Maturen/Getty Images)

The state’s largest jail, in Minneapolis, is run by the Hennepin County sheriff’s office. For many years, officials at the jail worked closely with immigration agents, providing them a small office at the facility and allowing them to interview immigrants in custody.

That partnership ended after Rich Stanek, a former Hennepin County sheriff who ran the jail for 12 years, was voted out of office in 2018. His successor, Dave Hutchinson, gradually ceased sharing information with ICE, meeting a campaign promise he had made.

Mr. Hutchinson contended that close cooperation between local law enforcement and ICE undermined public safety because it made undocumented immigrants reluctant to report crimes. Mr. Stanek maintained that his approach had kept dangerous criminals from being released from custody back onto the streets.

“Our job is to keep communities safe,” Mr. Stanek said. “That was, pure and simple, keeping communities safe.”

The newer policy — to refrain from cooperating with ICE — has continued since the 2022 election of the current sheriff, Dawanna Witt. Sheriff Witt declined a request for an interview.

How do other Minnesota county jails handle ICE?

Sheriffs in at least seven of Minnesota’s 87 counties have signed agreements to collaborate with ICE on immigration enforcement.

Under those partnerships, jail officials are trained to identify people who are in the country unlawfully and to share that information with federal agents to help facilitate deportations.

A few jails in the state have contracts providing beds for immigrants in ICE custody.

But most Minnesota sheriffs lack explicit policies on the issue, said Linus Chan, a law professor at the University of Minnesota who specializes in the intersection of criminal and immigration law. The extent to which jail officials help transfer people into ICE custody varies widely and relies mainly on individual relationships between local and federal officials.

“From my understanding, only a few sheriff offices even have a policy written down,” Mr. Chan said. “They like to have that flexibility.”

Why are some sheriffs reluctant to help ICE?

ICE routinely asks jail officials to notify the agency about the imminent release of a person subject to deportation by issuing a document known as a detainer. Detainers request that jail officials continue to hold inmates for up to 48 hours beyond the time they would ordinarily be released.

Questions about the legal authority local officials have to detain people at the request of ICE have led to two lawsuits in the state in recent years.

Anoka County, a suburb of Minneapolis, was ordered to pay \$30,000 in 2021 after a federal jury found that local officials had exceeded their authority when they detained a woman from Mexico for several hours after she was involved in a collision.

The following year, Nobles County agreed to pay a \$200,000 settlement after a class-action lawsuit brought by individuals who accused the local sheriff of holding them unlawfully based on ICE requests.

“Sheriffs are generally worried about liability and wanting to follow the law,” said Sandra Feist, a Democratic state lawmaker who is also an immigration lawyer.

Still, several sheriffs say they regularly provide ICE with information about inmates the agency intends to take into custody. Some say ICE agents are not always available to pick up someone on short notice after an inmate has posted bail or been released by a judge for other reasons.

“Sometimes they don’t make it here on time,” Dakota County Sheriff Joseph Leko told a local news station this week.

Minnesota’s Democratic attorney general, Keith Ellison, issued an advisory opinion on the issue last February, which found that local officials cannot keep inmates in custody based on a request from ICE if they are otherwise eligible for release.



High school students walked out of school in protest over the immigration crackdown in Minnesota during a demonstration outside the State Capitol. (David Guttenfelder/The New York Times)

What are federal officials seeking?

Department of Homeland Security officials did not respond to an email asking about the specific steps the agency wants elected officials in Minnesota to take to provide immigration agents with more access to jails and prisons.

On social media, the department reiterated its push for more access as it addressed the ongoing immigration crackdown in the state.

“Until then, President Trump and Secretary Noem will FLOOD THE ZONE,” the agency said in a statement on Wednesday.

Talya Minsberg contributed reporting.

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