

Homeland Security Wants Social Media Sites to Expose Anti-ICE Accounts

The department has sent Google, Meta and other companies hundreds of subpoenas for information on accounts that track or comment on Immigration and Customs Enforcement, officials and tech workers said.



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Sheera Frenkel and Mike Isaac report on Silicon Valley tech companies.

Feb. 13, 2026

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The Department of Homeland Security is expanding its efforts to identify Americans who oppose Immigration and Customs Enforcement by sending tech companies legal requests for the names, email addresses, telephone numbers and other identifying data behind social media accounts that track or criticize the agency.

In recent months, Google, Reddit, Discord and Meta, which owns Facebook and Instagram, have received hundreds of administrative subpoenas from the Department of Homeland Security, according to four government officials and tech employees privy to the requests. They spoke on the condition of anonymity because they were not authorized to speak publicly.

Google, Meta and Reddit complied with some of the requests, the government officials said. In the subpoenas, the department asked the companies for identifying details of accounts that do not have a real person's name attached and that have criticized ICE or pointed to the locations of ICE agents. The New York Times saw two subpoenas that were sent to Meta over the last six months.

The tech companies, which can choose whether or not to provide the information, have said they review government requests before complying. Some of the companies notified the people whom the government had requested data on and gave them 10 to 14 days to fight the subpoena in court.

“The government is taking more liberties than they used to,” said Steve Loney, a senior supervising attorney with the American Civil Liberties Union of Pennsylvania. “It’s a whole other level of frequency and lack of accountability.” Over the last six months, Mr. Loney has represented people whose social media account information was sought by the Department of Homeland Security.

The department said it had “broad administrative subpoena authority” but did not address questions about its requests. In court, its lawyers have argued that they are seeking information to help keep ICE agents in the field safe.

Meta, Reddit and Discord declined to comment.

“When we receive a subpoena, our review process is designed to protect user privacy while meeting our legal obligations,” a Google spokeswoman said in a statement. “We inform users when their accounts have been subpoenaed, unless under legal order not to or in an exceptional circumstance. We review every legal demand and push back against those that are overbroad.”

Meta, Google and other tech companies have had an uneasy relationship with the federal government and how much user information to provide it. Jason Henry for The New York Times

The Trump administration has aggressively tried tamping down criticism of ICE, partly by identifying Americans who have demonstrated against the agency. ICE agents told protesters in Minneapolis and Chicago that they were being recorded and identified with facial recognition technology. Last month, Tom Homan, the White House border czar, also said on Fox News that he was pushing to “create a database” of people who were “arrested for interference, impeding and assault.”

Silicon Valley has long had an uneasy relationship with the federal government and how much user information to provide it. Transparency reports published by tech companies show that the number of requests for user information from different governments around the world has climbed over the years, with the United States and India among those submitting the most.

Some social media companies previously fought government requests for user information. In 2017, Twitter (now X) sued the federal government to stop an administrative subpoena that asked it to unmask an account critical of the first Trump administration. The subpoena was later withdrawn.

In administrative subpoenas, the Department of Homeland Security asked for identifying details behind social media accounts that have criticized ICE. Adam Gray for The New York Times

Unlike arrest warrants, which require a judge's approval, administrative subpoenas are issued by the Department of Homeland Security. They were only sparingly used in the past, primarily to uncover the people behind social media accounts engaged in serious crimes such as child trafficking, said tech employees familiar with the legal tool. But last year, the department ramped up its use of the subpoenas to unmask anonymous social media accounts.

In September, for example, it sent Meta administrative subpoenas to identify the people behind Instagram accounts that posted about ICE raids in California, according to the A.C.L.U. The subpoenas were challenged in court, and the Department of Homeland Security withdrew the requests for information before a judge could rule.

Mr. Loney of the A.C.L.U. said avoiding a judge's ruling was important for the department to keep issuing the subpoenas without a legal order to stop. "The pressure is on the end user, the private individual, to go to court," he said.

The Department of Homeland Security also sought more information on the Facebook and Instagram accounts dedicated to tracking ICE activity in Montgomery County, Pa., outside Philadelphia. The accounts, called Montco Community Watch, began posting in Spanish and English about ICE sightings in June and, over the next six months, solicited tips from their roughly 10,000 followers to alert people to the locations of agents on specific streets or in front of local landmarks.

In the last six months, ICE has gotten a new suite of tech tools, including facial recognition software, social media monitoring and cellphone hacking. David Guttenfelder/The New York Times

On Sept. 11, the Department of Homeland Security sent Meta a request for the name, email address, post code and other identifying information of the person or people behind the accounts. Meta informed the two Instagram and Facebook accounts of the request on Oct. 3.

“We have received legal process from law enforcement seeking information about your Facebook account,” the notification said, according to court records. “If we do not receive a copy of documentation that you have filed in court challenging this legal process within ten (10) days, we will respond to the requesting agency with information.”

The account owner alerted the A.C.L.U., which filed a motion on Oct. 16 to quash the government’s request. In a hearing on Jan. 14 in U.S. District Court for the Northern District of California, the A.C.L.U. argued that the government was using administrative subpoenas to target people whose speech it did not agree with.

Sarah Balkissoon, a Department of Justice lawyer representing the government, said the Department of Homeland Security’s position was that it was “within their power to investigate threats to its own officers or impediments to their officers,” according to a court transcript viewed by The Times.

Two days later, the subpoena was withdrawn.

The Montco Community Watch accounts continue to post almost every day. The Times emailed a request for comment to the address associated with the accounts but did not receive a reply.

On Monday, the Instagram account posted an alert for ICE activity in the Eagleville area of Montgomery County. “Montco ICE alert,” the post said. “This is confirmed ICE activity.”

On Friday, the account posted a video of students at Norristown Area High School protesting against ICE. “We stand with you and are proud you made your voices heard!” the post said.

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A version of this article appears in print on , Section A, Page 1 of the New York edition with the headline: D.H.S. Expanding Push to Identify Opponents of ICE