

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID:
Event #:

File No:
Date:

TO: (Name and Title of Institution - OR Any Subsequent Law
Enforcement Agency)

FROM: (Department of Homeland Security Office Address)

MAINTAIN CUSTODY OF ALIEN FOR A PERIOD NOT TO EXCEED 48 HOURS

Name of Alien: _____
Date of Birth: _____ Nationality: _____ Sex: _____

THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) HAS TAKEN THE FOLLOWING ACTION RELATED TO THE PERSON IDENTIFIED ABOVE, CURRENTLY IN YOUR CUSTODY:

- ☐ Determined that there is reason to believe the individual is an alien subject to removal from the United States. The individual (*check all that apply*):
- | | |
|--|---|
| has a prior a felony conviction or has been charged with a felony offense; | has been convicted of illegal entry pursuant to 8 U.S.C. § 1325; |
| has three or more prior misdemeanor convictions; | has illegally re-entered the country after a previous removal or return; |
| has a prior misdemeanor conviction or has been charged with a misdemeanor for an offense that involves violence, threats, or assaults; sexual abuse or exploitation; driving under the influence of alcohol or a controlled substance; unlawful flight from the scene of an accident; the unlawful possession or use of a firearm or other deadly weapon, the distribution or trafficking of a controlled substance; or other significant threat to public safety; | has been found by an immigration officer or an immigration judge to have knowingly committed immigration fraud; |
| | otherwise poses a significant risk to national security, border security, or public safety; and/or |
| | other (specify): _____ |
- ☐ Initiated removal proceedings and served a Notice to Appear or other charging document. A copy of the charging document is attached and was served on _____ (date).
- ☐ Served a warrant of arrest for removal proceedings. A copy of the warrant is attached and was served on _____ (date).
- ☐ Obtained an order of deportation or removal from the United States for this person.

This action does not limit your discretion to make decisions related to this person's custody classification, work, quarter assignments, or other matters. DHS discourages dismissing criminal charges based on the existence of a detainer.

IT IS REQUESTED THAT YOU:

- ☐ Maintain custody of the subject for a period **NOT TO EXCEED 48 HOURS**, excluding Saturdays, Sundays, and holidays, beyond the time when the subject would have otherwise been released from your custody to allow DHS to take custody of the subject. This request derives from federal regulation 8 C.F.R. § 287.7. For purposes of this immigration detainer, **you are not authorized to hold the subject beyond these 48 hours**. As early as possible prior to the time you otherwise would release the subject, please notify DHS by calling _____ during business hours or _____ after hours or in an emergency. If you cannot reach a DHS Official at these numbers, please contact the ICE Law Enforcement Support Center in Burlington, Vermont at: (802) 872-6020.
- ☐ Provide a copy to the subject of this detainer.
- ☐ Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.
- ☐ Notify this office in the event of the inmate's death, hospitalization or transfer to another institution.
- ☐ Consider this request for a detainer operative only upon the subject's conviction.
- ☐ Cancel the detainer previously placed by this Office on _____ (date).

(Name and title of Immigration Officer)

(Signature of Immigration Officer)

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS using the envelope enclosed for your convenience or by faxing a copy to _____. You should maintain a copy for your own records so you may track the case and not hold the subject beyond the 48-hour period.

Local Booking/Inmate #: _____ Latest criminal charge/conviction: _____ (date) Estimated release: _____ (date)

Last criminal charge/conviction: _____

Notice: Once in our custody, the subject of this detainer may be removed from the United States. If the individual may be the victim of a crime, or if you want this individual to remain in the United States for prosecution or other law enforcement purposes, including acting as a witness, please notify the ICE Law Enforcement Support Center at (802) 872-6020.

(Name and title of Officer)

(Signature of Officer)

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- ☐ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)_____
(Printed Name and Title of Authorized Immigration Officer)**Certificate of Service**

I hereby certify that the Warrant for Arrest of Alien was served by me at _____
(Location)

on _____ on _____, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)

Name and Signature of Officer_____
Name or Number of Interpreter (if applicable)

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

File No: _____

Date: _____

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☐ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

(Signature of immigration officer)

(Title of immigration officer)

(Date and office location)

To be completed by immigration officer executing the warrant: Name of alien being removed:

Port, date, and manner of removal:



Photograph of alien removed



Right index fingerprint of alien removed

(Signature of alien being fingerprinted)

(Signature and title of immigration officer taking print)

Departure witnessed by:

(Signature and title of immigration officer)

If actual departure is not witnessed, fully identify source or means of verification of departure:

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here. ☐

Departure Verified by:

(Signature and title of immigration officer)

State Law Enforcement Civil Immigration Arrest Work Flow

LIST OF TERMS

DIO - Designated Immigration Officer
ERO - Enforcement and Removal Operations
FIRC - Florida ICE Response Center
FLLEO - Florida Law Enforcement Officer

NCIC - National Crime Information Center
SDDO - Supervisory Detention and Deportation Officer
WSO - Warrant Service Officer
I-200 - Warrant of Arrest

I-205 - Warrant of Removal
I-247 - Immigration Detainer
I-203 - Booking Form

WHEN A FLORIDA LAW ENFORCEMENT OFFICER (FLLEO) HAS CONTACT WITH AN ALIEN OR FOREIGN BORN NATIONAL, THE FLLEO SHOULD CHECK NCIC FOR AN ADMINISTRATIVE IMMIGRATION WARRANT (I-205 WARRANT OF REMOVAL; NOTE: I-200 WARRANT FOR ARREST IS NOT ENTERED INTO NCIC) AND DECIDE WHETHER TO CONDUCT AN INVESTIGATION TO DETERMINE THE PERSON'S IMMIGRATION STATUS.

If the person does not have an outstanding warrant and has lawful status in the United States, then no further action is taken by the FLLEO.

FOR ARREST **WITH AN EXISTING ADMINISTRATIVE WARRANT**

If the FLLEO determines via NCIC or otherwise that there is an active ICE administrative warrant for the person's arrest (an I-200 or an I-205), the officer will contact FIRC to confirm the warrant by calling **305-207-2187, 305-207-5126, or 305-222-5424.**

Upon confirmation of the warrant and where the FLLEO also HAS probable cause to arrest the person on state law criminal charges, the officer should do so and transport the person to the county jail.

- The FLLEO should notify FIRC of the arrest on state criminal charges.
- FIRC will, as applicable, e-mail a detainer accompanied by an arrest warrant to the jail.
- A WSO at the jail will serve the detainer package on the person.
- The jail will follow its ordinary detainer process to notify ICE upon the person's release on state charges.

If the FLLEO DOES NOT HAVE probable cause to arrest the person on state law charges, and the officer is NOT a DIO under §287(g), and there are no DIOs nearby, the officer should request that FIRC have an ICE officer or other DIO respond to the scene to arrest the person on the warrant. *The FLLEO's detention of the person while waiting for ICE will be for a period of time determined by their agency.*

If the FLLEO IS a certified DIO and there are no state law charges on the illegal alien or foreign born national, the officer should arrest the person on the ICE civil charges after confirming the warrant and the person's identity and inform FIRC of the jail where the person will be transported.

- FIRC will then issue to the designated jail via e-mail an I-203 (booking form), I-247 (detainer,) and the I-200 or I-205 (warrant), all signed by an ICE officer.
- Upon the DIO arriving at the jail with the person, the jail will hold them for up to 48 hours.
- The jail WSO *will not* serve the warrant in this situation as the person is simply being held on the ICE booking form at the jail under the Basic Ordering Agreement.



State Law Enforcement Civil Immigration Arrest Work Flow

FOR ARREST *WITHOUT* EXISTING ADMINISTRATIVE WARRANT

If during a DIO's ordinary law enforcement duties they encounter a person who does not have an active ICE warrant for their removal (I-205) or warrant for their arrest (I-200), but the DIO believes the person is a removable alien, the DIO should notify FIRC and speak to the on-duty SDDO to obtain permission to arrest the person and seek issuance of an arrest warrant (I-200).

This would result from the DIO contacting someone as a result of a traffic stop or other law enforcement encounter, interviewing the person, and establishing cause that the person is not a United States citizen and is illegally in the country, and meets ICE criteria for arrest and removability.

- Until DIOs receive authorized direct access to ICE databases, they must consult with FIRC or an ICE officer with database access to properly ensure positive identification of the person and determine alienage and removability.
- **Caution** must be used because there are a number of situations where a person may appear to be an alien/foreign born national unlawfully in the United States when neither is actually the situation.

A DIO cannot arrest a person without first calling the FIRC and receiving permission from the SDDO and the SDDO having issued the arrest warrant (I-200). The SDDO will inform the DIO that they have issued the warrant and approved the arrest, and the DIO will then make the arrest. The DIO will not physically have a copy of the warrant when they make the arrest.

If there are state law criminal charges in addition to the civil immigration charges, the DIO will arrest the person on the state law charges and transport the person to the county jail.

- The Florida ICE Response Center will then send to the applicable county jail a detainer (I-247) and the arrest warrant (I-200).
- Because the person is being booked on state charges, a WSO at the jail will serve the detainer package provided by the FIRC on the person upon booking.
- The jail will follow its ordinary detainer process to notify ICE upon the person's release on state charges.

If there are *no* state law criminal charges, the Florida ICE Response Center will send via e-mail to the jail receiving the arrestee, as designated by the DIO, an I-203 (booking form), I-247 (detainer,) and the I-200 or I-205 (warrant), all signed by an ICE officer.

- The jail WSO will not serve the warrant in this situation as the person is simply being held on the ICE booking form at the jail under the BOA.
- The jail will follow the steps as it would for all other persons being held on an (I-203) so that the person may be timely transported to an ICE facility.



State Law Enforcement Civil Immigration Arrest Work Flow

JAIL HOUSING AND TRANSPORTATION

Each county jail holding an alien or foreign born national on an I-203 will send a daily e-mail to FIRC with the names of the person in its custody on ICE civil charges only, and who need to be picked up and transported to an ICE office.

The e-mail will be sent to ICE-ERO-MIA-IRC-247N-Notifications-SMB@ice.dhs.gov.

- At a set deadline each day, FIRC will notify the appropriate transport entity (i.e. ERO contract transport, ERO office, or sheriff, as applicable, based on the geographic area) and the transport entity will pick up the person the next day.

After the transport entity picks up a person(s) from a county jail who is being held on the I-203, the transport entity will notify the FIRC when the person has been delivered to an ICE office.

- FIRC will track persons who have been booked on I-203s and those who have been transported from the jail to an ICE office to ensure that nobody with only civil immigration charges remains in a county jail longer than 48 hours.



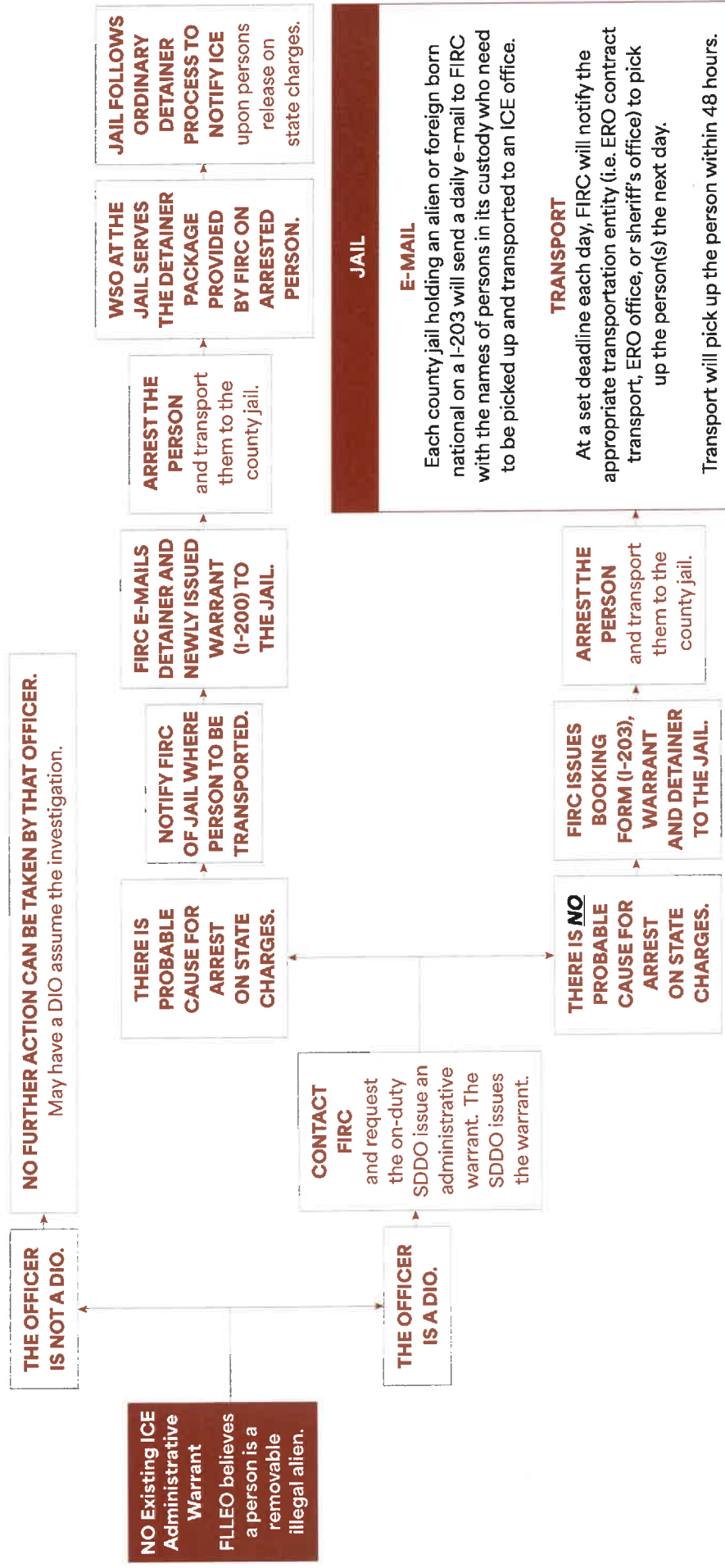
A FLORIDA LAW ENFORCEMENT OFFICER HAS CONTACT WITH AN ALIEN OR FOREIGN BORN NATIONAL.



Florida Law Enforcement Officer Civil Immigration Arrest Work Flow

FOR ARREST WITHOUT EXISTING ADMINISTRATIVE WARRANT

A FLORIDA LAW ENFORCEMENT OFFICER HAS CONTACT WITH AN ALIEN OR FOREIGN BORN NATIONAL.



LIST OF TERMS

DIO - Designated Immigration Officer	WSO - Warrant Service Officer
ERO - Enforcement and Removal Operations	I-200 - Warrant of Arrest
FIRC - Florida ICE Response Center	I-205 - Warrant of Removal
FLLEO - Florida Law Enforcement Officer	I-247 - Immigration Detainer
NCIC - National Crime Information Center	I-203 - Booking Form
SDDO - Supervisory Detention and Deportation Officer	



Florida Law Enforcement Officer Civil Immigration Arrest Transportation Process - March 2025

UNDER THE FLORIDA LAW ENFORCEMENT OFFICER CIVIL IMMIGRATION ARREST WORKFLOW, FLORIDA LAW ENFORCEMENT OFFICERS WILL TAKE PERSONS THEY ARREST ON SOLELY FEDERAL CIVIL IMMIGRATION CHARGES TO A COUNTY JAIL.

The county jail will hold the person for up to 48 hours under the BOA and book them under the I-203 ICE Order to Detain or Release Alien.

Prior to the end of the 48 hour temporary housing period, the booked aliens will need to be picked up and transported to an ICE office.

From the area of Florida encompassing south of Marion County, ICE or its transportation contractor will pick up the illegal aliens from the county jail and transport them to the appropriate ICE office.

From the area of Marion County north across Florida, the transportation will be handled by sheriffs in 7 zones. These sheriffs will be notified by the FIRC that an alien is in a jail in their zone and the sheriff will pick up the alien before the end of the 48 hour period and transport them to the appropriate ICE office.

The following are the sheriffs' and county operated jail transportation zones and the sheriff who has agreed to do the transports in their zone. These sheriffs will be notified by the FIRC that an alien is in a jail in their zone and needs to be transported to an ICE office.

The jails will notify the FIRC each day at 1500 of the aliens in their jails who need to be transported, and the sheriffs will be notified after that, and the transport will probably occur the next day. Sheriffs may work out transportation details as they see fit in their zones with pick-ups occurring at the jail or a mutually agreed upon closer place. Sheriffs should coordinate with their local ICE office to make sure someone is there to receive the alien when they arrive at the office.

Sheriff's Transportation Zone 1

Escambia, Okaloosa, and Santa Rosa Counties.

Santa Rosa County Sheriff will do the transports to the ICE Pensacola office.

Sheriff's Transportation Zone 2

Walton, Holmes, and Washington Counties.

Walton County Sheriff will do the transports to the ICE Panama City Beach office.

Sheriff's Transportation Zone 3

Bay, Calhoun, Gulf, Liberty, and Franklin Counties.

Bay County Sheriff will do the transports to the Panama City Beach or Tallahassee ICE offices.

Sheriff's Transportation Zone 4

Madison, Taylor, Lafayette, Suwannee, and Hamilton Counties.

Madison County Sheriff will do the transports to Tallahassee or Jacksonville ICE offices.

Sheriff's Transportation Zone 5

Dixie, Levy, Gilchrist, Alachua, Bradford, and Union Counties.

Alachua County Sheriff will do the transports to Orlando or Jacksonville ICE offices.

Sheriff's Transportation Zone 6

Nassau, Clay, Putnam, St. Johns, Duval, and Baker Counties.

Jacksonville Sheriff (Duval County) will do the transports to Jacksonville ICE office.

Sheriff's Transportation Zone 7

Marion, Putnam, Citrus, Sumter, and Lake Counties

Marion County Sheriff will do the transports to the Orlando or Tampa ICE offices.





Sheriff Bob Gualtieri
Pinellas County Sheriff's Office

Florida Immigration Enforcement

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State and local law enforcement officers have no authority to enforce federal immigration law without special designated authority from the Department of Homeland Security (DHS) secretary.

There are three types of immigration enforcement programs under which state and local law enforcement may act as Designated Immigration Officers (DIOs) and assist U.S. Immigration and Customs Enforcement (ICE) in enforcing civil and criminal federal immigration law.*

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*There is another assistance model under which ICE officers are imbedded in county jails and do their own investigations and take their own actions inside the jail.

This model is rare and not a common practice.

ERO does not have the personnel to staff county jails in most places.

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Pinellas County Sheriff's Office

All state and local law enforcement assistance programs derive their authority from §287(g) of the Immigration and Nationality Act (INA), which is codified in federal law.

The three programs are:

- Warrant Service Officers (WSO)
- Jail Enforcement Model (JEM)
- Taskforce Model (cops on the street)

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The DHS secretary has great latitude in implementing the programs and establishing their requirements for training and designation of state and local law enforcement officers as DIOs.

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ICE has placed illegal aliens into categories of priority for removal. Those who are a top priority for removal are:

- Criminal illegals;
- Those who pose a public safety or national security threat;
- Those who have been previously removed but have illegally returned to the United States; and
- Those with final judge-issued deportation orders who have ignored the orders and remained in the U.S.

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As stated, **criminal illegal aliens** (those who have committed crimes) are a priority for removal.

The safest and most effective way for local law enforcement to help ICE remove the criminal illegals is to turn them over to ICE from the county jail upon conclusion of their state charges.

This process mitigates non-priority collateral arrests, which maximizes limited ICE bed space.

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Pinellas County Sheriff's Office

Turning criminal illegals over to ICE from the jail is vital to effective public safety because these people should not:

Be in the U.S. illegally;

Commit awful crimes for which they are arrested;

Be freed from jail on pre-trial release (bail) while their criminal cases wind through the state court system; or

Released to the community post-sentence

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Some Examples:

One criminal illegal in the Pinellas County jail is from Mexico and he is charged with 20 different counts of possession of child pornography.

Another person is one we arrested for lewd and lascivious battery of a child under 12 years old and he is here illegally from El Salvador.

Another illegal from Mexico we arrested for sexual battery or raping a child under 12 years old.

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Yet another illegal is from Cuba and he is charged with DUI manslaughter for killing someone while driving drunk and then resisting arrest.

And, another illegal here from Honduras raped a physically helpless person and committed numerous acts of lewd and lascivious molestation on a child.

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These people, and others like them, need to be immediately transferred to ICE custody and removed, either contemporaneously with their pre-trial release on state charges or after having served their sentence.

Under no circumstance should they be allowed back in our communities, and without maximizing cooperation between the county jail and ICE, that's exactly what happens.

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Here's how the cooperation works:


ICE learns that a criminal illegal has been booked into a county jail through biometric and biographical information sharing between the county jail and ICE.

When ICE determines that it wants to take custody of a criminal illegal from the jail, that is accomplished by turning the person over to ICE through the immigration detainer process.

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Contrary to misinformation, ICE detainers have no applicability outside of a jail setting.

Detainers are inapplicable to city police departments in Florida or any law enforcement officer on the street.

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Pinellas County Sheriff's Office

An immigration detainer (I-247) is a "request" by ICE, to a jail, to hold the person on **civil** federal immigration charges for up to 48 hours after their criminal state law case is resolved so that ICE may safely and effectively take the person into custody.

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[illegible]

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Because detainers alone carry no legal authority to hold someone in custody beyond their state charges, there must be an independent legal basis to do so. That is accomplished by:

Option 1:

ICE having a housing agreement with a jail (BOA or IGSA).

An ICE officer taking the person into federal custody immediately upon conclusion of their state charges by ICE serving a civil arrest warrant (I-200), or warrant of removal (I-205) **and** issuing a booking form to the jail (I-203).

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All 67 county jails in Florida have a BOA or IGSA in place.

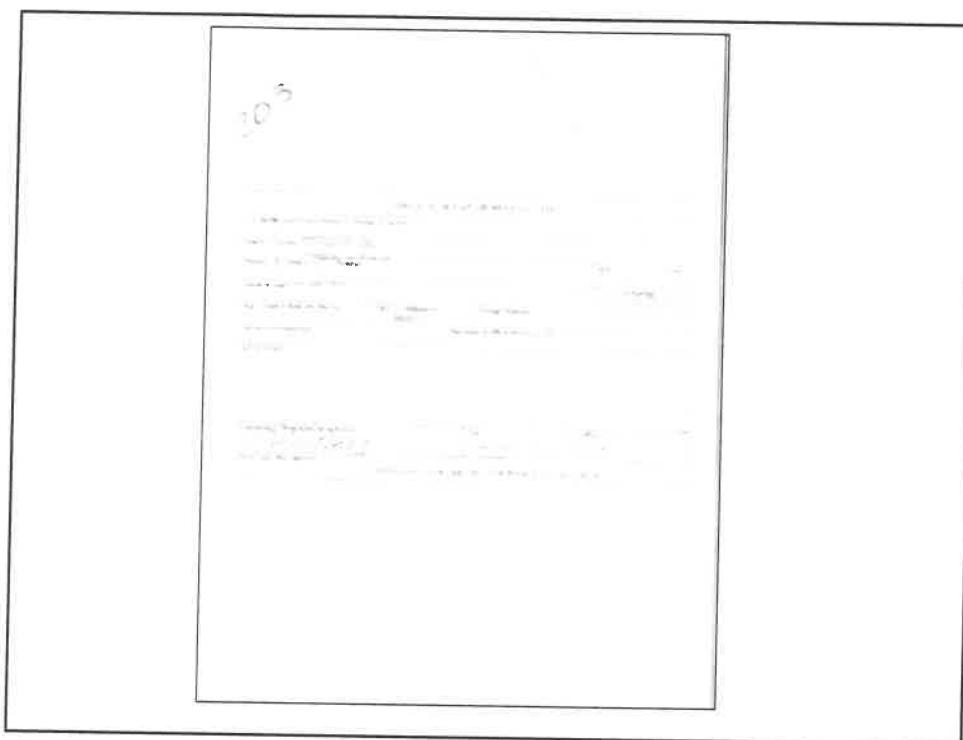
Under this option, the jail may hold the person on the booking form (I-203) for up to 48 hours in the case of a BOA and 72 hours if the jail has an IGSA.

ICE does its own work under this option and the hold functions like a "courtesy hold."

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Option 2:

This option operates under the WSO program and the civil immigration custody is effected by a jail deputy or officer acting under their federal immigration DIO authority.

ICE provides the jail a detainer accompanied by a civil arrest warrant (I-200 or I-205).

A WSO serves the warrant and detainer on the criminal illegal immediately upon conclusion of their state charges, thus giving ICE 48 hours to pick the person up and take them into civil immigration custody.

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U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

File No. _____
Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations.

Have determined that there is a substantial cause to believe that _____ is removable from the United States. The determination is based upon:

- ☐ the execution of a charging document or some other proceeding against the subject;
- ☐ the subject's ongoing removal proceedings against the subject;
- ☐ the failure to comply with removal proceedings or detention requirements;
- ☐ information furnished to the subject's detention facility check or other information that affirms the subject's status as a removable alien under the Immigration and Nationality Act, which effect is being given to the information with notice to the alien under the Immigration and Nationality Act;
- ☐ documents made available to the subject's immigration officer and to the subject to show that the subject is a removable alien under the Immigration and Nationality Act, which effect is being given to the information with notice to the alien under the Immigration and Nationality Act.

YOU ARE COMMANDED to arrest the subject named in this warrant and to deliver the subject to the custody of the Immigration and Naturalization Service, or its designated agent.

Department of Homeland Security seal

This warrant is to be served by the designated agent.

Signature of Service


I hereby certify that the Warrant for Arrest of _____ is being served by me on _____
at _____, State of _____, and the subject is in my custody.

I am authorized to take any action necessary to carry out the purpose of this warrant.

Signature of the designated agent

Signature of the subject

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WSO Model

Under the WSO program, county jail personnel receive 8 hours of training, are designated as WSOs and simply lodge the detainer, watch for the person's state law charges to be resolved, serve the warrant, and notify ICE to pick the person up within 48 hours of the state charge custody ending.

County jail personnel do not conduct immigration investigations under the WSO model; they simply notify ICE and serve the civil warrants.

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JEM Model

Because it takes time for the biometric or biographical matches to occur, there are times where criminal illegals are booked into the jail and released before ICE issues a detainer and warrant.

The JEM model mitigates or eliminates this issue because detention deputies and correctional officers in county jails are trained and designated under the authority of §287(g) and the DHS secretary's guidance to conduct actual immigration investigations, not to merely serve warrants.

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JEM training has traditionally been 4 weeks long and was only conducted in-person in Charleston, South Carolina.

JEM personnel have direct access to the ICE databases, conduct their own queries, make their own biometric and biographical matches, etc.

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Under the JEM model, jail personnel identify foreign born persons upon booking and conduct a separate immigration investigation to determine alienage and removability.

Each one of these jail-based immigration investigations takes between one and three hours and as a result the county jail officer may issue a detainer and seek a warrant from an ICE supervisor.

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The JEM model is time consuming, as the jail personnel conduct the investigation, make charging decisions/recommendations to an ICE supervisor, build case files, etc.

In Florida there are **four** JEM county jails (Collier, Hernando, Clay and Duval).

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The remaining 63 county jails have a WSO agreement.

However, currently only 41 of the jails have active WSOs because of a backlog in the ICE training and credentialing process.

That means detainees with warrants *are not* being served by county jail personnel in **22** of Florida's **67** county jails.

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There are currently no plans to expand the JEM program beyond the four current jails and any revisions to the four week in-person training requirement have not been communicated.

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The Taskforce Model

The taskforce model involves law enforcement officers on the street (troopers, deputy sheriffs, police officers) who have received immigration enforcement authority as DIOs.

The taskforce model has not existed anywhere in the U.S. since it was eliminated by the Obama administration in 2012.

It was resurrected by the Trump administration in January of 2025.

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Like the JEM, the task force model historically required extensive in-person training in Charleston, S.C.

The Trump administration has modified the training, and it is now 40 hours and conducted on-line.

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The process to become a taskforce DIO is:

- 1) The agency signs an ICE taskforce MOA;
- 2) The law enforcement agency nominates personnel as DIOs;
- 3) ICE enrolls the personnel in the DIO training;
- 4) The personnel complete the training within 60 days of enrollment; and
- 5) ICE issues the officer credentials and designation of authorities.

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The officer may then function as a DIO within the scope of those authorities.

Currently in Florida, some FHP troopers have received the training.

No troopers are yet designated DIOs (credentials and authorities have not yet been issued).

Sheriffs have received the nomination forms, city police departments have not.

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The ICE arrest warrants are civil warrants, and state and local law enforcement officers have no authority to serve the warrants. (8 CFR 287.5 (d)(3).

There are about 700,000 ICE removal warrants (I-205) in NCIC.

Until Florida law enforcement officers become DIOs, they do not have the authority to arrest anyone on these warrants and must call for an ICE officer to come to the scene to make the arrest.

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In addition to arresting on the I-205s in NCIC, after Florida law enforcement officers become DIOs, they will be authorized to conduct immigration investigations and make probable cause arrests on civil immigration charges.

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We must have a place to which the illegal aliens arrested by state and local officers on warrants or based on probable cause can be housed pending transfer to ICE.

We proposed a model where all 67 county jails could temporarily house (48 hours) these people on civil immigration charges pending transfer to ICE.

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Under our plan, sheriffs would have helped ICE by transporting all the arrested illegal aliens on a daily basis from all the jails Marion County north, across the panhandle, to ICE sub-offices. ICE would have handled the transports south of Marion County.


ICE headquarters would not approve the plan.

Per ICE, only the 7 county jails (Collier, Baker, Glades, Pinellas, Orange, Martin and Walton) with current IGSA's or USMS agreements can be used to house these people.

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Under ICE policy, state and local DIOs cannot make probable cause arrests unless authorized to do so by an ICE supervisor.

The FIRC under our plan is important for 24/7 access to an SDDO who can authorize the arrest and issue the warrant (I-200).

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Some of the issues that must be considered before arresting someone on civil immigration charges include:

- 1) Ensuring the DIO has the right person identified;
- 2) Ensuring the person is in fact not a U.S. citizen or does not have some other legal status:
 - a. Some people have dual citizenship
 - b. Some people are U.S. citizens and don't know it because of their parents' status.
 - c. Some appear to be non-citizens because they carry a passport from one country but really have dual citizenship.

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Florida Immigration Laws

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F.S. 811.102

(1) Except as provided in subsection (2), an unauthorized alien who is 18 years of age or older and **who knowingly enters or attempts to enter this state** after entering the United States by **eluding or avoiding examination or inspection by immigration officers** commits a **misdemeanor** of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person convicted of a violation of this subsection must be sentenced to a mandatory minimum term of imprisonment of 9 months.

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F.S. 811.102 (Continued)

(2)(a) An unauthorized alien who has one prior conviction for a violation of this section and who commits a second violation of subsection (1) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person convicted of a violation of this paragraph must be sentenced to a mandatory minimum term of imprisonment of 1 year and 1 day.

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F.S. 811.102 (Continued)

(3) An unauthorized alien may **not be arrested** for a violation of this section if the unauthorized alien was encountered by law enforcement **during the investigation of another crime** that occurred in this state **and** the unauthorized alien **witnessed or reported** such crime or was a victim of such crime.

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F.S. 811.102 (Continued)

(4) It is an **affirmative defense** to prosecution under this section if: (a) The Federal Government has granted the unauthorized alien lawful presence in the United States or discretionary relief that authorizes the unauthorized alien to remain in the United States temporarily or permanently; (b) The unauthorized alien is subject to relief under the Cuban Adjustment Act of 1966; or (c) The unauthorized alien's entry into the United States did not constitute a violation of 8 U.S.C. s. 1325(a).

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811.103 Illegal reentry of an adult unauthorized alien.

(1) An unauthorized alien who is 18 years of age or older commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she, after having been denied admission, excluded, deported, or removed or having departed the United States during the time an order of exclusion, deportation, or removal is outstanding, thereafter enters, attempts to enter, or is at any time found in this state. (continued on next slide)

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811.103 Illegal reentry of an adult unauthorized alien (continued)

An unauthorized alien does not commit a violation of this subsection if, before the unauthorized alien's reembarkation at a place outside the United States or his or her application for admission from a foreign contiguous territory: (a) **The Attorney General of the United States expressly consented to his or her reapplication for admission;** or (b) **With respect to an unauthorized alien who was previously denied admission and removed, the unauthorized alien establishes that he or she was not required to obtain such advance consent under the Immigration and Nationality Act, as amended.**

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811.103 Illegal reentry of an adult unauthorized alien (continued)

(2) Except as provided in subsection (3), an unauthorized alien who violates subsection (1) must be sentenced to a mandatory minimum term of imprisonment of 1 year and 1 day.

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Questions?

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