



POLICE DEPARTMENT

**NONCITIZEN
INTERACTIONS**

**OPERATIONAL
PROCEDURE #414**

Responsible Executive:
Chief of Police
Responsible Office:
Vice President for Public Safety
Approved by:
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Policy Statement

The Johns Hopkins Police Department (JHPD) recognizes that one of the Johns Hopkins community’s greatest strengths is its diversity. The Johns Hopkins community includes many members who originate or permanently reside in countries outside the United States. Understanding that some members of its community—including students, faculty, staff, and residents of the areas around the campus—are noncitizens, Johns Hopkins recognizes and prioritizes the need to foster trust with noncitizens and their communities to encourage crime reporting and cooperation in criminal investigations. All noncitizens, especially those who are

victims of crime, must feel secure that contact with JHPD members will not lead to an immigration inquiry.

Who Is Governed by This Policy

All personnel, including sworn, nonsworn, and contractual or voluntary persons in service with the JHPD, are governed by this Directive.

Purpose

This Directive establishes the JHPD policy and procedures concerning interactions with noncitizens and ensures that the JHPD can provide police services to all persons.

Definitions

| | |
|----------------------------------|--|
| Administrative Warrant: | For the purposes of this Directive, this term refers to administrative removal warrants used by U.S. Immigration and Customs Enforcement (ICE) officers to arrest noncitizens who have committed immigration violations. An administrative warrant is not a criminal warrant signed by a judge, nor is it a court order, and it shall not be used by the JHPD as the basis to detain or arrest a person or persons. |
| Confidential Information: | As used herein, “confidential information” means any information obtained and maintained by the JHPD relating to an individual’s sexual orientation, status as a victim of domestic violence, status as a victim of sexual assault, status as a crime witness, recipient of public assistance, or immigration status, and shall include all information contained in any person’s income tax, medical, student or other financial records, including but not limited to Social Security Numbers. |
| Detainer Request: | For the purposes of this Directive, a completed Form I-247A by any federal immigration law enforcement branch of ICE and submitted to a law enforcement agency that currently has legal and physical custody of an individual suspected of violating federal immigration law. The form asks the agency upon which it is served to contact ICE and agree to secure transfer of the person to ICE’s custody prior to their release from custody on state or local criminal charges. Form I-247A is only submitted when the law enforcement agency is holding a person on other criminal charges. |
| Immigration Status: | Refers to an individual’s status with respect to federal immigration law or citizenship. For example, a person who enters the United States without legal permission may be considered an “undocumented person.” A person who is legally granted permission to reside in the United States permanently may be considered a “lawful permanent resident.” |
| Member: | All members of the JHPD, including employees, officers, and volunteers, unless the term is otherwise qualified (e.g., member of the public, member of the Baltimore Police Department, etc.). |

| | |
|--|--|
| Noncitizen: | Any person who is not a U.S. citizen. |
| Officer: | All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD. |
| Reasonable Articulate Suspicion (RAS): | A well-founded suspicion based on the totality of the circumstances, including specific, objective, articulable facts, taken together with the officer’s training and experience, that would lead a reasonably prudent officer to believe, (1) for purposes of an investigative stop, that a person has committed, is committing, or is about to commit a crime or, (2) for purposes of a pat-down, that a person is armed. RAS is based upon an objective assessment of the facts and circumstances presented to the officer. RAS is an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. |
| U.S. Immigration and Customs Enforcement (ICE): | The federal law enforcement agency under the Department of Homeland Security that is responsible for enforcement of federal laws related to border control, customs, trade, and immigration. |

Policy

To ensure the trust and cooperation of all persons, including non-citizens, all members of the JHPD will treat everyone with dignity, respect, compassion, and courtesy.

Procedures

I. General

- A. The enforcement of civil federal immigration laws falls exclusively within the authority of ICE officials.
- B. This policy is to be construed in accordance with federal and state law.
- C. Certain diplomats and consular officials have special privileges and immunities. Refer to JHPD Directive #413, Diplomatic Immunity, for procedures on how to address any person with diplomatic privileges and immunities.

II. Required Actions

- A. Members shall treat all persons equally and without regard to race, color, ethnicity, religion, national origin, or ability to speak English in any way that would violate the U.S. or Maryland State Constitution. See JHPD Directive #106, Fair & Impartial Policing. To encourage crime reporting and cooperation in criminal investigations, all persons, regardless of their immigration status, must feel secure that contact with JHPD members will not lead to an immigration inquiry.

- B.** Members shall not initiate an investigation or take law enforcement action on the basis of actual or perceived immigration status, citizenship, national origin, or ability to speak or understand the English language.
- If a person is unable to speak or understand the English language, members of the JHPD shall utilize Language and Interpretation Services in accordance with JHPD Directive #434, Language Access Services, where applicable.
- C.** Members shall not inquire about the immigration status of any person, including those who are not the subject of the encounter (e.g., friends or family of the person being questioned), except as authorized by this Directive.
- D.** Members shall not make any threats of immigration actions or consequences as a result of any interaction with law enforcement, including in the context of criminal investigations.
- E.** Members shall not engage in, assist, or support ICE enforcement except when such services are required to safely execute a criminal warrant or court order issued by a federal or state judge, or when necessary to support a criminal investigation, including investigations related to human trafficking.
- F.** Members are not permitted to accept requests by ICE or other agencies to support or assist in civil immigration enforcement operations, including but not limited to immigration detainer requests and requests to establish traffic perimeters related to immigration enforcement. If a member receives such a request, they shall report it to their supervisor, who shall decline the request and document the declination in an Administrative Report to the Chief of Police through the chain of command.
- G.** Members shall not notify ICE of the location of an individual for the purposes of civil immigration enforcement.
- H.** Referrals to medical or social service agencies will be made for undocumented noncitizens in the same manner they are made for all other community members.

III. Requesting Identifying Information

- A.** While it may often be necessary to determine the identity of a victim or witness, consistent with applicable law, members shall not question, investigate, or inquire about the immigration status of any person, including a victim or witness. Accordingly, members are permitted to request a person's identification only as authorized by JHPD policy.

- A member shall not complete a Maryland Electronic Telecommunications Enforcement Resource System (METERS)/National Crime Information Center (NCIC) check for a passenger of a motor vehicle, victim, or witness unless there is a reasonable, articulable safety concern or suspicion of criminal activity related to the passenger, victim, or witness, or the passenger has volunteered to assume operation of the vehicle and the member needs to confirm the passenger's licensure to operate the vehicle.
- B.** Persons are not required to prove their citizenship status, country of origin, or information related to their immigration status. Therefore, members shall not request identification for the purpose of determining any of this information.
- C.** When identification is requested, members shall accept presentation of (1) a photo identity document issued by a government entity or nongovernment organization or a Johns Hopkins University (JHU) J-Card (see examples in Appendix A), or (2) a verbal statement of the person's full name and date of birth. Members shall not require that a person produce a foreign passport or non-U.S. driver's license as evidence of identity.
- A driver's license issued by a licensing authority of Maryland (Motor Vehicle Administration), another state, or a foreign country is required for the operation of a motor vehicle, regardless of a person's immigration status. Members may request a motor vehicle driver to produce a driver's license. The failure of a motor vehicle operator to produce a driver's license upon request after a moving violation or traffic stop may subject the operator to the appropriate charge (i.e., driving without a license).
 - The mobile data terminal includes DOCUtector, a digital database with examples of 1,200 different identification document formats worldwide. While DOCUtector contains examples of foreign identification documents, such as consular identification cards and passports, that are sufficient to verify a person's identity, such documents are not sufficient proof that a driver or operator of a motor vehicle is licensed. Only a driver's license issued by the operator's home state or country, or confirmation of an operator's license through METERS/NCIC, is sufficient to establish license status.
- D.** Members shall not confiscate permanent resident cards or documents (also known as "green cards"), employment authorization cards, or any other residency, citizenship, or immigration permits or documents unless the officer has reason to believe that the documents are counterfeit with fraudulent intent and thereby indicative of a violation of applicable

statutes involving the possession of fraudulent government identification documents. (MD Code, Criminal Law, § 8-303)

IV. Documentation & Disclosure of Confidential Information

Obtaining pertinent information from an individual may in some cases be difficult or impossible if some expectation of confidentiality is not preserved.

A. If a person volunteers their immigration status or if a member ascertains a person's immigration status through another means (e.g., another party volunteers the information), members shall not document immigration status for the purpose of federal civil immigration law enforcement.

- Members may document a person's immigration status only when relevant to a crime being investigated (human trafficking, hate crime, etc.). In such instances, the member shall explain to the individual why they are documenting their immigration status and its relevance to the investigation.

B. Confidential information relating to immigration status or other personal or private attributes shall be disclosed only as provided herein. No member shall disclose confidential information unless such disclosure:

- Has been authorized in writing by the person to whom the information pertains, or by the parent or guardian if the person is a minor or not legally competent,
- Is required by law,
- Is necessary to apprehend an individual suspected of engaging in criminal activity, or
- Is necessary in furtherance of a criminal investigation of potential terrorism.

C. Any members with a question relating to the disclosure of confidential information under this Directive shall consult their supervisor.

V. Immigration Warrants & Detainers

A. If a member receives a "hit" in the NCIC database on a person, the member shall contact the JHPD NCIC Operator. The NCIC Operator will advise the member as to the type of warrant that exists.

- If the warrant is an administrative warrant, the member shall take no action on the administrative warrant but may inform the individual of the administrative warrant, for their awareness, as they may be completely unaware of its existence.
- If the NCIC Operator confirms that there is no outstanding federal, state, or criminal arrest warrant, or if the NCIC Operator is unable

to promptly determine whether there is a warrant, the member shall immediately release the person.

- If the member receives verification of an outstanding criminal warrant, normal arrest and alternatives to arrest procedures shall be followed.

B. An immigration detainer cannot form the independent basis for any detention or arrest. All detentions shall be justified by independent RAS that a crime has been committed, and all arrests shall be justified by independent probable cause to believe that a crime has been committed. An immigration detainer issued by ICE is a request, not a judicial order or a criminal warrant.

- Members shall refer to Appendix B for examples of ICE administrative immigration warrants and immigration detainers.

VI. NCIC Operator Required Actions

A. Upon receiving a call from a member to verify a warrant, the METERS/NCIC Operator must attempt to determine whether the warrant is an immigration administrative warrant. To do so, METERS/NCIC Operator personnel shall review the introductory message at the beginning of the “hit” from METERS/NCIC. If it is administrative in nature, it will contain the language:

- “Subject has an outstanding administrative warrant of removal,” or
- “Subject has an outstanding administrative warrant of arrest for immigration violations.”

B. If the above language appears, the METERS/NCIC Operator must advise the member that the warrant is administrative, which is a nonarrestable warrant.

C. If the METERS/NCIC Operator is unable to determine whether the warrant is administrative or criminal, they shall contact ICE at the number provided in the NCIC database to verify whether the person has an outstanding criminal warrant.

D. The METERS/NCIC Operator must inform the member of the outcome of the contact—whether the person has an outstanding criminal warrant or an outstanding administrative warrant, or that they are unable to promptly determine the nature of the warrant.

- See Appendix C for sample NCIC “hit” results for ICE administrative and criminal warrants.

VII. Victim Services

Because of differences in language and cultural backgrounds, noncitizens and their communities may be subject to criminal victimization. Members will ensure that individual noncitizens and noncitizen communities understand that a full range of victim services are available to documented and undocumented victims and witnesses. Members should communicate that they are there to provide assistance to ensure their safety. (Commission on Accreditation for Law Enforcement Agencies (CALEA) 55.2.3.a)

- A.** Noncitizens, especially women and children, can be particularly vulnerable to criminal activity such as human trafficking, domestic violence, sexual assault, stalking, and other crimes due to a variety of factors, including but not limited to language barriers, separation from family and friends, lack of understanding of U.S. laws, fear of deportation, and cultural differences.
- B.** In accordance with the Victims of Trafficking and Violence Protection Act, undocumented crime victims and witnesses may be eligible for temporary benefits and protections without the immediate risk of being removed from the country through issuance of a U Visa or T Visa by the federal government.
- Under certain circumstances, federal law allows victims and witnesses of certain qualifying crimes to obtain temporary immigration status from the U.S. Citizenship and Immigration Services (see 8 USC § 1101(a) (15) (U), 8 USC § 1101(a) (15) (T)). Certifications by law enforcement agencies detailing how the victim or witness has been, is being, or is likely to be helpful in a criminal investigation or prosecution are part of the victim's or witness's application for a U Visa or a T Visa.
 - The qualifying crimes that cause a person to be eligible to request a U Visa or T Visa are crimes for which the Baltimore Police Department (BPD) will serve as the primary case investigator, in accordance with the JHPD's Memorandum of Understanding with BPD, dated December 2, 2022. As such, BPD will continue to be the certifying agency on any such instances where a victim or witness requests a law enforcement certification for a U Visa or T Visa application.
- C.** If a victim or witness requests assistance with making contact with BPD for U Visa or T Visa purposes, the JHPD shall assist by providing the person with BPD's instructions (see <https://www.baltimorepolice.org/transparency/bpd-policies/1021-immigration-status>) or by making direct contact with the BPD certifier or their designee.

- D. When BPD contacts the JHPD to verify information regarding a specific case for a U Visa or T Visa certification, the JHPD shall provide to BPD the requested information, including details on how the victim or witness has been, is being, or is likely to be helpful in a criminal investigation or prosecution.

VIII. Arrest/Detention of Noncitizens (CALEA 1.1.4, 1.2.5, 61.1.2.a)

Noncitizens who are arrested or detained may have certain protections afforded to them via international treaties, in particular the Vienna Convention.

- A. The below steps shall be followed for all noncitizens regardless of their immigration status. Officers should not inform the consulate about the noncitizen's refugee or asylum status if they are aware of it.
- B. When a noncitizen has been arrested or detained, members shall do the following:
- When the noncitizen is not in possession of a valid state- or U.S. government-issued identification, attempt to determine their country of citizenship. In the absence of the information, assume this is the country displayed on the passport or other identification presented. This information will be placed on the arrest sheet.
 - Even if the person being arrested is released via discretionary release, the member or their supervisor shall make the consular notification, when required or requested, before the end of the shift.
- C. Consistent with U.S. Department of State guidelines (see Appendix D and travel.state.gov/CNA):
- If the person's country is on the **mandatory notification list**, members shall:
 - Notify, without delay, the country's nearest embassy or consulate of the arrest or detention. A sample of information to include in the notification is found at travel.state.gov/CNA.
 - Use Statement 2 (Appendix E) in the relevant language to tell the noncitizen, without delay, that the officer is making the notification and that they may communicate with their consulate.
 - NOTE: The statement can be found in many different languages at travel.state.gov/CNA.
 - Forward any communication from the individual to the consulate without delay.

- If the noncitizen's country is **NOT on the mandatory notification list**, members shall:
 - Use Statement 1 (Appendix E) in the relevant language to inform the national, without delay, that they may have their consular officers notified and may communicate with them.
 - NOTE: The statement can be found in many different languages at travel.state.gov/CNA.
 - If the noncitizen requests that the consulate be notified, notify the country's nearest embassy or consulate without delay. A sample of what to include in the notification is found at travel.state.gov/CNA.
 - Forward any communication from the noncitizen to the consulate without delay.
 - NOTE: The U.S. Department of State maintains a list of foreign embassy and consulate phone numbers at <https://travel.state.gov/content/travel/en/consularnotification/ConsularNotificationandAccess.html>.

D. Consular officers are entitled to communicate with and to have access to their noncitizens in detention (whether they are from a mandatory notification country or not) and to provide consular assistance to them, including arranging for legal representation.

- Members shall document in the Incident Report or case file:
 - What information was provided to the noncitizen and when,
 - The noncitizen's requests, if any, and
 - Whether they notified consular officers and, if so, date and time and means of notification (e.g., fax, email, or phone). If notification was faxed or emailed, keep the fax receipt or a copy of the email sent.

E. It is the opinion of the U.S. Department of State that stops for routine traffic violations and resultant citations are not arrests or detention for the purposes of notification.

F. If the arrested or detained noncitizen is a JHU student, staff person, or faculty member, the member shall also ensure the JHU Office of International Services is notified.

G. The member shall utilize Language and Interpretation Services in accordance with JHPD Directive #434, Language Access Services, to ensure the person understands what is being communicated.

- H. If at any point during the contact the member is unsure of how to proceed, they shall contact the on-duty supervisor for assistance.
- I. All notifications will be in conformance with the manual for Consular Notification & Access published by the U.S. Department of State: <https://2009-2017.state.gov/documents/organization/211873.pdf>.

IX. Death, Serious Injury, or Illness of Noncitizens

- A. Members encountering circumstances where a noncitizen dies, is seriously injured, or becomes seriously ill shall notify the noncitizen’s nearest embassy or consulate as soon as reasonably possible. Refer to travel.state.gov/CNA for the information that should be included in the notification.
- B. Members shall document the notification in the narrative of any applicable Incident Report.

X. Training

- A. The Public Safety Training Section shall ensure that all members, upon hire, receive training on this Directive, the process for making consular notifications, and the process of providing access to foreign officials.
- B. Triennially, members will receive refresher training on this Directive through a scheduled review using PowerDMS.

Policy Enforcement

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|-----------------------------|---|
| Enforcement | Police Department managers and supervisors are responsible for enforcing this Directive. |
| Reporting Violations | Suspected violations of this Directive should be reported to the Public Safety Accountability Unit. |

Related Resources

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| University Policies and Documents |
| Conduct & Responsibility #106, Fair & Impartial Policing Operational Procedure #413, Diplomatic Immunity Operational Procedure #434, Language Access Services |
| External Documentation |
| Consular Notification & Access , published by the U.S. Department of State |
| Police Department Forms and Systems |
| |

Contacts

| Subject Matter | Office Name | Telephone Number | Email/Web Address |
|---|-------------------|------------------|--|
| Policy Clarification and Interpretation | Policy Management | (667)306-8618 | jhdpolicyinquiry@jh.edu |

Appendix B

Examples of ICE Administrative Immigration Warrants & Detainers

APPENDAGE G

AR 7-14
2/28/2022

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

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

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

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

G.1

AR 7-14
2/28/2022

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:

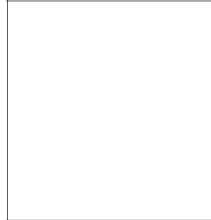
(Signature of immigration officer)

(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)

AR 7-14
2/28/2022

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)

Name of Alien: _____

Date of Birth: _____ Citizenship: _____ Sex: _____

1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON (complete box 1 or 2).

- A final order of removal against the alien;
- The pendency of ongoing removal proceedings against the alien;
- Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2).

- Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

IT IS THEREFORE REQUESTED THAT YOU:

- **Notify DHS** as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) at _____ . If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
- **Maintain custody** of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien **must be served with a copy of this form** for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters
- Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.
- Notify this office in the event of the alien's death, hospitalization or transfer to another institution.
- If checked: please cancel the detainer related to this alien previously submitted to you on _____ (date).

(Name and title of Immigration Officer)

(Signature of Immigration Officer) (Sign in ink)

Notice: If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

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

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to _____ .

Local Booking/Inmate #: _____ Estimated release date/time: _____

Date of latest criminal charge/conviction: _____ Last offense charged/conviction: _____

This form was served upon the alien on _____ , in the following manner:

- in person by inmate mail delivery other (please specify): _____

(Name and title of Officer)

(Signature of Officer) (Sign in ink)

NOTICE TO THE DETAINEE

The Department of Homeland Security (DHS) has placed an immigration detainer on you. An immigration detainer is a notice to a law enforcement agency that DHS intends to assume custody of you (after you otherwise would be released from custody) because there is probable cause that you are subject to removal from the United States under federal immigration law. DHS has requested that the law enforcement agency that is currently detaining you maintain custody of you for a period not to exceed 48 hours beyond the time when you would have been released based on your criminal charges or convictions. **If DHS does not take you into custody during this additional 48 hour period, you should contact your custodian** (the agency that is holding you now) to inquire about your release. **If you believe you are a United States citizen or the victim of a crime, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.**

NOTIFICACIÓN A LA PERSONA DETENIDA

El Departamento de Seguridad Nacional (DHS) le ha puesto una retención de inmigración. Una retención de inmigración es un aviso a una agencia de la ley que DHS tiene la intención de asumir la custodia de usted (después de lo contrario, usted sería puesto en libertad de la custodia) porque hay causa probable que usted está sujeto a que lo expulsen de los Estados Unidos bajo la ley de inmigración federal. DHS ha solicitado que la agencia de la ley que le tiene detenido actualmente mantenga custodia de usted por un periodo de tiempo que no exceda de 48 horas más del tiempo original que habría sido puesto en libertad en base a los cargos judiciales o a sus antecedentes penales. **Si DHS no le pone en custodia durante este periodo adicional de 48 horas, usted debe de contactarse con su custodio** (la agencia que le tiene detenido en este momento) para preguntar acerca de su liberación. **Si usted cree que es un ciudadano de los Estados Unidos o la víctima de un crimen, por favor avise al DHS llamando gratuitamente al Centro de Apoyo a la Aplicación de la Ley ICE al (855) 448-6903.**

AVIS AU DETENU OU À LA DÉTENUÉ

Le Département de la Sécurité Intérieure (DHS) a placé un dépositaire d'immigration sur vous. Un dépositaire d'immigration est un avis à une agence de force de l'ordre que le DHS a l'intention de vous prendre en garde à vue (après cela vous pourriez être remis en liberté) parce qu'il y a une cause probable que vous soiez sujet à expulsion des États-Unis en vertu de la loi fédérale sur l'immigration. Le DHS a demandé que l'agence de force de l'ordre qui vous détient actuellement puisse vous maintenir en garde pendant une période ne devant pas dépasser 48 heures au-delà du temps après lequel vous auriez été libéré en se basant sur vos accusations criminelles ou condamnations. **Si le DHS ne vous prene pas en garde à vue au cours de cette période supplémentaire de 48 heures, vous devez contacter votre gardien (ne)** (l'agence qui vous détient maintenant) pour vous renseigner sur votre libération. **Si vous croyez que vous êtes un citoyen ou une citoyenne des États-Unis ou une victime d'un crime, s'il vous plaît aviser le DHS en appelant gratuitement le centre d'assistance de force de l'ordre de l'ICE au (855) 448-6903**

NOTIFICAÇÃO AO DETENTO

O Departamento de Segurança Nacional (DHS) expediu um mandado de detenção migratória contra você. Um mandado de detenção migratória é uma notificação feita à uma agência de segurança pública que o DHS tem a intenção de assumir a sua custódia (após a qual você, caso contrário, seria liberado da custódia) porque existe causa provável que você está sujeito a ser removido dos Estados Unidos de acordo com a lei federal de imigração. O DHS solicitou à agência de segurança pública onde você está atualmente detido para manter a sua guarda por um período de no máximo 48 horas além do tempo que você teria sido liberado com base nas suas acusações ou condenações criminais. **Se o DHS não leva-lo sob custódia durante este período adicional de 48 horas, você deve entrar em contato com quem tiver a sua custódia** (a agência onde você está atualmente detido) para perguntar a respeito da sua liberação. **Se você acredita ser um cidadão dos Estados Unidos ou a vítima de um crime, por favor informe ao DHS através de uma ligação gratuita ao Centro de Suporte de Segurança Pública do Serviço de Imigração e Alfândega (ICE) pelo telefone (855) 448-6903.**

AR 7-14
2/28/2022

THÔNG BÁO CHO NGƯỜI BỊ GIAM

Bộ Nội An (DHS) đã ra lệnh giam giữ di trú đối với quý vị. Giam giữ di trú là một thông báo cho cơ quan công lực rằng Bộ Nội An sẽ đảm đương việc lưu giữ quý vị (sau khi quý vị được thả ra) bởi có lý do khả tin quý vị là đối tượng bị trục xuất khỏi Hoa Kỳ theo luật di trú liên bang. Sau khi quý vị đã thi hành đầy đủ thời gian của bản án dựa trên các tội phạm hay các kết án, thay vì được thả tự do, Bộ Nội An đã yêu cầu cơ quan công lực giữ quý vị lại thêm không quá 48 tiếng đồng hồ nữa. Nếu Bộ Nội An không đến bắt quý vị sau 48 tiếng đồng hồ phụ trội đó, quý vị cần liên lạc với cơ quan hiện đang giam giữ quý vị để tham khảo về việc trả tự do cho quý vị. Nếu quý vị là công dân Hoa Kỳ hay tin rằng mình là nạn nhân của một tội ác, xin vui lòng báo cho Bộ Nội An bằng cách gọi số điện thoại miễn phí 1(855) 448-6903 cho Trung Tâm Hỗ Trợ Cơ Quan Công Lực Di Trú.

被拘留者通知書

國土安全部(Department of Homeland Security, 簡稱DHS)已經對你發出移民拘留令。移民拘留令為一給予執法機構的通知書, 闡明DHS意欲獲取對你的羈押權(若非有此羈押權, 你將會被釋放); 因為根據聯邦移民法例, 並基於合理的原由, 你將會被遞解離美國國境。DHS亦已要求現正拘留你的執法機構, 在你因受到刑事檢控或定罪後, 而在本應被釋放的程序下, 繼續對你作出不超過四十八小時的監管。若你在這附加的四十八小時內, 仍未及移交至DHS的監管下, 你應當聯絡你的監管人(即現正監管你的機構)查詢有關你釋放的事宜。若你認為你是美國公民或為罪案受害者, 請致電ICE執法部支援中心(Law Enforcement Support Center)知會DHS, 免費電話號碼: (855)448-6903。

SAMPLE

Appendix C

Sample Response From NCIC Inquiry

SAMPLE RESPONSE FROM NCIC INQUIRY: ADMINISTRATIVE (CIVIL) WARRANTS

Administrative Warrant of Removal:

WARNING REGARDING FOLLOWING RECORD - SUBJECT OF NIC/N307770847 HAS AN OUTSTANDING ADMINISTRATIVE WARRANT OF REMOVAL FROM THE UNITED STATES. CONTACT LESC

AT (877) 999-5372 FOR IMMEDIATE HIT CONFIRMATION AND AVAILABILITY OF BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT DETAINER.

MKE/IMMIGRATION VIOLATION - FAILURE TO APPEAR FOR REMOVAL
ORI/VTINS1000 NAM/SMITH, JOHN SEX/M RAC/W POB/FN DOB/19510101
HGT/510 WGT/180 EYE/BRO HAI/BRO CTZ/FN SKN/DRK
SMT/SC LF ARM
SOC/777010000

OFF/ALIEN UNLAWFULLY PRESENT DUE TO ORDER OF REMOVAL OR EXCLUSION FROM THE USA
OCA/ASD1234-T MIS/KNOWN AS JOHNNY BOY

ORI IS BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, LAW ENFORCEMENT SUPPORT CENTER

(877) 999-5372

NIC/N307770847 DTE/19980605 0000 EDT DLU/20090101 0600 EST

*****THIS RECORD MAY BE USED ONLY BY CRIMINAL JUSTICE AGENCIES FOR CRIMINAL JUSTICE PURPOSES.

*****END OF IMMIGRATION VIOLATOR FILE RESPONSE*****

Administrative Warrant of Arrest:

WARNING REGARDING FOLLOWING RECORD - SUBJECT OF NIC/N307770847 HAS AN OUTSTANDING ADMINISTRATIVE WARRANT OF ARREST FOR IMMIGRATION VIOLATIONS FOR FAILURE TO COMPLY WITH NS REGISTRATION. CONTACT LESC AT (877) 999-5372 FOR IMMEDIATE HIT CONFIRMATION AND AVAILABILITY OF BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT DETAINER.

MKE/IMMIGRATION VIOLATION - NS REGISTRATION
ORI/VTINS1000 NAM/SMITH, JOHN SEX/M RAC/W POB/FN DOB/19510101
HGT/510 WGT/180 EYE/BRO HAI/BRO CTZ/FN SKN/DRK
SMT/SC LF ARM
SOC/777010000

OFF/SOUGHT FOR VIOLATION OF NS REGISTRATION

OCA/ASD1234-T MIS/KNOWN AS JOHNNY BOY

ORI IS BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, LAW ENFORCEMENT SUPPORT CENTER (877) 999-5372

NIC/N307770847 DTE/19980605 0000 0830 EDT DLU/20090101 0600 EST

*****THIS RECORD MAY BE USED ONLY BY CRIMINAL JUSTICE AGENCIES FOR CRIMINAL JUSTICE PURPOSES.

*****END OF IMMIGRATION VIOLATOR FILE RESPONSE*****

SAMPLE RESPONSE FROM NCIC INQUIRY: CRIMINAL ICE WARRANT

One Example of a Criminal ICE Warrant:

***MESSAGE KEY ZW SEARCHES WANTED PERSON FILE FELONY RECORDS REGARDLESS OF EXTRADITION AND MISDEMEANOR RECORDS INDICATING POSSIBLE INTERSTATE EXTRADITION FROM THE INQUIRING AGENCY'S LOCATION. ALL OTHER NCIC PERSONS FILES ARE SEARCHED WITHOUT LIMITATIONS.
MKE/WANTED PERSON
EXL/1 - FULL EXTRADITION UNLESS OTHERWISE NOTED IN THE MIS FIELD
ORI/VTICE0900 NAM/TEST, TEST SEX/M RAC/W POB/EY
DOB/19000101 HGT/509 WGT/175 EYE/BR0 HAI/BLK
SKN/LGT
MNU/PP-1234567 SOC/123456789
OFF/FRAUD - FALSE STATEMENT
DOW/20090114 OCA/2-M-TEST
VLD/20120411
MIS/CRIMINAL WARRANT IN VIOLATION OF TITLE 18 USC, SECTION 1542, FALSE STATEMENT
MIS/ON A PASSPORT APPLICATION; ISSUED BY THE U S DISTRICT COURT, EASTERN
MIS/DISTRICT OF VIRGINIA
DNA/N
ORI IS ICE LESC 802 872-6020
DOB/19730515
AKA/TESTER, TEST
AKA/ALPHA, BET
MNU/PP-5678943
SOC/9854321
NIC/W123456789 DTE/20090115 1510 EST DLU/20120411 1301 EST
IMMED CONFIRM WARRANT AND EXTRADITION WITH ORI

Appendix D

Mandatory Consular Notification

ARRESTING A NON-U.S. CITIZEN

Consular Notification Process



Q. Are you a U.S. citizen?

A. **"YES,** I am a U.S. citizen."

(No further action required.)



"NO, I am not a U.S. citizen."



IN ALL CASES:

- Do not inform consulate about detainee's refugee or asylum status.

Q. Are you a national of one of these countries?

| | | | | |
|---------------------|----------------|---------------------|--------------------------------|-----------------------------|
| Albania | Costa Rica | Kazakhstan | Russia | Tunisia |
| Algeria | Cyprus | Kiribati | St. Kitts and Nevis | Turkmenistan |
| Antigua and Barbuda | Czech Republic | Kuwait | St. Lucia | Tuvalu |
| Armenia | Dominica | Kyrgyzstan | St. Vincent and the Grenadines | Ukraine |
| Azerbaijan | Fiji | Malaysia | Seychelles | United Kingdom ³ |
| Bahamas | Gambia | Malta | Sierra Leone | Uzbekistan |
| Barbados | Georgia | Mauritius | Singapore | Zambia |
| Belarus | Ghana | Moldova | Slovakia | Zimbabwe |
| Belize | Grenada | Nigeria | Tajikistan | |
| Brunei | Guyana | Philippines | Tanzania | |
| Bulgaria | Hungary | Poland ² | Tonga | |
| China ¹ | Jamaica | Romania | Trinidad and Tobago | |

1. Includes Hong Kong and Macao. Does not include Republic of China (Taiwan).

2. Mandatory only for non-permanent residents in the United States (i.e., those not holding a "green card"); for green card holders, notification is upon request.

3. UK includes Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos islands. Residents' passports bear the name of their territory and may also bear the name "United Kingdom." Whether or not the passport bears the name "United Kingdom," consular services for these persons are provided by UK consulates.

- Detainee may communicate with consular officer and may request consular access at any time (whether previously declined or not).

Consular officers may have access to detainee

- regardless of whether detainee requests it. Even if detainee does not want to be visited, consular officers may still have one face-to-face visit.

A. **"YES."**

Step 1. Inform detainee that he or she may communicate with consulate, and that you must notify consulate of arrest/detention.

Step 2. Notify nearest consulate **without delay**.

Step 3. Make record of notification in case file. Where fax or email sent, keep fax confirmation or sent email.

Step 4. Allow consular officers access to detainee if they subsequently request access.

(No further action required.)



"NO."

Inform detainee, **without delay**, that he or she may have consulate notified of arrest/detention.



Consular Notification & Access (CNA)
U.S. Department of State
CA/P
SA-17, 12th Floor
Washington, DC 20522-1712

P: 202-485-7703
consnot@state.gov

Q. Do you want your consulate notified of your arrest/detention?

A. **"YES."**

Step 1. Make note in case file.

Step 2. Notify nearest consulate **without delay**.

Step 3. Make record of notification in case file. Where fax or email sent, keep fax confirmation or sent email.

Step 4. Allow consular officers access to detainee if they subsequently request access.

(No further action required.)



"NO."

Step 1. Make note in case file.

Step 2. Do **NOT** inform the consulate.

(No further action required.)



For more information visit: travel.state.gov/CNA

Appendix E

Nonmandatory Consular Notification

ENGLISH

Statement 1:

**For All Foreign Nationals Except Those from
“Mandatory Notification” Countries**

As a non-U.S. citizen who is being arrested or detained, you may request that we notify your country’s consular officers here in the United States of your situation. You may also communicate with your consular officers. A consular officer may be able to help you obtain legal representation, and may contact your family and visit you in detention, among other things. If you want us to notify your consular officers, you can request this notification now, or at any time in the future. Do you want us to notify your consular officers at this time?

YES

NO

Printed Name: _____

Witness: _____

Signature: _____

Date: _____

Statement 2:

For Foreign Nationals from “Mandatory Notification” Countries

Because of your nationality, we are required to notify your country’s consular officers here in the United States that you have been arrested or detained. We will do this as soon as possible. In addition, you may communicate with your consular officers. You are not required to accept their assistance, but your consular officers may be able to help you obtain legal representation, and may contact your family and visit you in detention, among other things. Please sign to show that you have received this information.

Printed Name: _____

Witness: _____

Signature: _____

Date: _____