



U.S. Immigration
and Customs
Enforcement

Fact Sheets

September 6, 2007

Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act

Section 287(g) of the Immigration and Nationality Act

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), effective September 30, 1996, added Section 287(g), performance of immigration officer functions by state officers and employees, to the Immigration and Nationality Act (INA). This authorizes the secretary of the U.S. Department of Homeland Security (DHS) to enter into agreements with state and local law enforcement agencies, permitting designated officers to perform immigration law enforcement functions, pursuant to a Memorandum of Agreement (MOA), provided that the local law enforcement officers receive appropriate training and function under the supervision of sworn U.S. Immigration and Customs Enforcement (ICE) officers.

State and local patrol officers, detectives, investigators and correctional officers working in conjunction with ICE gain necessary resources and authority to pursue investigations relating to violent crimes, human smuggling, gang/organized crime activity, sexual-related offenses, narcotics smuggling and money laundering; and support in more remote geographical locations.

A Law Enforcement Partnership

Terrorism and criminal activity are most effectively combated through a multi-agency/multi-authority approach that encompasses federal, state and local resources, skills and expertise. State and local law enforcement play a critical role in protecting our homeland security because they are often the first responders on the scene when there is an incident or attack against the United States. During the course of daily duties, they will often encounter foreign-born criminals and immigration violators who pose a threat to national security or public safety.

Memorandum of Agreement

The MOA defines the scope and limitations of the authority to be designated. It also establishes the supervisory structure for the officers working under the cross-designation and prescribes the agreed upon complaint process governing officer conduct during the life of the MOA. Under the statute, ICE will supervise all cross-designated officers when they exercise their immigration authorities. Once the scope of limitations of the MOA has been reached, the assistant secretary of ICE, and the governor, a senior political entity, or the head of the local agency may sign the MOA, requesting the cross-designation.

287(g) Signed MOAs as of 9-14-07 : 28

- AL Alabama State Police
 - AZ Department of Corrections
 - AZ AZ Department of Public Safety
 - AZ Maricopa County Sheriff's Office
 - CA Los Angeles County Sheriff 's Department
 - CA Orange County Sheriff's Office
 - CA Riverside County Sheriff 's Office
 - CA San Bernardino County Sheriff 's Office
 - CO CO Dept. of Public Safety
 - CO El Paso County Sheriff 's Office
 - FL Collier County Sheriff's Office
 - FL Florida Department of Law Enforcement
 - GA Department of Public Safety
 - GA Cobb County Sheriff's Office
 - MA Department of Corrections
 - MA Framingham Police Department
 - MA Barnstable County Sheriff's Office
 - NC Alamance County Sheriff's Office
 - NC Cabarrus County Sheriff's Office
 - NC Gaston County Sheriff's Office
 - NC Mecklenburg County Sheriff's Office
 - NH Hudson City Police Department
 - OK Tulsa County Sherrif's Office
 - TN Davidson County Sheriff's Office
 - VA Herndon Police Department
 - VA Prince William-Manassas Adult Detention Center
 - VA Rockingham County Sheriff's Office
 - VA Shenandoah County Sheriff's Office
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- Number of Task Force MOAs in Field: 10
 - Number of Jail MOAs in Field: 14
 - Number of Joint MOAs in Field: 4
 - Number of Officers Trained to date: 485
 - Number of Arrests: More than 25,000

Criminal Alien Program (CAP)

Under current MOAs, 287(g) participants in Arizona , California , and North Carolina currently ensure that criminal aliens incarcerated within federal, state and local facilities are not released into the community upon completion of their sentences. ICE is working to expand 287(g) authority to local and county correctional facilities that are not operational within normal ICE jurisdictions. The expansion of the 287(g) program into smaller county and local correctional facilities will act as a force multiplier for CAP and have a positive impact on this important program.

Officer Selection Requirement

- U.S. citizen;

- Current background investigation completed;
- Minimum two years experience in current position; and
- No disciplinary actions pending.

Contact Information

For more information on Section 287(g) of the Immigration and Nationality Act, you may request an information packet via the [Section 287g](#) form.

Training Requirements

ICE offers two training programs including a five-week program for field level law enforcement officers and a four-week program for correctional personnel. The U.S. Immigration and Customs Enforcement Academy sets standards and testing. Certified instructors conduct the training.

Frequently Asked Questions:

What is the program designed to do?

The 287(g) program is designed to enable state and local law enforcement personnel, incidental to a lawful arrest and **during the course of their normal duties**, to question and detain individuals for potential removal from the United States, if these individuals are identified as undocumented illegal aliens **and** they are suspected of committing a state crime.

What is the program not designed to do?

The 287(g) program is not designed to allow state and local agencies to perform random street operations. It is not designed to impact issues such as excessive occupancy and day laborer activities. In outlining the program, ICE representatives have repeatedly emphasized that it is designed to identify individuals for potential removal, who pose a threat to public safety, as a result of an arrest and /or conviction for state crimes. It does not impact traffic offenses such as driving without a license unless the offense leads to an arrest.

How do I participate in the 287(g) Delegation of Authority program?

The interested agency must send a letter addressed to the U.S. Immigration and Customs Enforcement (ICE), attention Assistant Secretary, requesting participation in the 287(g) Delegation of Authority program. A sample letter can be obtained from the local 287(g) SAC point of contact.

A law enforcement agency has requested to participate in the 287(g) Delegation of Authority program, what's next?

ICE with assistance from the requesting law enforcement agency (LEA) conducts a field survey. This must be completed to determine the infrastructure required to support the request. If the local ICE office demonstrates they have the capability to fully support the request, it will then go to our ICE headquarters for further review. The final approval must come from the Assistant Secretary. An approved request requires the LEA enter into a Memorandum of Agreement (MOA) with ICE.

The MOA defines the scope and limitations of the authority to be designated to the LEA. Once the MOA is signed and the parameters of the agreement are defined, ICE will train the LEA officers.

What type of training is involved for participating agencies?

ICE offers two training programs including a five-week program for field-level law enforcement officers, and a four-week program for correctional/detention personnel. ICE sets standards and provides certified instructors to conduct the training.

Training topics include such areas as immigration and criminal law, document examinations, cross-cultural communications and intercultural relations, alien status, ICE operations, statutory authority, removal charges, ICE Use of Force policy and avoidance of racial profiling. Upon successful completion of the training, officers receive official certification from ICE entitled "287(g) Authority." Re-certification is also required. After certification, ICE continues to provide supervision and support. By requirement, all grants of 287(g) authority must be supervised ICE to help state/local officers determine the appropriate response once they determine a suspect to be an immigration violator.

Who Will Pay for Training?

ICE will pay for expenses associated with the training of officers under the 287(g) Delegation of Authority program.

Who will pay for the salary of state/local officers while they attend training?

The LEA is required to pay its officers' salary.

Who Will Pay for the Information Technology (Computer and Network Systems) Needed to Access the ICE Databases?

ICE will fund the costs associated with the Information Technology needed to access the ICE databases.

What Are the Requirements for an Officer to Be Selected?

The officer must be a U.S. citizen, must have a background investigation completed by ICE, must have a minimum of two years experience in their current position, and have no disciplinary actions pending.

What Role Does ICE Perform with 287(g) Trained State and Local Officers?

ICE will supervise the 287(g) trained officers while conducting immigration enforcement activities. ICE will also provide annual training on relevant administrative, legal, and operational issues related to the performance of immigration officer functions.

Can 287(g) Trained Officers Determine Alienage of any Person Suspected of Being an

Illegal Alien?

The 287(g) trained officers are focused on identifying and processing criminal aliens for removal and on investigating criminal immigration violations.

Does a person need to be convicted of a state crime for officers to use the 287(g) authority?

Officers trained and certified in the 287(g) program may use their authority when dealing with someone suspected of a state crime that is more than a traffic offense. If the person's identity is in question, the officer will be able to make an inquiry to the ICE system for help in making a positive identification. Officers can only use their 287(g) authority when dealing with persons suspected of committing state crimes and whose identity is in question or are suspected of being an illegal alien. While enforcing immigration law is primarily a federal responsibility, the 287(g) program provides a mechanism for enlisting the help of state and local law enforcement in this effort with a minimal impact on their normal duties.

Will the police conduct raids looking for illegal aliens?

Police can only use 287(g) authority when people are taken into custody as a result of violating state or local criminal law. Police cannot randomly ask for a person's immigration status or conduct immigration raids.

Do LEAs receive special grants from ICE to fund their participation in the 287(g) program?

There are currently no ICE grants or payments made to LEAs for participation in the 287(g) program.

Will participation in the 287(g) program allow LEAs to arrest any undocumented alien?

Incidental to an arrest for a state violation, 287(g) trained officers identify and process criminal aliens for removal from the U. S.

Will LEA participation in the 287(g) program resolve all undocumented alien problems?

By providing training and assistance to LEAs across the country, 287(g) acts as a force multiplier for both the LEA and ICE to enforce the provisions of the INA. The requesting LEA should work closely with the local OI and DRO offices to identify the right mix of ICE services, which may or may not include 287(g) training, to address the local LEA concerns.

What successes have 287(g) Delegation of Authority officers had?

ICE has established 22 Memorandum of Agreement's and has trained 349 law enforcement officers under the 287(g) program. These trained officers have arrested approximately 20,000 individuals under the 287(g) Delegation of Authority program.

From January 19, 2007, thru March 18, 2007, Orange County , California , detention officers trained in 287(g) conducted approximately 1,508 interviews that resulted in 1,004 immigration

detainers, Approximately 659 were for felony charges and approximately 345 were for misdemeanors. 71 of those detentions were affiliated with street gangs.

In November 2005, the Arizona Department of Corrections (ADC) began processing alien inmates at their Intake Center as part of the 287(g) program. ADC estimates Arizona taxpayers have saved \$9 million by accelerating ICE's removal of eligible state inmates.

U.S. Immigration and Customs Enforcement (ICE) was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of five integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.

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