Fact Sheet



Updated: May 19, 2009

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

The ICE 287(g) Program: A Law Enforcement Partnership

U.S. Immigration and Customs Enforcement (ICE), the largest investigative agency in the Department of Homeland Security, is responsible for enforcing federal immigration laws as part of its homeland security mission. ICE works closely with federal, state and local law enforcement partners in this mission.

The 287(g) program, one of ICE's top partnership initiatives, allows a state and local law enforcement entity to enter into a partnership with ICE, under a joint Memorandum of Agreement (MOA), in order to receive delegated authority for immigration enforcement within their jurisdictions. The 287(g) program has emerged as one of the agency's most successful and popular partnership initiatives as more state and local leaders have come to understand how a shared approach to immigration enforcement can benefit their communities.

ICE ACCESS: A Partnership Approach

The 287(g) program is one component of the ICE ACCESS (Agreements of Cooperation in Communities to Enhance Safety and Security) program, which provides local law enforcement agencies an opportunity to team with ICE to combat specific challenges in their communities.

The 287(g) program is only one component under the ICE ACCESS umbrella of services and programs offered for assistance to local law enforcement officers.

ICE developed the ACCESS program in response to the widespread interest from local law enforcement agencies who have requested ICE assistance through the 287(g) program, which trains local officers to enforce immigration law as authorized through section 287(g) of the Immigration and Nationality Act.

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 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.

Page 1 of 4 www.ice.gov

History of 287(g)

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added Section 287(g), performance of immigration officer functions by state officers and employees, to the Immigration and Nationality Act. This authorizes the secretary of DHS to enter into agreements with state and local law enforcement agencies, permitting designated officers to perform immigration law enforcement functions, provided that the local law enforcement officers receive appropriate training and function under the supervision of ICE officers.

The cross-designation between ICE and state and local patrol officers, detectives, investigators and correctional officers allows these local and state officers necessary resources and latitude to pursue investigations relating to violent crimes, human smuggling, gang/organized crime activity, sexual-related offenses, narcotics smuggling and money laundering. In addition, participating entities are eligible for increased resources and support in more remote geographical locations.

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. The agreement must be signed by the ICE Assistant Secretary, and the governor, a senior political entity, or the head of the local agency before trained local officers are authorized to enforce immigration law.

Officer Selection Requirements

Participating officers in the 287(g) program must meet the following requirements:

- U.S. citizenship
- Current background investigation completed
- Minimum two years experience in current position
- No disciplinary actions pending

Training Requirements

ICE offers a four-week training program now held at the Federal Law Enforcement Training Center (FLETC) ICE Academy (ICEA) in Charleston, SC conducted by certified instructors.

287(g) Results and Participating Entities

Since January 2006, the 287(g) program is credited with identifying more than 100,000 potentially removable aliens – mostly at local jails. More than 950 officers have been trained and certified through the program under 66 active MOAs.

	287(g) Participating Agencies		
State	MOA Name	Type	Signed

AR Benton County Sheriff's Office JEO/TFO 09/26/2007 AR City of Springdale Police Department TFO 09/26/2007 AR Rogers Police Department TFO 09/25/2007 AR Rogers Police Department TFO 09/26/2007 AZ AZ Department of Corrections JEO 09/16/2005 AZ AZ Department of Public Safety TFO 04/15/2007 AZ AZ Department of Public Safety TFO 04/15/2007 AZ AZ Department of Public Safety TFO 04/15/2007 AZ AZ Papartment of Public Safety JEO/TFO 03/10/2008 AZ AZ Pinal County Sheriff's Office JEO/TFO 03/10/2008 AZ Pinal County Sheriff's Office JEO/TFO 03/10/2008 AZ Yavapai County Sheriff's Office JEO/TFO 03/10/2008 AZ Yavapai County Sheriff's Office JEO 02/01/2005 CA A snageles County Sheriff's Office JEO 01/02/2006 CA Riverside County Sheriff's Office JEO 04/28/20				
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NC	Cumberland County Sheriff's Office	JEO	06/25/2008
NC	Durham Police Department	TFO	02/01/2008
NC	Gaston County Sheriff's Office	JEO	02/22/2007
NC	Henderson County Sheriff's Office	JEO	06/25/2008
NC	Mecklenburg County Sheriff's Office	JEO	02/27/2006
NC	Wake County Sheriff's Office	JEO	06/25/2008
NH	Hudson City Police Department	TFO	05/05/2007
NJ	Hudson County Department of Corrections	JEO	08/11/2008
NM	NM Department of Corrections	JEO	09/17/2007
NV	Las Vegas Metropolitan Police Department	JEO	09/08/2008
ОН	Butler County Sheriff's Office	JEO/TFO	02/05/2008
OK	Tulsa County Sheriff's Office	JEO/TFO	08/06/2007
SC	Beaufort County Sheriff's Office	TFO	06/25/2008
SC	York County Sheriff's Office	JEO	10/16/2007
TN	Davidson County Sheriff's Office	JEO	02/21/2007
TN	TN Department of Safety	TFO	06/25/2008
TX	Carrollton Police Department	JEO	08/12/2008
TX	Farmers Branch Police Dept.	TFO	07/08/2008
TX	Harris County Sheriff's Office	JEO	07/20/2008
UT	Washington County Sheriff's Office	JEO	09/22/2008
UT	Weber County Sheriff's Office	JEO	09/22/2008
VA	City of Manassas Police Department	TFO	03/05/2008
VA	Herndon Police Department	TFO	03/21/2007
VA	Loudoun County Sheriff's Office	TFO	06/25/2008
VA	Manassas Park Police Department	TFO	03/10/2008
VA	Prince William County Police Department	TFO	02/26/2008
VA	Prince William County Sheriff's Office	TFO	02/26/2008
VA	Prince William-Manassas Adult Detention Center	JEO	07/09/2007
VA	Rockingham County Sheriff's Office	JEO/TFO	04/25/2007
VA	Shenandoah County Sheriff's Office	TFO	05/10/2007

 $\label{eq:JEO} JEO = Jail\ Enforcement\ Officers$

TFO = Task Force Officers

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.