

## MEMORANDUM OF AGREEMENT

## 287(g) Task Force Model

This Memorandum of Agreement (MOA) constitutes an agreement between United States Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security (DHS), and the \_\_\_\_\_, pursuant to which ICE delegates to nominated, trained, and certified officers or employees of the (hereinafter interchangeably referred to as “Law Enforcement Agency” (LEA)), the authority to perform certain immigration enforcement functions as specified herein. The LEA represents \_\_\_\_\_ in the implementation and administration of this MOA. The LEA and ICE enter into this MOA in good faith and agree to abide by the terms and conditions contained herein. The ICE and LEA points of contact for purposes of this MOA are identified in Appendix A.

## I. PURPOSE

The purpose of this MOA is to set forth the terms and conditions pursuant to which selected LEA personnel (participating LEA personnel) will be nominated, trained, and thereafter be approved by ICE to perform certain functions of an immigration officer under the direction and supervision of ICE within the LEA’s jurisdiction. This MOA sets forth the scope of the immigration officer functions that DHS is authorizing the participating LEA personnel to perform. Nothing contained herein shall otherwise limit the jurisdiction and powers normally possessed by participating LEA personnel as members of the LEA. However, the exercise of the immigration enforcement authority granted under this MOA to participating LEA personnel shall occur only as provided in this MOA. This MOA also describes the complaint procedures available to members of the public regarding immigration enforcement actions taken pursuant to this agreement by participating LEA personnel.

Section 287(g) of the Immigration and Nationality Act, a federal law, allows DHS to enter into written agreements that authorize state and local law enforcement officers to perform functions that are normally executed by ICE officers. These are known as “287(g) agreements.”

Here the MOA identifies the local or state participating agency that will be authorized to conduct immigration enforcement.

Not all of a state or local law enforcement agency’s agents or officers will be approved and authorized to perform immigration enforcement functions--only some.

The terms of the agreement specify what specific immigration enforcement activities the delegated officers can do.

287(g) delegated officers also retain their regular policing authority under state law.

The agreement includes a complaint procedure, where members of the public in a community can submit complaints about state or local law enforcement agents who are performing immigration enforcement functions.

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## II. AUTHORITY

Section 287(g) of the Immigration and Nationality Act (INA), codified at 8 U.S.C. § 1357(g), as amended by the Homeland Security Act of 2002, Public Law 107-276, authorizes the Secretary of Homeland Security, or her designee, to enter into **written agreements with a State or any political subdivision of a State** so that qualified officers and employees can perform certain functions of an immigration officer. This MOA constitutes such a written agreement.

## III. POLICY

This MOA sets forth the scope of the immigration officer functions that DHS is authorizing the participating LEA personnel to perform. It sets forth with specificity the duration of the authority conveyed and the specific lines of authority, including the requirement that participating LEA personnel be subject to ICE direction and supervision while performing delegated immigration officer functions pursuant to this MOA. For the purposes of this MOA, ICE officers will provide direction and supervision for participating LEA personnel only as to immigration enforcement functions as authorized in this MOA. The LEA retains supervision of all other aspects of the employment and performance of duties of participating LEA personnel.

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## IV. TRAINING AND ASSIGNMENTS

Before participating LEA personnel receive authorization to perform immigration officer functions granted under this MOA, they must successfully complete mandatory training on relevant administrative, legal, and operational issues tailored to the immigration enforcement functions to be performed as provided by ICE instructors and thereafter pass examinations equivalent to those given to ICE officers. **The mandatory training may be made available to the LEA in both in-person and online, recorded or virtual-meeting formats, as determined by ICE.** Only participating LEA personnel who are nominated, trained, certified, and authorized, as set out herein, have authority pursuant to this MOA to conduct the delegated immigration officer functions, under ICE direction and supervision, enumerated in this MOA.

Upon the LEA's agreement, participating LEA personnel performing immigration-related duties pursuant to this MOA will be **assigned to various units, teams, or task forces designated by ICE.**

The statute allows any state or political subdivision of a state to enter 287(g). This raises a legal question of whether law enforcement or other agencies can enter an MOA without the approval of the state or political subdivision they are part of which will depend on state and local laws

Only delegated and trained officers have immigration enforcement authority under 287(g). While a sheriff or other boss may sign the agreement, the actual power to do immigration enforcement is only tied to the individuals identified and delegated with that authority. In some cases, this may be only one officer; in others it may be many.

Currently, the training for Task Force officers is 40 hours online. Formerly it took place in person at the Federal Law Enforcement Training Center.

ICE may assign 287(g) officers to task forces or specific teams they decide.

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## V. DESIGNATION OF AUTHORIZED FUNCTIONS

For the purposes of this MOA, participating LEA personnel are authorized to perform the following functions pursuant to the stated authorities, subject to the limitations contained in this MOA:

- The power and authority to interrogate any alien or person believed to be an alien as to his right to be or remain in the United States (INA § 287(a)(1) and 8 C.F.R. § 287.5(a)(1)) and to process for immigration violations those individuals who have been arrested for State or Federal criminal offenses.
- The power and authority to arrest without a warrant any alien entering or attempting to unlawfully enter the United States in the officer's presence or view, or any alien in the United States, if the officer has reason to believe the alien to be arrested is in the United States in violation of law and is likely to escape before a warrant can be obtained. INA § 287(a)(2) and 8 C.F.R. § 287.5(c)(1). Subsequent to such arrest, the arresting officer must take the alien without unnecessary delay for examination before an immigration officer having authority to examine aliens as to their right to enter or remain in the United States.
- The power to arrest without warrant for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion, expulsion, or removal of aliens, if the officer has reason to believe the alien to be arrested is in the United States in violation of law and is likely to escape before a warrant can be obtained. INA § 287(a)(4) and 8 C.F.R. § 287.5(c)(2).

Like in any encounter with law enforcement, people have the right to remain silent when questioned by a 287(g) officer. Refusing to answer questions, especially about one's place of birth or entry to the United States, may be an essential defense to deportation.

This section clarifies what powers are being granted to 287(g) delegated officers.

Power to question anyone about their immigration status, and if they have been arrested for a criminal offense, to put them in deportation proceedings.

Power to arrest people for civil immigration violations, if they: 1) have probable cause AND 2) the person will escape before a warrant can be obtained. After arrest they must take the person before an ICE officer for 'examination' as to their immigration status and rights.

Power to arrest for federal felonies related to immigration, such as illegal reentry after deportation, subject to the same requirements of probable cause and likelihood that the person will escape before a warrant can be obtained. This is identical to ICE's arrest authority under federal laws, except that ICE is required to bring the person immediately before a judge, while that is excluded here.

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- The power to serve and execute warrants of arrest for immigration violations under INA § 287(a) and 8 C.F.R. § 287.5(e)(3).
- The power and authority to administer oaths and to take and consider evidence (INA § 287(b) and 8 C.F.R. § 287.5(a)(2)) to complete required alien processing to include fingerprinting,

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photographing, and interviewing, as well as the preparation of affidavits and the taking of sworn statements for ICE supervisory review.

- The power and authority to prepare charging documents (INA § 239, 8 C.F.R. § 239.1; INA § 238, 8 C.F.R. § 238.1; INA § 241(a)(5), 8 C.F.R. § 241.8; INA § 235(b)(1), 8 C.F.R. § 235.3) including the preparation of the Notice to Appear (NTA) or other charging document, as appropriate, for the signature of an ICE officer for aliens in categories established by ICE supervisors.
- The power and authority to issue immigration detainers (8 C.F.R. § 287.7) and I-213, Record of Deportable/Inadmissible Alien, for aliens in categories established by ICE supervisors.

287(g) officers can serve and execute administrative immigration arrest warrants. They do not have power to issue warrants, which are based on either a removal order or pending immigration proceedings. This means they can arrest someone for whom an ICE warrant already exists.

This does include power to make arrests based on immigration warrants in NCIC, as well as to make an immigration arrest of people who would otherwise be released from the custody of a jail.

Authority to take fingerprints and photographs for immigration records and to get evidence for a deportation case. For example, to hear and record an admission of unlawful entry or criminal conduct.

Power to draft charging documents for deportation, including charges for proceedings that do not involve a hearing before a judge, such as expedited removal. However, the charging documents must be signed and issued by ICE.

Power to issue detainers that request another law enforcement agency to hold and transfer someone to ICE. State laws may regulate how the jail will respond to detainers.

287(g) officers can also issue an I-213, which is an internal form that ICE uses to document arrests and encounters - akin to an arrest report by police.

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- The power and authority to take and maintain custody of aliens arrested by ICE, or another State or local law enforcement agency on behalf of ICE. (8 C.F.R. § 287.5(c)(6))
- The power and authority to take and maintain custody of aliens arrested pursuant to the immigration laws and transport (8 C.F.R. § 287.5(c)(6)) such aliens to ICE-approved detention facilities.

## VI. RESOLUTION OF LOCAL CHARGES

The LEA is expected to pursue to completion prosecution of any state or local charges that caused the alien to be taken into custody. ICE may assume custody of aliens who have been convicted of a state or local offense only after such aliens have concluded service of any sentence of incarceration. The ICE Enforcement and Removal Operations Field Office Director or designee shall assess on a case-by-case basis the appropriate actions for aliens who do not meet the above criteria based on special interests or other circumstances after processing by the LEA.

After notification to and coordination with the ICE supervisor, the alien whom participating LEA personnel have determined to be removable will be arrested on behalf of ICE by participating LEA personnel and be transported by the LEA on the same day to the relevant ICE detention office or facility.

In addition to making the arrest, 287(g) officers are authorized to detain people for immigration purposes, including immigrants arrested for immigration purposes by other law enforcement agencies. This means that a 287(g) officer can continue imprisoning someone and keep them in immigration custody. However, there are still rules about where people can be housed during immigration detention and what procedures must be followed.

Power to transport people to ICE detention centers.

If a 287(g) agency or officer arrests someone on state criminal charges, they are supposed to complete the criminal case first, before transferring the person to immigration custody. However, the ICE field office might decide to take someone with pending or open criminal charge on a case by case basis. In practice, ICE frequently arrests people during pending legal cases before state courts.

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## VII. NOMINATION OF PERSONNEL

The chief officer of the LEA will nominate candidates for initial training and certification under this MOA. For each candidate, ICE may request any information necessary for a background check and to evaluate a candidate's suitability to participate in the enforcement of immigration authorities under this MOA. All candidates must be United States citizens. All candidates must have at least two years of LEA work experience. All candidates must be approved by ICE and must be able to qualify for appropriate federal security clearances and access to appropriate DHS

## VIII. TRAINING OF PERSONNEL

ICE will provide participating LEA personnel with the mandatory training tailored to the immigration functions to be performed. The mandatory training may be made available to the LEA in both in-person and online, recorded or virtual-meeting formats, as determined by ICE.

## IX. CERTIFICATION AND AUTHORIZATION

ICE will certify in writing the names of those LEA personnel who successfully complete training and pass all required testing. Upon certification, ICE will provide the participating LEA personnel with a signed authorization to perform specified functions of an immigration officer for an initial period of two years from the date of the authorization. ICE will also provide a copy of the authorization to the LEA. The ICE supervisory officer, or designated team leader, will evaluate the activities of all personnel certified under this MOA.

This section provides various details on how 287(g) officers will be appointed. The head of the LEA decides which officers are designated for the 287(g) program. They must be US citizens and have at least two years of law enforcement experience. ICE will review them to determine if they otherwise are approved to participate. ICE and the LEA may later expand the number of officers, subject to all the same requirements as before.

There is no minimum or maximum number of officers for a 287(g) agreement. Some involved only one deputy. More officers dedicated to 287(g) means more immigration enforcement happening in the community.

This section briefly describes the training required for 287(g) designated officers. Currently, we believe the Task Force Model requires 40 hours and is online. It no longer takes place at the Federal Law Enforcement Training Center. ICE may, but is not required to provide updated training later.

This section covers how designated officers are certified to use immigration authority. Authorization is provided for each individual that is nominated and passes all the tests. Officers are authorized for two years, unless extended or revoked. Authorization to participate can be revoked at any time or for any reason by either ICE or the state or local law enforcement agency. All immigration powers are immediately revoked if the MOA is terminated.

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## **X. COSTS AND EXPENDITURES**

Participating LEA personnel will carry out designated functions at the LEA's expense, including salaries and benefits, local transportation, and official issue material. Whether or not the LEA receives financial reimbursement for such costs through a federal grant or other funding mechanism is not material to this MOA.

## **XI. ICE SUPERVISION**

Immigration enforcement activities conducted by participating LEA personnel will be supervised and directed by ICE. Participating LEA personnel are not authorized to perform immigration officer functions except when working under the supervision or direction of ICE.

## **XII. REPORTING REQUIREMENTS**

The LEA will be responsible for tracking and maintaining accurate data and statistical information for their 287(g) program, including any specific tracking data requested by ICE. Upon ICE's request, such data and information shall be provided to ICE for comparison and verification with ICE's own data and statistical information, as well as for ICE's statistical reporting requirements and to assess the progress and success of the LEA's 287(g) program.

287(g) operations are carried out entirely at the participating agency's expense.

However, ICE will pay the costs of installing software or terminals for 287(g) officers to access federal DHS databases directly in order to carry out immigration enforcement investigations and get people's immigration records.

In September 2025, ICE announced an intention to reimburse 287(g) participants for salaries and benefits of designated officers, but it is not yet clear how or when this might occur, nor how it would be legal, since the 287(g) statute provides that 287(g) functions must be carried out at the expense of the local or state agency.

Per the MOA, federal ICE agents supervise 287(g) officers very closely. In reality, that rarely seems to be the case.

The MOA says that 287(g) officers must only do immigration enforcement activities as supervised or directed by ICE. Participating officers must contact an ICE supervisor for "guidance" either during or sometime after exercising their immigration authority. When or how that will happen in is unclear.

287(g) officers must follow DHS and ICE policies and procedures, unless they conflict with local rules or state law. All other regular law enforcement functions of 287(g) officers remain under the supervision and functions of their regular

ICE requires LEAs to track their own activities under 287(g), but will regularly request reports of specific cases to highlight in their media releases to make the program sound important.

If participating state and local officers are named in a lawsuit about enforcement activity, they can request to be represented by the DOJ in writing.



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### **XIII. RELEASE OF INFORMATION TO THIRD PARTIES**

The LEA may, at its discretion, communicate the substance of this agreement to the media and other parties expressing an interest in the law enforcement activities to be engaged in under this MOA. It is the practice of ICE to provide a copy of this MOA, only after it has been signed, to requesting media outlets; the LEA is authorized to do the same.

### **XIV. LIABILITY AND RESPONSIBILITY**

Except as otherwise noted in this MOA or allowed by federal law, and to the extent required by 8 U.S.C. § 1357(g)(7) and (8), the LEA will be responsible and bear the costs of participating LEA personnel regarding their property or personal expenses incurred by reason of death, injury, or incidents giving rise to liability.

### **XV. COMPLAINT PROCEDURES**

The complaint reporting and resolution procedure for allegations of misconduct by participating LEA personnel, regarding activities undertaken under the authority of this MOA, is included at Appendix B.

This MOA claims that LEAs must coordinate with ICE before releasing any information related to 287(g) operations. Additionally, the MOA states that information resulting from the 287(g) agreement is under the control of ICE. However, local agencies cannot contract themselves out of their legal obligations under state open records laws.

This section describes liability for 287(g) officers if they are sued, or if they incur costs or injuries while performing their work.

Generally, 287(g) officers are effectively federal agents for purposes of liability and immunity. They can be sued under federal laws for actions carried out when performing immigration enforcement, and the federal government would be liable if a court finds violations. The US DOJ may, but is not obligated to, represent them in court.

Participating state or local law enforcement agencies agree to cooperate with any federal investigations related to the agreement. Agencies are also responsible for complying with federal privacy laws governing data collection and use of personal information.

Complaint procedure is described in Appendix B; see page 10 below.



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## **XVI. CIVIL RIGHTS STANDARDS**

Participating LEA personnel who perform certain federal immigration enforcement functions are bound by all applicable federal civil rights statutes and regulations.

Participating LEA personnel will provide an opportunity for subjects with limited English language proficiency to request an interpreter. Qualified foreign language interpreters will be provided by the LEA as needed.

## **XVII. MODIFICATION OF THIS MOA**

Modifications of this MOA must be proposed in writing and approved by the signatories.

## **XVIII. EFFECTIVE DATE, SUSPENSION, AND TERMINATION OF THIS MOA**

This MOA becomes effective upon signature of both parties and will remain in effect until either party terminates or suspends the MOA. Termination by the LEA shall be provided, in writing, to the local Field Office.

Agencies must “provide an opportunity” for people with limited English language proficiency to “request an interpreter,” and qualified interpreters will be provided “as needed” and presumably at the agency’s cost. There are no details as to what constitutes an opportunity, a request for interpretation, necessary qualifications for interpreters or what “as needed” will look like.

The MOA can be modified if it is put in writing and agreed to. Generally ICE uses the same templates for all 287(g) agreements, but sometimes they do add modifications. For example: [https://www.ice.gov/doclib/287gMOA/miamiDadeSheriffsOffice\\_WSO\\_MOA\\_06182025.pdf](https://www.ice.gov/doclib/287gMOA/miamiDadeSheriffsOffice_WSO_MOA_06182025.pdf)

Either ICE or the participating agency can terminate the program at any time.

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## APPENDIX B

### COMPLAINT PROCEDURE

This MOA is an agreement between ICE and the \_\_\_\_\_, hereinafter referred to as the "Law Enforcement Agency" (LEA), in which selected LEA personnel are authorized to perform immigration enforcement duties in specific situations under federal authority. As such, the training, supervision, and performance of participating

This section describes complaint procedures. The LEA is responsible informing the public about the available complaint procedure, in English or "other languages as appropriate."

All complaints received locally will be forwarded to ICE's Office of Professional Responsibility (OPR). OPR will then decide if they have jurisdiction over the complaint, and refer it to the appropriate office to review. Complaints are supposed to be resolved in 90 days.

If any designated 287(g) officers are the subject of a complaint that could result in professional discipline or legal action, the local agency must remove them from 287(g) designation until the issue has been resolved. The LEA shall also notify ICE of the complaint. The LEA shall follow any standing local policies for suspension or discipline during investigation or as a consequence of the complaint.

The local agency should handle any complaints that involve non-designated 287(g) officers engaging in immigration enforcement, but shall also forward these complaints to ICE.

The MOA provides for notification to the subject of a complaint as to the outcome of any investigation, but nothing is provided for the person who filed the complaint to receive any information.