



# THE BASICS ON ICE WARRANTS AND DETAINERS

## 1. What is an ICE warrant?

An “ICE warrant” is a form issued by certain immigration officers that names an individual ICE claims is subject to removal (aka deportation), and directs various federal immigration enforcement agents to arrest that individual. For an annotated ICE warrant, see: [www.ilrc.org/resources/annotated-ice-administrative-warrants](http://www.ilrc.org/resources/annotated-ice-administrative-warrants).

ICE warrants are issued for civil violations of immigration law, not criminal charges. They are also sometimes called “administrative warrants” or “immigration warrants.” ICE has two kinds of administrative warrants, “arrest warrant” and “removal warrant.” ICE can only issue an arrest warrant at the same time as, or after, a person has been put into removal proceedings by issuing a charging document called a Notice to Appear. ICE can issue a removal warrant if the person is subject to a final order of removal.

An “ICE warrant” is not a real warrant that grants search authority to law enforcement. It is not reviewed by a judge or any neutral party to determine if it is based on probable cause. For more analysis of the legal authority of ICE warrants, see: <https://www.ilrc.org/legal-analysis-ice-warrants>.

## 2. What does an ICE warrant do?

An ICE warrant directs various federal immigration enforcement agents to arrest the person named in the warrant. Because it is not issued by a judge as required by the Fourth Amendment, an ICE warrant does not give the immigration enforcement officer the authority to demand entry to a home or private space in order to make the arrest.

ICE warrants do not generally provide a basis for a local or state law enforcement officer or agency (LEA) to arrest or detain anyone. Federal regulations allow a specific list of *federal* immigration agents to execute administrative immigration arrest warrants. See: [www.ilrc.org/resources/annotated-ice-administrative-warrants](http://www.ilrc.org/resources/annotated-ice-administrative-warrants).

## 3. How is an ICE warrant different from an ICE detainer?

An ICE warrant is directed only at authorized DHS officials, while an ICE detainer is a request directed to other law enforcement agencies. For an annotated ICE detainer, see: [https://www.ilrc.org/sites/default/files/2025-04/i-247a\\_new.pdf](https://www.ilrc.org/sites/default/files/2025-04/i-247a_new.pdf).

Since 2017, ICE has required that all ICE detainers be accompanied by administrative immigration warrants, or “ICE warrants.” The combination of both documents together does not change the legal authority or add any new requirements for local agencies; it is required under ICE’s statutory arrest authority in 8 U.S.C. § 1357.

Both an ICE detainer and an ICE warrant are issued by DHS officers based on alleged civil immigration violations and do not provide probable cause of a crime. Neither document provides legal authority for state or local law enforcement to arrest a person absent direction under state law, because law enforcement’s arrest authority derives from state law. For more analysis of the legal authority of ICE warrants and detainers, see: <https://www.ilrc.org/legal-analysis-ice-warrants>.

## 4. Are the ICE warrants that come with detainers the same as those ICE brings on a home raid or other enforcement action?

Yes. Recently a whistleblower reported a secret internal memo claiming that ICE warrants give agents the power to enter a home. This is contrary to decades of legal precedents and has been challenged in court. Because these “warrants” are issued by ICE officers, not a judge, they do not give ICE authority to enter private spaces without consent. See more about the legal authority of ICE warrants here: <https://www.ilrc.org/legal-analysis-ice-warrants>.