

What is and isn't make an i

Videos showing masked officers whisking p
powers as Congress prepar

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By Arelis R. Hernández

Undocumented immigrants are being swept off the streets by masked officers in plainclothes
escorted together onto buses and into detention centers. Officers are tackling people and smar

Videos of arrests like these have gone viral on social media and sparked protests and outrage
millions of unauthorized immigrants.

So what is and isn't illegal when ICE makes an arrest?

U.S. Immigration and Customs Enforcement was created after the Sept. 11, 2001, terrorist att
substantial authority over how immigrants who do not have a legal status in the United States
what the public is seeing is permitted under U.S. law.

If President Donald Trump's massive spending bill is approved, undocumented immigrant ar
officers conduct an arrest.

WHAT TO KNOW

- ◆ Can federal officers make immigration arrests without a warrant?
- ◆ Can ICE officers make arrests at a private business or home?
- ◆ Do ICE officers have to identify themselves?
- ◆ Can federal officers making immigration arrests wear masks over their faces?
- ◆ Can ICE detain a person who is applying for legal status or given a temporary one?
- ◆ Does ICE have to share where someone is being held?

Show all questions

Can federal officers make immigration arre

Yes, under certain circumstances.

While the Immigration and Nationality Act grants officers broad powers, they must have “pro obtained to arrest them without one.

Officers cannot use race, ethnicity or someone’s profession as the sole basis of their belief that criminal record. And officers should consider a broad array of factors in determining if someone would indicate deep ties to a community.

The requirements for a warrantless arrest are different from a detention. In the event someone “reasonable cause.” Reasonable cause is different from “probable cause” in that it requires less grounds to believe a crime may have been committed.

Officers can approach anyone in a public space and attempt to ask them questions. Individual example, if someone provides a fake ID, tries to run away or admits to being in the country illegally.

Can ICE officers make arrests at a private business?

No, not without a judicial warrant. But there are exceptions.

Federal officers recently showed up at several Los Angeles-area businesses and arrested suspects. For example, a car wash or restaurant that are considered publicly accessible. The space where customers are.

Officers who want to enter the kitchen of a restaurant or an employee break room — locations that are not publicly accessible — need a judicial warrant. A judicial warrant is a document signed by a judge who has independently reviewed evidence.

If a business owner or manager allows ICE inside without a warrant, the rules around search and seizure are different. Officers can still ask questions for voluntary questioning, though they would still need to have reasonable suspicion to do so.

Similar restrictions apply when entering an individual's home. Officers could enter the lobby or common areas, but not private areas.

ICE officers can legally employ ruses — or deceptive tactics — to access someone's private property. For example, posing as a police officer or a person in need of help. But they cannot misrepresent their identity or coerce people through threats or intimidation, according to internal memos outlining ICE procedures.

Do ICE officers have to identify themselves?

There is no legal requirement for immigration officers to provide their personal names, though some agencies have policies that require officers to identify themselves.

When someone is approached — but not yet detained or arrested — officers can identify them. Once someone is being arrested, U.S. law indicates federal agents from ICE, Border Patrol and other agencies go as soon as is “practicable.”

In most cases, “practicable” is interpreted as the moment when an officer feels safe or that a threat has been neutralized.

ICE internal policies generally require agents to display their badges, but they don’t have to do so until they are being arrested. Whenever an officer’s weapon is visible, their ICE badge must also be visible either on a chain, on their uniform, or on their vehicle.

Can federal officers making immigration arrests use coverings?

It’s unclear. There is no constitutional protection or prohibition for immigration officers’ use of coverings. However, the use of coverings creates a sense of intimidation and fear, and some state and federal lawmakers are pushing for restrictions.

Federal officials defend the use of coverings as a way to protect immigration officers from doxxing and harassment.

Tricia McLaughlin, an assistant secretary for the Department of Homeland Security, said officers are being targeted by “highly sophisticated gangs” and criminals. Trump officials say agents have been targeted by “extremists” and “terrorists.”

Can ICE detain a person who is applying for asylum?

People with an ongoing asylum claim or a temporary status like humanitarian parole have been detained by ICE. Under Trump, some of these individuals have become a target.

Those who have been in the United States for less than two years are being put in expedited removal proceedings at the border to quickly expel those who cross illegally. Now it is being used throughout the country. Expedited removal is a cursory review by an immigration judge, not a full hearing.

The president and his Cabinet have also invoked arcane laws to try to quickly remove other in administration is utilizing a range of laws and policy changes to make a wider group of people

Does ICE have to share where someone is held?

ICE maintains an online detainee locator, but it can take several days for someone's information

The delay is a result of the agency's limited capacity to process the number of people being arrested known as an "A-number." Family members can contact an ICE field office directly but it can be difficult

In the meantime, there is no legal requirement for ICE to immediately inform family members of someone being arrested or moving detainees quickly to detention centers hundreds of miles from the arrestee's home.

The detention facility should permit phone calls to loved ones but they are rarely free. The rules state to the next. A lawyer or loved one may request to visit the detainee in person or virtually

Can ICE detain children?

It depends on the circumstances.

Children who are not citizens can be placed in detention with their parents. There are two ICE detention facilities for children.

Those detention centers must comply with the Flores settlement, an agreement that sets basic rules for how children are treated. The Trump administration is seeking to terminate the agreement. Advocates are deeply

ICE does not have the authority to detain or remove an immigrant's U.S. citizen children. If the child's legal guardians are involved in determining what is in the child's best interest. An immigrant can request to be reunited with their family.

Can ICE officers use force in making an arrest?

Immigration officers are trained to avoid using force when making an arrest. But they can use force if an ICE officer may have “reasonable grounds” to use force.

Agents can use deadly force if they have reason to believe an officer faces “imminent danger” to the public. ICE is currently updating its use-of-force directives.

A number of confrontations between immigration officers and the public have been captured on video where the officer’s conduct was disproportionate to any threat an individual may have posed.

ICE said in a statement that its officers are “highly trained” in de-escalation tactics and regular appropriate disciplinary actions are taken,” the agency said.

What readers are saying

The comments express strong disapproval of ICE officers wearing masks in authoritarian regimes. Many commenters argue that the use of masks is a sign of authoritarianism. [more](#)

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