UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF CONNECTICUT; NED LAMONT, Governor of Connecticut, in his Official Capacity; WILLIAM TONG, Attorney General of Connecticut, in his Official Capacity; CITY OF NEW HAVEN, CONNECTICUT; JUSTIN ELICKER, Mayor of New Haven, in his Official Capacity,

Defendants.

No. 3:26-cv-568

COMPLAINT

Plaintiff, the United States of America, by and through its undersigned counsel, brings this civil action for declaratory and injunctive relief, and alleges as follows:

INTRODUCTION

1. Within hours of assuming the Presidency, President Donald J. Trump took immediate action to fulfill his campaign promise to the American people and declared that a "national emergency exists at the southern border of the United States" caused by the unprecedented "illegal entry of aliens" into the country. Proclamation 10,886, *Declaring a National Emergency at the Southern Border of the United States*, 90 Fed. Reg. 8327, 8327 (Jan. 20, 2025). This declaration was necessary given the prior Administration's open border policies that incentivized disregard for laws passed by Congress. As a result, millions of illegal aliens settled in American communities in flagrant violation of federal law, resulting in "significant threats to national security and public safety," with aliens "committing vile and heinous acts against innocent Americans." Executive Order 14,159, *Protecting the American People Against*

Invasion, 90 Fed. Reg. 8443, 8443 (Jan. 20, 2025). Further exacerbating this national crisis, so-called sanctuary cities seek to provide some of these criminal aliens with safe harbor from federal law enforcement detection. The consequences of those misguided policies are dire. Sanctuary cities welcome aliens to live and work in American communities whose citizens may become the crime victim. This national crisis underscores the vital importance of the Executive "[e]nforcing our Nation's immigration laws." *Id*.

2. Despite the known dangers of such sanctuary policies, the State of Connecticut insists on harboring criminal offenders from federal law enforcement. Specifically, the end of the Trust Act, Conn. Gen. Stat. § 54-192h ("Trust Act"), is to intentionally obstruct federal law enforcement and thwart the constitutional obligation of the President of the United States to take care that the immigration laws enacted by Congress are enforced. *See* Exec. Order 14,287, *Protecting American Communities From Criminal Aliens*, 90 Fed. Reg. 18761 (Apr. 28, 2025). Such blatant disregard for federal laws that have been on the books for decades is not merely a political disagreement or passive abstention; it is deliberate, disruptive action that jeopardizes the public safety of all Americans. The Supremacy Clause of the United States Constitution prohibits a state or locality from thus obstructing Congress and the Executive.

3. Accordingly, the United States brings this declaratory and injunctive action to prohibit the State of Connecticut from enforcing the Trust Act. The Trust Act unlawfully interferes with, regulates, and discriminates against the Federal Government's enforcement of federal immigration law in violation of the Supremacy Clause of the United States Constitution. *See generally* Conn. Gen. Stat. § 54-192h.

4. The United States has well-established, preeminent, and preemptive authority to regulate immigration matters. This authority derives from the United States Constitution,

numerous acts of Congress, and binding U.S. Supreme Court and Second Circuit precedent. Indeed, Congress last year strengthened that authority with the enactment of the Laken Riley Act, S. 5, 119th Cong. (2025), which "mandates the federal detention of illegal immigrants who are accused of theft, burglary, assaulting a law enforcement officer, and any crime that causes death or serious bodily injury."[1]

5. The challenged provisions of Connecticut law reflect an effort to obstruct the operation of federal immigration law and to impede the consultation and communication between federal, state, and local law enforcement officials that is necessary for federal officials to carry out federal immigration law and keep Americans safe. The Trust Act serves "to hide criminals from law enforcement."[2] "Sanctuary legislation like Connecticut's Trust Act only endangers the communities it claims to protect. Such laws only force law enforcement professionals to release criminal alien offenders back into the very communities they have already victimized."[3]

6. Upon information and belief, the conduct of officials in Connecticut obstructing and refusing to comply with federal immigration laws over a period of years has resulted in countless criminals being released into Connecticut who should have been held for immigration removal from the United States. For example, the Connecticut Department of Corrections officials recently refused to honor the detainer of an alien who was convicted of sexually assaulting two

[1] Press Release, DHS, *President Trump Signs the Laken Riley Act into Law* (Jan. 29, 2025), https://www.dhs.gov/news/2025/01/29/president-trump-signs-laken-riley-act-law.

[2] Mark Pazniokas, *Expansion of CT Trust Act Passes House*, CT MIRROR (May 21, 2025) (quoting Rep. Doug Dubitsky, R-Chaplin). https://ctmirror.org/2025/05/21/ct-trust-act-expansion-passes-house/

[3] *ICE Arrests 65 Undocumented Immigrants in Four-Day Sweep in* Connecticut, NBC Conn. (Aug. 20, 2025 at 7:42 pm), https://www.nbcconnecticut.com/news/local/ice-arrests-65-undocumented-immigrants-in-four-day-sweep-in-connecticut/3627816/ (last accessed March 2, 2026).

children, and ICE officers had to arrest the alien in the community after his release from state prison.[4] Since 2020, less than 20% of civil immigration detainers have been honored in Connecticut.

7. The Connecticut Trust Act impedes the Federal Government's ability to regulate immigration and take enforcement actions against illegal aliens by preventing state and local law enforcement[5] officials from assisting with federal civil immigration enforcement. Under these laws, state and local officers are explicitly prohibited from complying with immigration detainers and civil immigration warrants in most instances.[6] They are also generally prohibited from communicating with federal immigration authorities regarding the custody status or release of a targeted illegal alien. And the Connecticut law limits the ability of state and local law enforcement officers to provide federal officers access to such individuals to effect the safe transfer of such individuals to federal immigration custody, even when federal officials present a federal administrative warrant.

8. Moreover, on March 26, 2026, the Connecticut Office of the Attorney General issued the *Statement of Policy and Guidance Regarding Immigration Matters* addressing the state's Trust Act and the protocols for sharing information with federal authorities. Regarding the

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[4] Press Release, DHS, ERO Boston arrests twice-convicted sex offender in Connecticut after Department of Corrections ignores immigration detainer (Jan. 14, 2025), https://www.ice.gov/news/releases/ero-boston-arrests-twice-convicted-sex-offender-connecticut-after-department.

[5] "Law enforcement officer" is defined very broadly by the Trust Act, including the Department of Correction, municipal police, State Police, marshals, probation officers, the Division of Criminal Justice (including state's attorneys), and the Board of Pardons and Paroles. *See* Conn. Gen. Stat. § 54-192h(a)(9).

[6] *See* Press Release, DHS, Connecticut is a sanctuary no more, *supra* note 3 (noting that "state and local law enforcement agencies will refuse to honor ICE detainers with a few rare exceptions").

disclosure of an individual's "immigration status," the guidance states that "personnel are generally not required to disclose any non-public information, including personal information or immigration status, unless presented with a valid judicial warrant or subpoena." Memorandum from William Tong, Conn. Att'y Gen., *Statement of Policy and Guidance Regarding Immigration Matters*, at 12 (March 26, 2026) ("Policy Guidance," attached as Exh. A). The Policy Guidance further directs that "[a]gencies and officials should protect the privacy and legal rights of individuals, and should only share sensitive information as explicitly required by law." *Id.*

9. The Policy Guidance also states that "ICE detainer requests are just that: requests. They do not carry the weight of a warrant, and they impose no legal obligation for local law enforcement to detain, arrest, or jail someone." *Id.* at 11. In encouraging state officials to flout "administrative subpoenas," the Policy Guidance states that "[s]uch documents generally do not require immediate responses and can be challenged in court. Unlike judicial subpoenas, penalties for failure to comply with an administrative subpoena are not automatic and may only occur if a subpoena enforcement action is brought in federal district court." *Id.*

10. These provisions intentionally obstruct the sharing of information envisioned by Congress, including sharing basic information such as release dates and custodial status, thereby impairing federal detention of removable aliens, including dangerous criminals, as required by federal law. They further require federal officials to procure judicial warrants in order to take custody of removable aliens, even though Congress has made an explicit policy choice that such removals can be effectuated by *civil* arrest warrants for immigration enforcement and even though courts have upheld the lawfulness of that choice. And they facilitate the release of dangerous criminals into the community by directing local employees to refuse to transfer such aliens to

federal officials in a secure environment, thereby resulting in their release onto the streets, where they all too often reoffend and commit serious crimes.

11. Similarly, the Executive Order issued by City of New Haven Mayor Justin Elicker on July 23, 2020, entitled, "An Executive Order to Affirm New Haven a Welcoming City" ("Executive Order," attached as Exh. B) unlawfully impedes the operation of federal immigration laws. The Executive Order forbids New Haven officers and employees from disclosing "confidential information" without the consent of the alien, defining "confidential information" to include "immigration status." *Id.* at §§ III(6), (7). It prohibits local law enforcement agencies from inquiring about or engaging in activities to ascertain an individual's immigration status. *Id.* §§ III(2)–(4). It forbids city employees from using their resources "to investigate, enforce or assist in the investigation or enforcement of *any federal program* . . ." *Id.* § III(5) (emphasis added). The Executive Order also bars local law enforcement agencies from using their resources to "[d]etain or arrest a person, based on ICE detainer requests or administrative warrants entered by ICE . . . unless required by law." *Id.* § III(8). Finally, the Executive Order subjects "[a]ny employee of the City who is found to have violated this Executive Order" to "discipline in accordance with applicable union contract, civil service rules, or department work rules." *Id.* § III(10).

12. The New Haven Executive Order is in conflict with and reflects an obstacle to the Federal Government's enforcement of the immigration laws, is expressly preempted by 8 U.S.C. §§ 1373, 1644, unlawfully regulates the Federal Government, and discriminates against federal immigration enforcement. Specifically, in rejecting congressionally authorized means of enforcing federal immigration law, including detainers and administrative warrants, the Executive Order unlawfully regulates the Federal Government. By prohibiting information sharing with federal immigration authorities in most instances, the Executive Order acts to single out federal

immigration authorities for disfavored treatment and frustrates the system of cooperation contemplated by federal law.

13. The Supremacy Clause prohibits the State of Connecticut and City of New Haven from obstructing the Federal Government's ability to enforce laws that Congress has enacted or to take actions entrusted to it by the Constitution. The Supremacy Clause also provides that federal statutes prevail over conflicting state or local laws. And the Supremacy Clause prohibits states and localities from directly regulating or singling out the Federal Government for adverse treatment—as the challenged laws do—thereby violating the doctrine of intergovernmental immunity twice over.

14. Accordingly, the provisions challenged here are unlawful and cannot stand.

JURISDICTION AND VENUE

15. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345.

16. Venue is proper in this jurisdiction under 28 U.S.C. § 1391(b) because at least one Defendant resides in this District and a substantial part of the acts or omissions giving rise to this action arose from events in this District.

17. This Court has authority to provide the relief requested under its inherent equitable powers, the Supremacy Clause, as well as the Declaratory Judgment Act, 28 U.S.C. §§ 1651, 2201, 2202.

PARTIES

18. Plaintiff is the United States of America. It regulates immigration under its constitutional, statutory, and inherent sovereign authorities. It is responsible for enforcing the federal immigration laws through its agencies—including the Departments of Justice, State, Labor, and Homeland Security ("DHS"), along with DHS's component agencies, including U.S.

Immigration and Customs Enforcement ("ICE") and U.S. Customs and Border Protection ("CBP").

19. Defendant State of Connecticut is a State of the United States.

20. Defendant Ned Lamont is the Governor of Connecticut and is being sued in his official capacity, as he bears responsibility for the enforcement of the Trust Act.

21. Defendant William Tong is the Attorney General of Connecticut and is being sued in his official capacity as the State of Connecticut's chief law enforcement official charged with enforcing and defending the Trust Act and implementing the Policy Guidance. *See* Policy Guidance at 1 ("I provide this Memorandum pursuant to my authority as the State's chief legal officer and chief civil law enforcement official, and pursuant to the Constitution of the State of Connecticut and General Statutes § 3-125[.]").

22. Defendant City of New Haven is a city in the State of Connecticut.

23. Defendant Justin Elicker is the Mayor of New Haven and is being sued in his official capacity as he bears responsibility for the administration and enforcement of the New Haven Executive Order. *See* Executive Order at § III(11).

CONSTITUTIONAL AND STATUTORY BACKGROUND

POWER OVER IMMIGRATION

24. "The Government of the United States has broad, undoubted power over the subject of immigration and the status of aliens." *Arizona v. U.S.*, 567 U.S. 387, 394 (2012); *accord North Dakota v. United States*, 495 U.S. 423, 435 (1990) (plurality); *id.* at 444–47 (Scalia, J., concurring). This authority stems from "the National Government's constitutional power to 'establish an uniform Rule of Naturalization,' and its inherent power as sovereign to control and conduct relations with foreign nations." *Arizona*, 567 U.S. at 394 (citations omitted). Those inherent rights and obligations as an independent Nation include a duty to control the Nation's borders to ensure

the safety and flourishing of its citizens. *See Fong Yue Ting v. United States*, 149 U.S. 698, 707 (1893); *Ping v. United States*, 130 U.S. 581, 603–04 (1889); *Landon v. Plasencia*, 459 U.S. 21, 34 (1982).

25. The Constitution affords Congress the power to "establish a uniform Rule of Naturalization," U.S. Const. art. I, § 8, cl. 4, and to "regulate Commerce with foreign Nations," U.S. Const. art. I, § 8, cl. 3, and affords the President of the United States the authority to "take Care that the Laws be faithfully executed[.]" U.S. Const. art. II, § 3.

RELEVANT STATUTES

26. Exercising this authority, the Federal Government has devised an "extensive and complex" statutory scheme for the "governance of immigration and alien status." *Arizona*, 567 U.S. at 395. This scheme codifies the Executive's authority to inspect, investigate, arrest, detain, and remove aliens who are suspected of being, or are found to be, unlawfully in the United States. *E.g.*, 8 U.S.C. §§ 1182, 1225, 1226, 1227, 1228, 1231. Taken together, "Congress has specified which aliens may be removed from the United States and the procedures for doing so." *Arizona*, 567 U.S. at 396.

27. Federal immigration authorities also "shall have power without warrant . . . to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States." 8 U.S.C. § 1357(a)(1). Federal immigration authorities further are authorized to issue subpoenas "concerning any matter which is material and relevant to the enforcement of this chapter and the administration of the Service," and federal district courts are authorized to issue orders requiring individuals to comply with such subpoenas. *See* 8 U.S.C. § 1225(d)(4).

28. Congress has also codified basic principles of cooperation and comity between state and local authorities and the Federal Government. For example, federal law contemplates that

removable aliens in state custody who have been convicted of state or local offenses will generally serve their state or local criminal sentences before being subject to removal but will be taken into federal custody upon the expiration of their state prison terms. *See* 8 U.S.C. §§ 1226(c), 1231(a)(1)(B)(iii), (a)(4). Further, federal authorities must "make available" to state and local authorities "investigative resources . . . to determine whether individuals arrested by such authorities for aggravated felonies are aliens[.]" 8 U.S.C. § 1226(d)(1)(A). Likewise, federal officials must also "designate and train officers and employees . . . to serve as a liaison to" state and local officials "with respect to the arrest, conviction, and release of any alien charged with an aggravated felony[.]" *Id.* § 1226(d)(1)(B); *see id.* §§ 1226(c), 1231(a).

29. Congress also authorized states and localities "to cooperate with the [Secretary of DHS] in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States." *Id.* § 1357(g)(10)(B). Additionally, Section 287(g) of the Immigration and Nationality Act ("INA"), 8 U.S.C § 1357(g), authorizes the Secretary of DHS to enter into written agreements with state or local law enforcement permitting designated officers to perform specified federal immigration enforcement functions. Participation is voluntary and designated officers receive training at the federal government's expense. When a State or locality decides to participate, its officers act pursuant to federal authority under federal direction and oversight.

30. In effectuating these provisions, DHS may issue an "immigration detainer" that "serves to advise another law enforcement agency that [DHS] seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien." 8 C.F.R. § 287.7(a); *see* 8 U.S.C. §§ 1103(a)(3), 1226(a), (c), 1231(a), 1357(d). An immigration "detainer is a request that such agency advise the Department, prior to release of the alien, in order for the Department to arrange to assume custody[.]" 8 C.F.R. § 287.7(a).

31. DHS also may request that custody be extended by a period not to exceed 48 hours, "in order to permit assumption of custody by the Department." *Id.* § 287.7(d). And in some instances, DHS is statutorily required, upon request from local authorities, to consider whether to issue a detainer for an alien in local custody. *See* 8 U.S.C. § 1357(d) (addressing violations of laws regulating controlled substances). In other cases, DHS is required to issue a detainer for certain aliens, including any alien who is "charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, shoplifting, or assault of a law enforcement officer offense, or any crime that results in death or serious bodily injury to another person[.]" 8 U.S.C. § 1226(c)(1)(E)(ii). And in other instances, the INA gives the federal immigration authorities the discretion to detain an alien based on an administrative warrant of arrest. *Id.* § 1226(a). Such an alien may be "arrested and detained pending a decision on whether the alien is to be removed from the United States." *Id.*

32. Congress further sought to affirmatively penalize efforts to obstruct immigration enforcement by, among other things, prohibiting the "conceal[ing], harbor[ing], or shield[ing] from detection, or attempts to" accomplish the same, of any "alien in any place, including any building or any means of transportation." *Id.* § 1324(a)(1)(A)(iii).

SUPREMACY POINTS

33. The Supremacy Clause of the United States Constitution mandates that "[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land . . . any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Art. VI, cl. 2. Thus, a state enactment is invalid if it "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress," *Hines v. Davidowitz*, 312 U.S. 52, 67 (1941), "regulat[es] the United States directly," *United States*

v. Washington, 596 U.S. 832, 838 (2022) (citation omitted), or "discriminate[s] against the United States or those with whom it deals," *South Carolina v. Baker*, 485 U.S. 505, 523 (1988). The Supremacy Clause incorporates both intergovernmental immunity and preemption.

34. The preemption doctrine provides that federal interests edge out state interests when federal and state law "clash." *North Dakota*, 495 U.S. at 435; *Murphy*, 584 U.S. at 477–79. Preemption is typically categorized as express, field, or conflict preemption. *Crosby v. Nat'l Foreign Trade Council*, 530 U.S. 363, 372–73 (2000). Express preemption occurs when Congress includes express language within the statute indicating its preemptive intent. *Id.* at 372. State law is also naturally preempted to the extent of any conflict with a federal statute. *Id*. That includes, for example, if it is impossible to comply with both state and federal law, and where the challenged law "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." *Id.* at 372–73.

35. "Consultation between federal and state officials is an important feature of the immigration system." *Arizona*, 567 U.S. at 411. "Absent any cooperation at all from local officials," the immigration system—like other federal programs—"may fail or fall short of [its] goals[.]" *New York v. United States*, 179 F.3d 29, 35 (2d Cir. 1999). Congress has therefore directed that a federal, state, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, DHS "information regarding the citizenship or immigration status, lawful or unlawful, of any individual." 8 U.S.C. § 1373(a); *see id.* § 1644 (same); *see also id.* § 1357(g)(10)(A) (providing for state and local "communicat[ion] with [DHS] regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States"). Likewise, "no person or agency may prohibit, or in any way restrict, a Federal, State, or local government

entity from," among other things, "[m]aintaining" "information regarding the immigration status, lawful or unlawful, of any individual," or "[e]xchanging such information with any other Federal, State, or local government entity." *Id.* § 1373(b). These provisions both regulate and facilitate the Federal Government's regulation of private parties.

FACTUAL BACKGROUND

A. The Connecticut Trust Act

36. The Connecticut Trust Act was enacted in 2013 to limit state and local law enforcement officials' participation in federal civil immigration enforcement. *See* Trust Act, Connecticut Pub. Act No. 13-155 (2013). As initially drafted, the Trust Act provided that no state law enforcement officer "who receives a civil immigration detainer with respect to an individual who is in the custody of the law enforcement officer shall detain such individual pursuant to such civil immigration detainer" unless the individual's history was especially egregious. *Id.* The Trust Act was amended in 2019 and amended again in 2025.[7]

37. On March 26, 2026, the Connecticut Office of the Attorney General issued the Policy Guidance addressing the Trust Act and the protocols for sharing information with federal authorities. *See* Exhibit A.

38. As amended, the Trust Act now impedes cooperation between state and local law enforcement and federal immigration authorities to enforce the immigration laws in several ways.

[7] The most recent amendments to the Trust Act were effective October 1, 2025. Conn. Gen. Stat. § 54-192h(b)(1)(A). The amendments provide for a private right of action against a municipality for injunctive or declaratory relief. *Id.* § 54-192h(h).

39. *First*, the Act prohibits law enforcement officers from arresting or detaining individuals pursuant to a civil immigration detainer[8] unless: 1) "the detainer is accompanied by a warrant issued or signed by a judicial officer," 2) the individual has been convicted of a violation of certain enumerated statutes (which pertain to the offenses of manslaughter, sexual assault, strangulation, burglary, violation of a protective order, and possession of child sexual abuse material),[9] 3) the individual has been convicted of a "class A or B felony offense,"[10] or 4) "the individual is identified as a possible match in the federal Terrorist Screening Database or similar database." Conn. Gen. Stat. § 54-192h(b)(1)(A).

40. *Second*, the Act generally prohibits law enforcement officers from "[e]xpend[ing] or us[ing] time, money, facilities, property, equipment, personnel or other resources to

[8] "Civil immigration detainer" is defined as "a request from a federal immigration authority to a local or state law enforcement agency for a purpose including, but not limited to: (A) Detaining an individual suspected of violating a federal immigration law or who has been issued a final order of removal; (B) Facilitating the (i) arrest of an individual by a federal immigration authority, or (ii) transfer of an individual to the custody of a federal immigration authority; (C) Providing notification of the release date and time of an individual in custody; and (D) Notifying a law enforcement officer, through DHS Form I-247A, or any other form used by the [DHS] or any successor agency thereto, of the federal immigration authority's intent to take custody of an individual[.]" Conn. Gen. Stat. § 54-192h(a)(2).

[9] The exception allowing for arrest or detention pursuant to a civil immigration detainer for aliens convicted of certain enumerated offenses was added to the Trust Act in the amendments effective October 1. 2025. *See* Conn. Gen. Stat. § 54-192h(b)(1)(A); Mark Pazniokas, *Expansion of CT Trust Act Passes House*, *supra* note 2.

[10] According to guidance provided by the office of the Attorney General of the State of Connecticut, Class A and B felonies are "the most dangerous and serious crimes" including "murder, manslaughter, assault, kidnapping, and crimes against pregnant people, children, elderly adults and people with disabilities." Trust Act Guidance Memo (Jan. 15, 2025); https://portal.ct.gov/-/media/post/general_notices/2025/gn-25-02/trust-act-guidance-memo-20250115.pdf

communicate with a federal immigration authority[11] regarding the custody status or release of an individual targeted by a civil immigration detainer." *Id.* § 54-192h(b)(1)(B).

41. *Third*, the Act prohibits law enforcement officers from arresting or detaining an individual based on an administrative warrant.[12] *Id.* § 54-192h(b)(1)(C).

42. *Fourth*, the Act prohibits law enforcement officers from "giv[ing] a federal immigration authority access to interview an individual who is in the custody of a law enforcement agency" outside of a few, narrow circumstances, and requires that, even if an individual is the subject of an administrative subpoena issued pursuant to 8 U.S.C. § 1225(d)(4)(A), the individual must be "the subject of a court order issued under 8 U.S.C. § 1225(d)(4)(B)" for federal authorities to obtain access to such individual. *Id.* § 54-192h(b)(1)(D).

43. *Fifth*, the Act prohibits agreements under 8 U.S.C § 1357(g), which authorizes the Secretary of Homeland Security to enter into written agreements with state or local law enforcement to permit designated officers to perform specified federal immigration enforcement functions and authorizing specific forms of cooperation even in the absence of such an agreement. *See* Conn. Gen. Stat. §§ 54-192h(b)(1)(E).

44. *Sixth*, the Act burdens communications between federal immigration authorities and local law enforcement by requiring the written authorization of the alien to communicate regarding the "custody status" or "release" of removable aliens, as well as their "confidential

[11] "Federal immigration authority" is defined as "any officer, employee or other person otherwise paid by or acting as an agent of ICE or any division thereof or any officer, employee or other person otherwise paid by or acting as an agent of the [DHS] or any successor agency thereto who is charged with enforcement of the civil provisions of the Immigration and Nationality Act[.]" *Id.* § 54-192(a)(4).

[12] "Administrative warrant" is defined as "a warrant, notice to appear, removal order or warrant of deportation issued by an agent of a federal agency charged with the enforcement of immigration laws or the security of the borders, including ICE and the [CBP], but does not include a warrant issued or signed by a judicial officer." *Id.* § 54-192h(a)(1).

information." *See* Conn. Gen. Stat. §§ 54-192h(b)(1)(B), (d). Regarding the disclosure of an individual's "immigration status," the Policy Guidance states that "personnel are generally not required to disclose any non-public information, including personal information or immigration status, unless presented with a valid judicial warrant or subpoena." Policy Guidance at 12. The Policy Guidance further directs that "[a]gencies and officials should protect the privacy and legal rights of individuals, and should only share sensitive information as explicitly required by law." *Id.*

45. *Seventh*, the Act requires law enforcement officers to "provide a copy of the detainer to the affected individual who is the subject of the detainer," and to "inform the individual whether the law enforcement agency intends to comply with the detainer." *Id.* § 54-192h(e)(1). The notification requirements serve to alert aliens that federal civil immigration authorities may be interested in detaining them. This directly thwarts DHS's ability to take such aliens into custody, forcing DHS to engage in difficult and dangerous efforts to re-arrest aliens who previously were in state custody, and endangering immigration officers, the alien at issue, and others who may be nearby. Connecticut has no lawful interest in assisting removable aliens to evade federal law enforcement. *See* 8 U.S.C. § 1324.

B. New Haven Executive Order

46. On July 23, 2020, City of New Haven Mayor Justin Elicker issued the Executive Order *See* Exhibit B. The Executive Order unlawfully impedes the operation of federal immigration laws in several ways.

47. *First*, the order forbids New Haven officers and employees from disclosing "confidential information," defined to include an alien's "immigration status," without the consent of the alien. *See* Executive Order, §§ III(6), (7).

48. *Second*, the Executive Order prohibits local law enforcement agencies from inquiring about or engaging in activities to ascertain an individual's immigration status. *Id.* §§ III(2)–(4).

49. *Third*, the Executive Order states that "[l]ocal law enforcement agencies . . . shall not use agency or department resources . . . to . . . [d]etain or arrest a person, based on ICE detainer requests or administrative warrants entered by ICE . . . unless required by law." *Id.* § III(8). It further forbids city employees from using their resources "to investigate, enforce or assist in the investigation or enforcement of *any federal program* . . ." *Id.* § III(5) (emphasis added).

50. Finally, the Executive Order subjects "[a]ny employee of the City who is found to have violated this Executive Order" to "discipline in accordance with applicable union contract [sic], civil service rules, or department work rules." *Id.* § III(10).

THE CHALLENGED PROVISIONS' IMPACT ON FEDERAL IMMIGRATION ENFORCEMENT

A. Congress's Scheme of Cooperation

51. The challenged provisions prohibit even the most basic cooperation with federal officials. Congress, in comity to States, permitted state and local jurisdictions to fully punish aliens for state criminal violations prior to removal. *See* 8 U.S.C. § 1231(a)(4)(A) (providing that, subject

to limited exceptions, federal agents "may not remove an alien who is sentenced to imprisonment until the alien is released from imprisonment"). But Congress crafted a statutory scheme that clearly envisioned the Federal Government being able to detain and remove those aliens once their state proceedings and sentences concluded.

52. Congress specified that the removal period begins immediately upon release from state criminal custody, *id.* § 1231(a)(1)(B)(iii), and detention during that period is mandatory, *id.* § 1231(a)(2); *see also* 8 U.S.C. §§ 1226(c)(3), 1357(d) (directing immigration officers to obtain a detainer to facilitate the transfer of criminal aliens from state to federal custody). Congress granted this permission expecting that states would then facilitate, or at the very least not obstruct, detention of criminal aliens by federal immigration authorities. If ICE lacks knowledge of a criminal alien's release date from state custody, ICE cannot exercise its statutory responsibility of effecting an arrest upon the alien's release.

53. Furthermore, federal law contemplates that DHS will be able to inspect all applicants for admission and take all appropriate action against those found to be inadmissible to the United States, even those transferred to state or local custody pending prosecution. *See id.* §§ 1182, 1225(b)(2); 8 C.F.R. § 235.2. And, to facilitate coordination between state and local officials and the Federal Government, Congress expressly prohibited any federal, state, or local government entity or official from prohibiting, or in any way restricting, any government entity or official from sending to, or receiving from, DHS "information regarding the citizenship or immigration status, lawful or unlawful, of any individual," 8 U.S.C. § 1373(a), or from maintaining and exchanging such information with other law enforcement entities, *id.* § 1373(b); *see id.* § 1644.

B. The Trust Act and Policy Guidance Conflict with Congress's Command

54. Connecticut law directly conflicts with the scheme identified above. Under the Trust Act and Policy Guidance, state and local officers are explicitly prohibited from complying with immigration detainers or civil immigration warrants and subpoenas (with limited exceptions); they are also prevented from sharing critical immigration information. Conn. Gen. Stat. §§ 54-192h(b)(1)(A), (C), (d); Policy Guidance at 11 ("ICE detainer requests . . . do not carry the weight of a warrant, and they impose no legal obligation for local law enforcement to detain, arrest or jail someone."); *id.* ("Administrative subpoenas . . . generally do not require immediate responses and can be challenged in court. . . . penalties for failure to comply with an administrative subpoena are not automatic and may only occur if a subpoena enforcement action is brought in federal district court."); 12 ("personnel are generally not required to disclose any non-public information, including personal information or immigration status, unless presented with a valid judicial warrant or subpoena.").

55. The Trust Act and Policy Guidance limit federal immigration authorities' ability to interview individuals in state custody, *see* Conn. Gen. Stat. § 54-192h(b)(1)(D), even though the INA expressly provides that aliens in this country "*shall* be inspected by immigration officers." 8 U.S.C. § 1225(a)(3) (emphasis added); *see id.* § 1225(d)(4). The Trust Act also limits the circumstances in which federal immigration officers may interrogate illegal aliens, even though the text of the INA itself imposes no such limitations. *See id.* § 1357(a)(3).

56. Furthermore, the Trust Act and Policy Guidance run directly afoul of 8 U.S.C. § 1373 by forbidding state and local officers from "[e]xpend[ing] or us[ing] time, money, facilities, property, equipment, personnel or other resources to communicate with a federal immigration authority regarding the custody status or release of an individual targeted by a civil immigration

detainer." Conn. Gen. Stat. § 54-192h(b)(1)(B); *see also* Policy Guidance at 12 ("personnel are generally not required to disclose any non-public information, including personal information or immigration status, unless presented with a valid judicial warrant or subpoena").

57. Additionally, the Trust Act conflicts with 8 U.S.C. § 1644, which states that "[n]otwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the [DHS] information regarding the immigration status, lawful or unlawful, of an alien in the United States." Connecticut has therefore prohibited the activities that federal law expressly ensures state and local officials may perform.

58. The restrictions on arrest or detention based on an administrative warrant, *see* Conn. Gen. Stat. § 54-192h(b)(1)(C), and restrictions on arrest or detention or ICE access to removable aliens in state custody absent a judicial warrant (with limited exceptions), *see* Conn. Gen. Stat. §§ 54-192h(b)(1)(A), (D), conflict with federal law, which establishes a system of civil administrative warrants as the basis for immigration arrest and removal, and does not require or contemplate use of a judicial warrant for civil immigration enforcement. *See* 8 U.S.C. §§ 1226(a), 1231(a).

59. The challenged provisions, *e.g.*, Conn. Gen. Stat. § 54-192h(b), (d), and (e), impede DHS's ability to readily obtain from local law enforcement the release date of aliens whom DHS has reason to believe are removable from the United States as well as DHS's access to such aliens to facilitate the transfer of custody, even where DHS presents a congressionally authorized civil administrative warrant of arrest or removal, *see* 8 U.S.C. §§ 1226(a), 1231(a), or has transferred those aliens to local law enforcement in the first instance to permit their prosecution for a state crime.

60. The numbers tell the tale. Since 2020, ICE has issued 3,070 civil immigration detainers in Connecticut. Connecticut has honored less than 20% of these detainers.

61. Localities fare no better. The Enforcement and Removal Operations Office in Hartford reports that there are currently 403 active ICE detainers dating back to 2020 that are being tracked. But since 2020, the office has been permitted to securely pick up only 181 inmates for transport.

62. In many instances, released individuals reoffended with serious conduct when Connecticut law enforcement did not honor their ICE detainers. The serious conduct of released individuals, including at least one suspected gang member, has included various degrees of assault, burglary, felony risk of injury to child, larceny, and felony violations of a protective order.

63. By restricting basic information sharing and barring DHS access to aliens in state or local custody upon their release as provided by federal law (*e.g.*, an administrative warrant), the challenged laws frequently require federal immigration officers either (1) to engage in difficult and potentially dangerous efforts to re-arrest aliens who were previously in local custody, or (2) to determine that it is not appropriate to transfer an alien to local custody in the first place, in order to comply with their mission to enforce the immigration laws.[13]

64. Additionally, the Trust Act requires state law enforcement officers to inform removable aliens when the Federal Government issues a detainer against them, even if the state or locality does not intend to comply with the detainer. *See* Conn. Gen. Stat. § 54-192h(e)(1). That

[13] *See, e.g.*, Press Release, DHS, ERO Boston arrests twice-convicted sex offender in Connecticut after Department of Corrections ignores immigration detainer (Jan. 14, 2025), https://www.ice.gov/news/releases/ero-boston-arrests-twice-convicted-sex-offender-connecticut-after-department; Press Release, DHS, ICE issues subpoenas to obtain information refused under Connecticut's sanctuary policies (Feb. 13, 2020), https://www.ice.gov/news/releases/ice-issues-subpoenas-obtain-information-refused-under-connecticuts-sanctuary-policies.

requirement effectively alerts the aliens to the Federal Government's enforcement efforts. Connecticut has no lawful interest in assisting removable aliens' evasion of federal law enforcement.

65. The Trust Act singles out Federal Government immigration enforcement authorities for its disfavored treatment. The Trust Act specifies that state law enforcement officers are not to communicate with "a federal immigration authority," or to "[g]ive a federal immigration authority access to interview [the] individual," or to "[p]erform any function of a federal immigration authority." *Id.* at §§ 54-192h(a)(4), (b)(1)(B), (D), (E), (d), (e).

66. In rejecting congressionally authorized means of enforcing federal immigration law, in requiring judicial warrants, restricting access to information and hindering coordination by outlawing agreements pursuant Section 287(g) of the INA, 8 U.S.C §1357(g), these provisions constitute unlawful direct regulation of the Federal Government.

C. The New Haven Executive Order Frustrates Congress's Immigration Goals

67. The New Haven Executive Order of July 23, 2020, similarly, frustrates federal immigration enforcement. The order specifies that "[l]ocal law enforcement agencies . . . shall not use agency or department resources . . . to . . . [d]etain or arrest a person, based on ICE detainer requests or administrative warrants entered by ICE . . . unless required by law." New Haven Executive Order § III(8); *see also id.* § III(5).

68. The Executive Order forbids New Haven officers and employees from ascertaining or inquiring into an individual's immigration status and from disclosing "confidential information" without the consent of the alien, defining "confidential information" to include "immigration status." *Id.* at §§ III(2)–(4), (6), (7).

D. The Challenged Laws Conflict with Federal Law and Unlawfully Regulate and Discriminate Against the Federal Government

69. Connecticut's Trust Act, its Policy Guidance and New Haven's Executive Order threaten and harm the United States' sovereign interest in the supremacy and enforcement of federal law, specifically the INA. The challenged provisions also undermine and conflict with federal immigration enforcement policy and impose financial harm on the United States and taxpayers by increasing the costs of immigration enforcement in Connecticut and New Haven. A favorable ruling would redress the United States' harms.

70. Connecticut and New Haven have no lawful interest in assisting removable aliens to evade federal law enforcement. The state's and city's prohibitions on cooperation with Federal immigration agencies have endangered public safety, resulting in criminals being released into Connecticut rather than turned over to immigration authorities for removal from the United States, as required by federal law.

71. The challenged laws are not a mere passive effort to avoid providing state or local resources to Federal officials but rather are an active and deliberate effort to obstruct federal immigration enforcement by, among other things, impeding the communication between federal, state, and local law enforcement officials, and the safe apprehension and detention of unlawfully present aliens.

72. These Connecticut and New Haven provisions are an obstacle to the Federal Government's enforcement of the immigration laws, are expressly preempted, constitute unlawful direct regulation of the Federal Government, and constitute discrimination against federal immigration enforcement.

CLAIMS FOR RELIEF

COUNT ONE – VIOLATION OF THE SUPREMACY CLAUSE AND THE INA (TRUST ACT AND POLICY GUIDANCE CONFLICT PREEMPTION)

73. Plaintiff hereby incorporates the foregoing paragraphs of the Complaint as if fully stated herein.

74. The Supremacy Clause of the United States Constitution provides that "[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof … shall be the supreme Law of the Land … any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." U.S. Const. art. VI, cl. 2.

75. The Connecticut Trust Act and its Policy Guidance "stand[] as an obstacle to the accomplishment and execution of the full purposes and objective of Congress." *United States v. Locke*, 529 U.S. 89, 109 (2000).

76. Federal law codifies an "extensive and complex" statutory scheme for the "governance of immigration and alien status." *Arizona*, 567 U.S. at 395. This scheme reflects federal authority to inspect, interrogate, investigate, arrest, detain, and remove aliens who are suspected of being, or are found to be, unlawfully in the United States. *E.g.*, 8 U.S.C. §§ 1182, 1225, 1226, 1227, 1228, 1231, 1357.

77. Federal law further contemplates cooperation, including sharing resources and information, between state and local authorities and the Federal Government to achieve uniform governance of immigration and alien status. *E.g.*, 8 U.S.C. §§ 1226(a), (c), (d), 1231(a), 1357(g).

78. Federal law also authorizes the use of immigration detainers, warrants, subpoenas, and other mechanisms to assist in the arrest and removal of aliens. *See* 8 C.F.R. § 287.7; 8 U.S.C. §§ 1103(a)(3), 1225(d)(4), 1226(a), (c), 1231(a), 1357(d).

79. Federal law makes clear that efforts to hamper its federal immigration enforcement mandates are prohibited by imposing affirmative penalties on attempts to protect aliens from such enforcement. *See* 8 U.S.C. § 1324(a)(1)(A)(ii).

80. Nonetheless, the Connecticut Trust Act and Policy Guidance frustrate the accomplishment and execution of federal immigration law, create obstacles that undermine general federal immigration enforcement efforts, and inhibit cooperation underlying the immigration laws, barring state and local officials from sharing material with federal immigration officials even when they wish to do so and prohibiting law enforcement agencies from entering or performing immigration enforcement functions pursuant to a § 1357(g) agreement. *See* Conn. Gen. Stat. §§ 54-192(b)(1)(A)–(E), (d), (e); Policy Guidance at 11, 12.

81. Federal law does not contemplate any of those limitations on federal immigration authorities' ability to interrogate or inspect aliens who are unlawfully present in this country or otherwise enforce federal immigration law.

82. The Connecticut Trust Act and its Policy Guidance are thus preempted by federal immigration law.

COUNT TWO – VIOLATION OF THE SUPREMACY CLAUSE AND THE INA (NEW HAVEN EXECUTIVE ORDER CONFLICT PREEMPTION)

83. Plaintiff hereby incorporates the foregoing paragraphs of the Complaint as if fully stated herein.

84. The New Haven Executive Order is likewise conflict preempted as its restricted disclosure of an individual's "immigration status to a specific set of local exceptions," *see* New Haven Executive Order §§ III(6), (7), frustrates the principles of cooperation and the full purposes and objectives of Congress intended to facilitate open communication between local and federal officials. The policy stands as an obstacle to federal immigration enforcement by preventing ICE

from obtaining critical intelligence necessary to carry out its statutory mandate to identify and remove aliens unlawfully present in the United States. *See id.* §§ III(2)–(5).

85. New Haven Executive Order § III(8) likewise creates a significant obstacle to federal law by prohibiting local officers from using resources to assist in the enforcement of federal immigration law, including by barring the detention of individuals based on detainer requests or administrative warrants unless "required by law." *Id*. §§ III(5), (8). This refusal to maintain custody undermines the federal regulatory framework, including specifically 8 C.F.R. § 287.7(d), which contemplates that local agencies will maintain custody for up to 48 hours to ensure the safe and orderly transfer of criminal aliens to federal authorities.

86. Federal law does not contemplate any of those limitations on federal immigration authorities' ability to collect information, communicate, or cooperate with local authorities to investigate, detain, and remove aliens who are unlawfully present in this country or otherwise enforce federal immigration law.

87. The New Haven Executive Order is thus preempted by federal immigration law.

COUNT THREE – VIOLATION OF THE SUPREMACY CLAUSE AND THE INA (TRUST ACT AND POLICY GUIDANCE EXPRESS PREEMPTION)

88. Plaintiffs hereby incorporate the foregoing paragraphs of the Complaint as if fully stated herein.

89. The Connecticut Trust Act and its Policy Guidance violate the Supremacy Clause because it is expressly preempted by 8 U.S.C. §§ 1373 and 1644's requirement that States "not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, [federal immigration officials] information regarding the citizenship or immigration status, lawful or unlawful, of any individual." 8 U.S.C. § 1373.

90. The Connecticut Trust Act and Policy Guidance expressly forbid (in all but unusual cases) state law enforcement officials from communicating with federal immigration authorities regarding the "custody status" or "release" of removable aliens, as well as their "confidential information." Conn. Gen. Stat. § 54-192h(b)(1)(B), (d); *see* Policy Guidance at 12 ("personnel are generally not required to disclose any non-public information, including personal information or immigration status, unless presented with a valid judicial warrant or subpoena").

91. These provisions thus fall within the heartland of what 8 U.S.C. §§ 1373, 1644 preempt.

92. The Connecticut Trust Act and its Policy Guidance are thus preempted by 8 U.S.C. §§ 1373, 1644.

COUNT FOUR – VIOLATION OF THE SUPREMACY CLAUSE AND THE INA (NEW HAVEN EXECUTIVE ORDER EXPRESS PREEMPTION)

93. Plaintiffs hereby incorporate the foregoing paragraphs of the Complaint as if fully stated herein.

94. The New Haven Executive Order is expressly preempted because it prohibits the sharing of information with federal immigration authorities in most instances.

95. The New Haven Executive Order expressly prohibits city employees from inquiring about an individual's immigration status or disclosing an individual's "immigration status" unless authorized by narrow local criteria. *See* New Haven Executive Order, §§ III(2)–(4), (6), (7). These provisions are expressly preempted by 8 U.S.C. §§ 1373 and 1644, which mandate that no local government entity or official may "in any way restrict" any government entity from sending immigration status information to federal authorities.

96. Section III(8) of the New Haven Executive Order likewise limits the use of local resources to detain or arrest individuals based on administrative warrants entered by ICE into

federal databases. To the extent this policy prohibits or restricts local entities from "maintaining" or "exchanging" immigration status information with federal agencies, it violates the express statutory provisions codified by Congress in 8 U.S.C. §§ 1373 and 1644.

97. The New Haven Executive Order is thus preempted by 8 U.S.C. §§ 1373, 1644.

COUNT FIVE – VIOLATION OF THE SUPREMACY CLAUSE AND THE INA (TRUST ACT AND POLICY GUIDANCE UNLAWFUL REGULATION OF THE FEDERAL GOVERNMENT)

98. Plaintiff hereby incorporates the foregoing paragraphs of the Complaint as if fully stated herein.

99. Connecticut's Trust Act violates basic principles of intergovernmental immunity by unlawfully regulating the Federal Government. Under the Supremacy Clause, "the activities of the Federal Government are free from regulation by any state." *Mayo v. United States*, 319 U.S. 441, 445 (1943).

100. The Trust Act and Policy Guidance do just that by directing state and local law enforcement officials not to arrest or detain an individual pursuant to a civil immigration detainer, with limited exceptions, unless it is "accompanied by a warrant issued or signed by a judicial officer." Conn. Gen. Stat. § 54-192h(b)(1)(A)(i); *see* Policy Guidance at 10–11. But Connecticut cannot require the Federal Government to obtain such warrants when federal law expressly *declines* to demand them in the immigration context. *See* 8 U.S.C. §§ 1226(a), 1231(a). The Act and Policy Guidance also prohibit state law enforcement officials from arresting or detaining an individual pursuant to an administrative warrant. Conn. Gen. Stat. § 54-192h(b)(1)(C); *see* Policy Guidance at 10–11. But federal law establishes a system of civil administrative warrants as the basis for immigration arrest and removal and does not require or contemplate use of a judicial warrant for civil immigration enforcement. *See* 8 U.S.C. §§ 1226(a), 1231(a). The judicial warrant requirement directly regulates DHS's operations by demanding something more than is required

by federal law. Congress explicitly declined to mandate a judicial warrant requirement before localities assisted in federal immigration enforcement efforts.

101. The Trust Act and Policy Guidance single out the Federal Government by restricting its access to vital information in furtherance of immigration enforcement. The Trust Act specifies that law enforcement officers are not to communicate with "a federal immigration authority[.]" *Id.* at § 54-192h(b)(1)(B). Further, the Trust Act prohibits law enforcement officers from "[g]iv[ing] a federal immigration authority access to interview an individual who is in the custody of a law enforcement agency" outside of a limited set of narrow circumstances: (1) when the individual has been convicted of a violation of certain enumerated statutes; (2) when the individual was convicted of a class A or B felony offense; (3) when the individual is a possible match on a terrorist screening database; or (4) the individual is the subject of an order enforcing a subpoena under § 1225(d)(4). Conn. Gen. Stat. § 54-192h(d). The Policy Guidance further restricts the Federal Government's access to critical immigration information, stating that "personnel are generally not required to disclose any non-public information, including personal information or immigration status, unless presented with a valid judicial warrant or subpoena." Policy Guidance at 12.

102. The Connecticut Trust Act also regulates the Federal Government by prohibiting law enforcement agencies from entering or performing immigration enforcement functions pursuant to valid 8 U.S.C. § 1357(g) agreements. Conn. Gen. Stat. § 54-192h(b)(1)(E).

103. Accordingly, Connecticut's Trust Act and Policy Guidance violate the Intergovernmental Immunity Doctrine by regulating the Federal Government in violation of the Supremacy Clause.

COUNT SIX – VIOLATION OF THE SUPREMACY CLAUSE (NEW HAVEN EXECUTIVE ORDER UNLAWFUL REGULATION OF THE FEDERAL GOVERNMENT)

104. Plaintiff hereby incorporates the foregoing paragraphs of the Complaint as if fully stated herein.

105. The New Haven Executive Order likewise regulates the Federal Government because it requires a judicial warrant to detain or arrest persons subject to ICE detainers or administrative warrants even though federal law expressly declines to demand one in the immigration context. *See* New Haven Executive Order, § III(8); 8 U.S.C. §§ 1226(a), 1231(a).

106. The judicial warrant requirement directly regulates DHS's operations by demanding something more than is required by federal law. Congress explicitly declined to mandate a judicial warrant requirement before localities assisted in federal immigration enforcement efforts.

107. Accordingly, the New Haven Executive Order violates the Intergovernmental Immunity Doctrine by regulating the Federal Government in violation of the Supremacy Clause.

COUNT SEVEN – VIOLATION OF THE SUPREMACY CLAUSE (TRUST ACT AND POLICY GUIDANCE UNLAWFUL DISCRIMINATION AGAINST THE FEDERAL GOVERNMENT)

108. Plaintiff hereby incorporates the foregoing paragraphs of the Complaint as if fully stated herein.

109. Connecticut's Trust Act "singles out" federal immigration authorities for disfavored treatment, expressly and impliedly, which is exactly what intergovernmental-immunity principles bar. *Dawson v. Steager*, 586 U.S. 171, 178 (2019). The Act restricts *only* cooperation with "federal immigration authorit[ies]." Conn. Gen. Stat. § 54-192h(a)–(e); *see* Policy Guidance at 10–12.

110. On information and belief, the State of Connecticut does not impose similar or equivalent restrictions on other law enforcement agencies.

111. Such discriminatory targeting of the Federal Government is unlawful. *See, e.g.*, *Washington*, 596 U.S. at 839 (A "state law discriminates against the Federal Government . . . if it singles them out for less favorable treatment or if it regulates them unfavorably on some basis related to their governmental status." (citations and alterations omitted)).

112. Accordingly, Connecticut's Trust Act and Policy Guidance violate the Intergovernmental Immunity Doctrine and are therefore invalid.

COUNT EIGHT – VIOLATION OF THE SUPREMACY CLAUSE (NEW HAVEN EXECUTIVE ORDER UNLAWFUL DISCRIMINATION AGAINST THE FEDERAL GOVERNMENT)

113. Plaintiff hereby incorporates the foregoing paragraphs of the Complaint as if fully stated herein.

114. Similarly, the New Haven Executive Order prohibits local law enforcement from "[d]etain[ing] or arrest[ing] a person[] based on ICE detainer requests." New Haven Executive Order § III(8). It further prohibits New Haven employees from "inquir[ing] about" or "engag[ing] in activities designed to ascertain" an alien's immigration status. *Id.* §§ III(2)–(4). It prevents the use of city resources "to investigate, enforce or assist in the investigation or enforcement of any *federal* program . . ." *Id.* § III(5). It thus singles out federal immigration authorities for disfavored treatment.

115. Rejecting congressionally authorized means of enforcing federal immigration law, the New Haven Executive Order prohibits sharing of vital information with federal immigration authorities in most instances. New Haven Executive Order § III(7). This restriction of

disseminating necessary information acts to single out federal government authorities for disfavored treatment and frustrates the system of cooperation contemplated by federal law.

116. On information and belief, the City of New Haven does not impose similar or equivalent restrictions on other law enforcement agencies.

117. Accordingly, the New Haven Executive Order violates the Intergovernmental Immunity Doctrine in violation of the Supremacy Clause.

PRAYER FOR RELIEF

The United States respectfully requests the following relief:

A. That this Court enter a judgment declaring that the challenged provisions of the Connecticut Trust Act (Conn. Gen. Stat. § 54-192h), the State of Connecticut's Policy Guidance, and the New Haven Executive Order of July 23, 2020 (New Haven Executive Order §§ III(2)–(8)) violate the Supremacy Clause, violate federal law, and are therefore invalid;

B. That this Court enter a permanent injunction barring Defendants, as well as any of their successors, agents, or employees, from enforcing the challenged provisions of the Connecticut Trust Act (Conn. Gen. Stat. § 54-192h), Policy Guidance, and the New Haven Executive Order of July 23, 2020 (New Haven Executive Order §§ III(2)–(8)), and any substantially similar policies, orders, or laws that may become effective in the future;

C. That this Court award the United States its fees and costs in this action; and

D. That this Court award any other relief it deems just and proper.

DATED: April 13, 2026

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Civil Division

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Attorneys for the United States of America

JS 44 (Rev. 03/24)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

THE UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

U.S. DEPARTMENT OF JUSTICE, CIVIL DIVISION, 450 5th St NW, Washington, DC 200001 (see attachment)

DEFENDANTS

STATE OF CONNECTICUT, et al. (see attachment)

County of Residence of First Listed Defendant HARTFORD
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- [x] 1 U.S. Government Plaintiff
- [ ] 2 U.S. Government Defendant
- [ ] 3 Federal Question *(U.S. Government Not a Party)*
- [ ] 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	[ ] 1	[ ] 1	Incorporated *or* Principal Place of Business In This State	[ ] 4	[ ] 4
Citizen of Another State	[ ] 2	[ ] 2	Incorporated *and* Principal Place of Business In Another State	[ ] 5	[ ] 5
Citizen or Subject of a Foreign Country	[ ] 3	[ ] 3	Foreign Nation	[ ] 6	[ ] 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- [ ] 110 Insurance
- [ ] 120 Marine
- [ ] 130 Miller Act
- [ ] 140 Negotiable Instrument
- [ ] 150 Recovery of Overpayment & Enforcement of Judgment
- [ ] 151 Medicare Act
- [ ] 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- [ ] 153 Recovery of Overpayment of Veteran's Benefits
- [ ] 160 Stockholders' Suits
- [ ] 190 Other Contract
- [ ] 195 Contract Product Liability
- [ ] 196 Franchise

REAL PROPERTY
- [ ] 210 Land Condemnation
- [ ] 220 Foreclosure
- [ ] 230 Rent Lease & Ejectment
- [ ] 240 Torts to Land
- [ ] 245 Tort Product Liability
- [ ] 290 All Other Real Property

TORTS

PERSONAL INJURY
- [ ] 310 Airplane
- [ ] 315 Airplane Product Liability
- [ ] 320 Assault, Libel & Slander
- [ ] 330 Federal Employers' Liability
- [ ] 340 Marine
- [ ] 345 Marine Product Liability
- [ ] 350 Motor Vehicle
- [ ] 355 Motor Vehicle Product Liability
- [ ] 360 Other Personal Injury
- [ ] 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- [ ] 365 Personal Injury - Product Liability
- [ ] 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- [ ] 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- [ ] 370 Other Fraud
- [ ] 371 Truth in Lending
- [ ] 380 Other Personal Property Damage
- [ ] 385 Property Damage Product Liability

CIVIL RIGHTS
- [ ] 440 Other Civil Rights
- [ ] 441 Voting
- [ ] 442 Employment
- [ ] 443 Housing/ Accommodations
- [ ] 445 Amer. w/Disabilities - Employment
- [ ] 446 Amer. w/Disabilities - Other
- [ ] 448 Education

PRISONER PETITIONS

Habeas Corpus:
- [ ] 463 Alien Detainee
- [ ] 510 Motions to Vacate Sentence
- [ ] 530 General
- [ ] 535 Death Penalty

Other:
- [ ] 540 Mandamus & Other
- [ ] 550 Civil Rights
- [ ] 555 Prison Condition
- [ ] 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- [ ] 625 Drug Related Seizure of Property 21 USC 881
- [ ] 690 Other

LABOR
- [ ] 710 Fair Labor Standards Act
- [ ] 720 Labor/Management Relations
- [ ] 740 Railway Labor Act
- [ ] 751 Family and Medical Leave Act
- [ ] 790 Other Labor Litigation
- [ ] 791 Employee Retirement Income Security Act

IMMIGRATION
- [ ] 462 Naturalization Application
- [ ] 465 Other Immigration Actions

BANKRUPTCY
- [ ] 422 Appeal 28 USC 158
- [ ] 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS
- [ ] 820 Copyrights
- [ ] 830 Patent
- [ ] 835 Patent - Abbreviated New Drug Application
- [ ] 840 Trademark
- [ ] 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- [ ] 861 HIA (1395ff)
- [ ] 862 Black Lung (923)
- [ ] 863 DIWC/DIWW (405(g))
- [ ] 864 SSID Title XVI
- [ ] 865 RSI (405(g))

FEDERAL TAX SUITS
- [ ] 870 Taxes (U.S. Plaintiff or Defendant)
- [ ] 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- [ ] 375 False Claims Act
- [ ] 376 Qui Tam (31 USC 3729(a))
- [ ] 400 State Reapportionment
- [ ] 410 Antitrust
- [ ] 430 Banks and Banking
- [ ] 450 Commerce
- [ ] 460 Deportation
- [ ] 470 Racketeer Influenced and Corrupt Organizations
- [ ] 480 Consumer Credit (15 USC 1681 or 1692)
- [ ] 485 Telephone Consumer Protection Act
- [ ] 490 Cable/Sat TV
- [ ] 850 Securities/Commodities/ Exchange
- [ ] 890 Other Statutory Actions
- [ ] 891 Agricultural Acts
- [ ] 893 Environmental Matters
- [ ] 895 Freedom of Information Act
- [ ] 896 Arbitration
- [ ] 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- [x] 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

- [x] 1 Original Proceeding
- [ ] 2 Removed from State Court
- [ ] 3 Remanded from Appellate Court
- [ ] 4 Reinstated or Reopened
- [ ] 5 Transferred from Another District *(specify)*
- [ ] 6 Multidistrict Litigation - Transfer
- [ ] 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
28 U.S.C. §§ 1651, 2201, and 2202.

Brief description of cause:
Challenge to the constitutionality of State and City laws and policies.

VII. REQUESTED IN COMPLAINT:

- [ ] CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:

JURY DEMAND: [ ] Yes [x] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE
04/13/2026

SIGNATURE OF ATTORNEY OF RECORD
s/ Jackson M. Story

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below**; NOTE: federal question actions take precedence over diversity cases.**)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. Origin. Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

ATTACHMENT TO CIVIL COVER SHEET

Attorneys for Plaintiff

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Defendants

STATE OF CONNECTICUT;

NED LAMONT, Governor of Connecticut, in his Official Capacity;

WILLIAM TONG, Attorney General of Connecticut, in his Official Capacity;

CITY OF NEW HAVEN, CONNECTICUT;

JUSTIN ELICKER, Mayor of New Haven, in his Official Capacity

Exhibit A

OFFICE OF THE ATTORNEY GENERAL
CONNECTICUT

WILLIAM TONG
ATTORNEY GENERAL

March 26, 2026

MEMORANDUM TO PUBLIC OFFICIALS, PUBLIC AGENCIES AND PRIVATE ORGANIZATIONS

FROM: **THE ATTORNEY GENERAL**

SUBJECT: **STATEMENT OF POLICY AND GUIDANCE REGARDING IMMIGRATION MATTERS**

I write this memorandum as Connecticut's Chief Legal Officer and Chief civil law enforcement official. I also write this memorandum as a son and grandson of immigrants and refugees, born a citizen by right of my birth on American soil, like millions of other Americans and Connecticut residents.

A year ago, it would have been hard to imagine U.S. Immigration and Customs Enforcement (ICE) occupying American cities like a masked paramilitary force, ripping parents from their children, killing protestors, and giving non-citizen immigrants and American citizens alike good reason to fear for their lives.

Over the past fourteen months, the Office of the Attorney General has heard from countless Connecticut residents concerned about their safety and that of their neighbors in light of ICE activity in Connecticut and elsewhere.

The following is a statement of the policy of the State of Connecticut and the Office of the Attorney General concerning immigration law and related legal matters, proceedings and enforcement actions. I provide this Memorandum pursuant to my authority as the State's chief legal officer and chief civil law enforcement official, and pursuant to the Constitution of the State of Connecticut and General Statutes § 3-125, to provide clarity and guidance as to the State's legal position on these matters.

I know there are a lot of questions about ICE and immigration enforcement, and this memorandum does not address or answer them all. This memorandum is not exhaustive, and it is not meant to be. This Statement of Policy and Guidance is an effort to provide clarity based on our analysis of the best information we have at this time, but it is not a substitute

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for legal advice specific to a particular set of facts. Individuals, agencies, and organizations should consult with legal counsel about individual questions and concerns.

I. STATEMENT OF POLICY

Immigrants and immigrant families are welcome in Connecticut. Immigrants and immigrant families are an essential part of our communities and national character and identity, and they make immeasurable contributions to our society and economy every single day. Connecticut is home to a vital immigrant and refugee community that keeps our economy moving: more than 16% of the state's residents and nearly 20% of our workforce are immigrants.[1] This includes 25.7% of Connecticut entrepreneurs, 22.7 % of Connecticut workers in science, technology, engineering and math (STEM) fields, and nearly 40% of health aides in the state.[2] They are essential to our thriving state economy as neighbors, entrepreneurs, business owners, consumers, workers, and taxpayers.

The President's actions on immigration have caused fear and unreasonable risk and danger to immigrants and immigrant families. Recent changes to federal immigration policies may deter immigrants and their families from accessing essential services because of fear of immigration enforcement. All members of our community should feel encouraged to utilize services and public accommodations in times of need. The entire State of Connecticut benefits when our immigrant friends, neighbors and family feel safe, and state and local governments, and private businesses and organizations, can provide indispensable services without fear or disruption.

Any action by the President or the federal government to direct or commandeer state or local law enforcement and resources in Connecticut for purposes of federal immigrant enforcement may be unlawful and a violation of the sovereignty of the state of Connecticut and the Tenth Amendment to the United States Constitution. Federal immigration enforcement is the responsibility of the federal government, not the states. The United States Supreme Court has affirmed this as a bedrock principle of federalism and our constitutional structure; the federal government cannot order the state to do the federal government's job.

For the avoidance of doubt, the State of Connecticut is not a "sanctuary state," whatever that term may mean. Connecticut is in full compliance with federal law with respect to immigration matters and any claim or suggestion otherwise is false. Indeed, the term "sanctuary state" is a political label that holds no legal or practical significance. Any claim or suggestion that the State of Connecticut

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[1] *See* American Immigration Council, Locations, *Immigrants in Connecticut*, https://map.americanimmigrationcouncil.org/locations/connecticut/#.

[2] *Id.*

interferes with or impedes federal law enforcement or prevents the federal government from discharging its duties is also false. Connecticut has not and will not interfere with or impede any lawful federal action that does not otherwise harm, prejudice or violate the law of the State of Connecticut and its residents. The State of Connecticut also does not harbor criminals or otherwise protect people who have committed criminal acts; any person who engages in a criminal act should be prosecuted to the fullest extent of the law, and where appropriate under law, incarcerated and/or deported.

In light of the federal government's recent actions on immigration, it is necessary for the State of Connecticut to articulate and clarify the State's policy and legal position regarding immigration matters. This policy includes, but is not limited to, the following:

it is the policy of the State of Connecticut to respect, honor and protect immigrants and immigrant families in compliance with state and federal law;

the State of Connecticut, including the Office of the Attorney General and other law enforcement agencies, should build <u>trust</u> with immigrants and immigrant communities, and encourage immigrants to trust state officials, law enforcement, and first responders;

in accordance with that policy, Office of the Attorney General is deeply committed to safeguarding our community, and respecting, honoring, and protecting Connecticut's immigrants and immigrant families;

all personnel in the Office of the Attorney General are hereby directed to take such actions necessary to implement this policy within our legal authority and in compliance with state and federal law;

all legal directors and legal staff throughout state government are hereby directed to consult with the Office of the Attorney General on matters related to immigration law when necessary and appropriate; and

through this memorandum, the Office of the Attorney General hereby provides guidance and information about immigration enforcement for state and local governments, and private businesses and organizations.

II. GENERAL GUIDANCE AND APPLICABLE LAW

This guidance and its appendices[3] provide information about how to respond to immigration enforcement for both state and local officials and governments, and organizations like social service providers, businesses, houses of worship, healthcare facilities, and other entities that serve our community.[4] It offers a broad overview of the law that governs potential interactions with ICE officials in certain types of encounters. At the end of this guidance there are answers to frequently asked questions people may have about immigration enforcement activities. This guidance is intended to assist organizations and entities as they prepare for possible interactions with ICE officials, so they can continue to focus on the people and communities they serve, their mission, and their essential work, while adhering to state and federal laws.

Nothing in this document constitutes legal advice or a formal legal opinion of the Attorney General. This statement of policy and guidance is not binding nor precedential, but rather an overview of potentially relevant legal principles in the context of immigration enforcement. There may be laws, regulations, and policies that govern an organization or entity's actions beyond the considerations in this document. All individuals, businesses, organizations and entities should consult with their legal counsel about specific questions and concerns. This guidance does not cover all potential encounters with ICE officials, just some common ones. Moreover, ICE enforcement policy often changes without advance notice.

Immigration Authorities Rescinded Policies that Provided Protection to Immigrants at "Sensitive Places."

Previous federal administrations, both Republican and Democrat, advised ICE to use caution before entering "protected areas" or "sensitive places" for immigration enforcement.[5] Under prior

[3] Appended hereto are ***Frequently Asked Questions and Sample Forms*** designed to answer questions organizations and individuals may have about immigration enforcement and provide sample forms that may be used by federal immigration authorities.

[4] Please note that this guidance is general in nature and does not examine every unique location immigration enforcement may occur, including places like schools. Guidance specific to K-12 Public Schools has been promulgated by the State Department of Education and is available here: https://portal.ct.gov/-/media/sde/digest/2024-25/guidance_immigrationactivities_flyer.pdf.

[5] *See* Alejandro N. Mayorkas, Memorandum, Guidelines for Enforcement Actions in or Near Protected Areas (Oct. 27, 2021) https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw10272021.pdf. "Protected areas" included but were not limited to schools (from daycares through colleges and universities); medical treatment and healthcare facilities; places of worship such as churches, synagogues, mosques, and temples; places where children gather like childcare centers or foster care facilities; "social services establishments such as a crisis center, domestic violence shelter, victims services center, child advocacy center, supervised visitation center, family justice center, community-based organization, facility

administrations, the policies adopted by the U.S. Department of Homeland Security (DHS), the federal agency that oversees ICE, did not prohibit enforcement actions at such locations entirely but sought to avoid such activity on or near protected areas unless prior approval was obtained or exigent circumstances existed. These areas were protected to allow all community members—including immigrants—to safely access services and spaces that they rely on, and these policies supported the health and well-being of a community.

On January 20, 2025, DHS rescinded the "protected areas" policies.[6] The updated directive does not include concrete rules or procedures to guide ICE agents' conduct but instead instructs agents to use "common sense" when determining where to engage in immigration enforcement. "Common sense" is most likely a discretionary grant to allow ICE agents to make individualized determinations of when and in what manner to enter a previously recognized "protected area." It does not restrict enforcement at previously designated "protected areas", leaving the most vulnerable institutions at greater risk of enforcement actions.

This reversal of "protected areas" safeguards underscores the urgent need for local leaders, agencies, and organizations to understand their rights and responsibilities under federal and state law.

Understanding the Difference Between Civil Immigration Laws and Criminal Statutes.

Violations of most, not all, immigration charges are civil violations—meaning there is no criminal penalty.[7] This distinction is important for understanding that most often when an ICE agent is making an arrest, it is a civil arrest and not a criminal arrest. The distinction between civil and

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that serves disabled persons, homeless shelter, drug or alcohol counseling and treatment facility, or food bank or pantry or other establishment distributing food or other essentials of life to people in need;" and others.

[6] *See* Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole, https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse.

[7] The Supreme Court has definitively held that deportation proceedings are "purely civil action[s] to determine eligibility to remain in this country" with the purpose "not to punish past transgressions but rather to put an end to a continuing violation of the immigration laws." *I.N.S. v. Lopez-Mendoza*, 468 U.S. 1032 (1984). The Court has also emphasized that "removal is a civil, not criminal, matter" with broad federal discretionary authority. *Arizona v. U.S.*, 567 U.S. 387 (2012). This civil-criminal distinction affects constitutional protections, state and local law enforcement authority, detention standards, and procedural requirements throughout the immigration system. Federal courts consistently distinguish between civil administrative immigration violations and criminal immigration offenses. In *National Council of La Raza v. Department of Justice*, 411 F.3d 350 (2005), the Second Circuit explained that "civil violations of immigration law include those violations—such as overstaying one's visa or entering the United States without proper documentation—that result in administrative proceedings" while "criminal violations—for example, document fraud or illegal re-entry—that give rise to adjudication within the criminal justice system."

criminal law is an important starting point for understanding constitutional rights and the limits of ICE action. ICE agents are not police and do not have authority to use general police powers. While they are principally civil agents with limited criminal arrest authority, ICE agents can make criminal arrests for only federal offenses in limited circumstances, as discussed below. When enforcing civil immigration laws, ICE agents do not have the same authority as local and state police. Neither does ICE have the authority of sister Federal agencies such as the Federal Bureau of Investigation or Drug Enforcement Administration, which have general authority to make criminal arrests and enforce criminal arrest warrants.

The Fourth Amendment Protects All Individuals from Unreasonable Searches and Seizures.

All individuals, citizens and noncitizens alike, are protected by the Fourth Amendment to the United States Constitution in both their homes and in public.[8] This means that law enforcement—including federal civil immigration authorities like ICE, U.S. Customs and Border Protection (CBP), and others that engage in immigration enforcement activity—cannot unreasonably search, arrest, or detain any individual, including a noncitizen. A Fourth Amendment violation occurs when law enforcement violates a person's "reasonable expectation of privacy."[9] Because Fourth Amendment rights are derived from a person's reasonable expectation of privacy, law enforcement's ability to search, arrest, and/or detain, may shift based upon numerous factors, especially the location of the person or place being searched, seized, detained, or arrested.

Publicly Accessible Places

In publicly accessible places, for example, some Fourth Amendment protections are more limited.[10] The Fourth Amendment does not prohibit law enforcement from entering or speaking to individuals in public spaces. In publicly accessible locations, law enforcement may approach a person and ask questions without any level of suspicion—and without a warrant—as long as the officer does not make a person believe they are not free to leave.[11] To stop a person for questioning about

[8] *See Lopez-Mendoza*, 468 U.S. at 1050. The Fourth Amendment protects the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. Amend. 4. While many of the cases cited herein address law enforcement generally, the Supreme Court has held that the conduct of immigration officials is also constrained by the Fourth Amendment. *See Lopez-Mendoza*, 468 U.S. at 1050.

[9] *See Katz v. United States,* 389 U.S. 347 (1967).

[10] *United States v. Jones*, 565 U.S. 400, 410 (2012) (Government intrusion onto public spaces "is of no Fourth Amendment significance"). Whether a location is a "public space" depends upon whether a location is publicly *accessible*, not necessarily publicly *owned*. Even government owned buildings may not be "public spaces" if the buildings are not typically held open to the public.

[11] *Florida v. Bostick*, 501 U.S. 429, 434 (1991).

immigration status, immigration officials need only reasonable suspicion that the person is present without authorization in the United States.[12] If law enforcement has probable cause to believe that a crime has occurred or there are exigent circumstances,[13] then the officer may make an arrest, even without a warrant. If law enforcement has "reasonable suspicion" to believe a crime has occurred, they may detain or search the individual in a publicly accessible space.[14] At all times, however, people, including noncitizens, have the right to remain silent under the Fifth Amendment and can choose not to answer questions from law enforcement.[15]

Private Places

In contrast, in private places, including non-residential property like businesses, there is greater Fourth Amendment protection than publicly accessible spaces. Fourth Amendment protection in such spaces exists based on the owner's property right or a person's reasonable expectation of privacy in that private place.[16] Because of these protections it has always been true that law enforcement cannot enter private places to either conduct a search or make an arrest without a valid judicial warrant, the consent of the property owner, or exigent circumstances.[17]

On January 21, 2026, whistleblowers from within DHS released a memorandum, dated May 12, 2025, in which ICE directs officers that they may enter a person's home or residence without a

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[12] *See United States v. Arvizu,* 534 U. S. 266, 273 (2002). Colloquially referred to as "Kavanaugh Stops" after Justice Kavanaugh authored a concurrence in *Noem v. Perdomo*, 146 S. Ct. 1 (2025), such stops may be based in part on a person's ethnicity.

[13] Exigent circumstances can include providing "emergency aid," when officers are in "hot pursuit" of a fleeing suspect, and when officers need to "prevent the imminent destruction of evidence." *Kentucky v. King*, 563 U.S. 452, 460 (2011).

[14] *Terry v. Ohio,* 392 U.S. 1, 27 (1968).

[15] *See* U.S. Const. Amend. 5. Individuals who seek to invoke their right to remain silent must invoke that right. *See Salinas v. Texas*, 570 U.S. 178, 183 (2013); *See also Florida v. Royer*, 460 U.S. 491, 497-498 (1983) ("law enforcement officers do not violate the Fourth Amendment by merely approaching an individual on the street or in another public place, by asking him if he is willing to answer some questions . . . [t]he person approached, however, need not answer any question put to him; indeed, he may decline to listen to the questions at all and may go on his way").

[16] *See Florida v. Jardines*, 569 U.S. 1, 5-11 (2013) (discussing residential properties); *See v. City of Seattle,* 387 U.S. 541, 543-46 (1967) (discussing commercial property); *Jones*, 565 U.S. 400, 408-410 (noting that the reasonable-expectation-of privacy test had been added to, not substituted for, the common-law test for trespass).

[17] The government conducts a "search" of a property within the meaning of the Fourth Amendment when it "physically occupie[s] private property for the purpose of obtaining information" or making an arrest. *Jones,* 565 U.S. at 404-405.

valid judicial warrant, if that person is subject to a final order of removal.[18] The memorandum contains no legal analysis and does not offer any explanation for this dramatic shift that contradicts the plain text of the Constitution and years of Fourth Amendment precedent. Nonetheless, individuals should anticipate ICE will rely on this memorandum and may seek to enter homes or residences without a valid judicial warrant. The memorandum **does not** profess authorization to enter private businesses or private spaces other than residences of individuals with final orders of removal. Please note, if confronted by an ICE agent conducting an immigration arrest, use extreme caution. In all instances individuals should seek to de-escalate a confrontation with an ICE agent and should not antagonize or interfere with their operations. Individuals should keep a safe distance from ICE agents carrying out immigration operations.

Private Places Open or Partially Open to the Public

It is important to note that when a non-residential property owner holds their property—or even parts of their property—open to the public, law enforcement can enter those areas just like any member of the public without a warrant. This can include locations like restaurants and retail establishments or government buildings open to the public.

Even if a property has some areas that are open to the public, this does not mean that *all* that property is accessible to law enforcement. A non-residential property with public areas like lobbies and parking lots can also have private areas that are closed to the public. For example, a building might have a lobby, but it will likely have areas the public cannot access freely like offices, patient exam rooms, dormitory space, residents' rooms, caseworkers' offices, client meeting rooms, or any areas kept closed or marked "private" and maintained as private. Law enforcement cannot access those areas without either consent of the property owner, a valid judicial warrant or exigent circumstances.[19]

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[18] *See* Memorandum to All ICE Personnel, May 12, 2025, *available at* https://www.documentcloud.org/documents/26499371-dhs-ice-memo-1-21-26/

[19] While the Supreme Court has found ICE administrative arrest warrants to be constitutionally valid and searches incident to such arrests to be permissible, *see Abel v. United States,* 362 U.S. 217, 234 (1960), it has also held that "administrative searches" of homes or "nonpublic parts" of businesses require a judicial warrant. *See Marshall v. Barlow's, Inc.,* 436 U.S. 307 (1978) (OSHA searches of nonpublic part of business); *Camara v. Municipal Court*, 387 U.S. 523 (1967) (municipal health inspections); *See*, 387 U.S. at 545-546 (fire inspections); *Michigan v. Clifford*, 464 U.S. 287, 292 (1984) (fire inspector administrative searches). Courts have interpreted these cases to mean that ICE may not enter a home or "nonpublic part of a business" without a judicial warrant, including courts within the Second Circuit, the federal Circuit where Connecticut is located. *See, e.g., Aguilar v. Immigration and Customs Enforcement Div. of the U.S. Dep't of Homeland Sec.,* 811 F. Supp. 2d 803 (S.D.N.Y. 2011); *Guo Hua Ke v. Morton,* 2012 U.S. Dist. LEXIS 141848, at *15 (S.D.N.Y. Sep. 28, 2012); *Kidd v. Mayorkas,* No. 2:20-cv-03512-ODW (JPRx), 2024 U.S. Dist. LEXIS 87723, at *17-18 (C.D. Cal. May 15, 2024) ("consistent with the Fourth Amendment, immigration authorities may arrest individuals for civil immigration removal purposes pursuant to an administrative arrest warrant issued by an executive official, rather than by a judge,"); *Gonzalez v. U.S. Immigr. & Customs Enf't*, 975 F.3d 788, 825 (9th Cir. 2020).

However, a property owner must treat all outsiders equally. If uninvited members of the public are allowed to come and go as they please, then law enforcement must be permitted as well.

The Limited Civil Authority that ICE agents have to arrest noncitizens.

ICE agents can make civil arrests of noncitizens for civil immigration violations with an administrative warrant,[20] but for a warrantless arrest they must have *probable cause* that the person is removable and likely to flee before a warrant can be secured.

- **Arrest with a Civil Warrant:** ICE agents can make an arrest with a civil immigration warrant issued on a Form I-200 (Arrest Warrant) or Form I-205 (Warrant of Removal).[21] Administrative warrants have never been held to be sufficient to grant immigration officials authority to enter a home or private space without consent. Nonetheless, as discussed above, ICE recently declared authority to enter homes or residences of people subject to final orders of removal with only a Form I-205. Unless it is accompanied by a search warrant signed by a Judge or Magistrate Judge, an administrative warrant does not allow ICE officers permission to enter the non-public space of a business, and ICE has not yet sought to change this longstanding law.

- **Arrest without a Warrant**: ICE agents can make immigration arrests without a warrant but that requires a very specific context—there must be probable cause that the person is removable *and* probable cause the person is likely to escape before a warrant can be secured.[22] After making a warrantless arrest, an ICE officer must document the facts and circumstances surrounding that warrantless arrest in the narrative section of the noncitizen's Form I-213. On January 28, 2026, ICE changed its policy on warrantless arrests to broaden agents' authority.[23] ICE has long interpreted the "likely to escape" standard to mean that a person is a "flight risk" and unlikely to comply with future immigration violations. But this policy change reinterprets "likely to escape" to mean that a person is unlikely to be found after a warrant is obtained—an extremely broad

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[20] 8 U.S.C. § 1357(a)(2).

[21] Sample warrants, detainer requests, and subpoenas are appended hereto as Appendices.

[22] *See* 8 U.S.C. § 1357(a)(2).

[23] *See* ICE Memorandum, January 28, 2026, *Civil Immigration Arrest Authority: Administrative Arrest Warrants and Warrantless Arrests,* available at https://static01.nyt.com/newsgraphics/documenttools/e3524bab7246ffa8/0e6654f6-full.pdf.

interpretation of the term "escape" that essentially gives ICE agents the ability to make far more warrantless arrests.

ICE Officers have limited authority to make criminal arrests.

ICE agents designated as "immigration officers" have only limited criminal arrest authority. This authority allows them to arrest any individuals committing federal crimes, but that authority is subject to probable cause, training, and procedural requirements. A designated immigration officer may arrest any person for a federal offense only if the offense is committed in the officer's presence, while the officer is carrying out their immigration enforcement duties, and where the person committing the offense is likely to flee before an arrest warrant can be obtained.[24] This limited power does not mean they can arrest someone for state law crimes.

Immigration Officials May Present Warrants or Subpoenas Seeking Cooperation for Immigration Enforcement, and Such Documents Should be Carefully Reviewed.

The Fourth Amendment functions as an important limit on both immigration enforcement power and immigration subpoena power. Immigration officials can lawfully seize and detain people, or access private records and private spaces, only with certain kinds of documentation. Different types of documentation grant officers differing levels of access to people and private spaces. Documents that immigration officials may present include:

Administrative Documents:

- **Administrative Warrant.** ICE Administrative Removal Warrants (Form I-200) or Arrest Warrants (Form I-205) authorize ICE officers to arrest a person suspected of immigration violations. These are not warrants within the meaning of the Fourth Amendment because they are not signed by a judge or magistrate judge and are not based on a showing of probable cause of a criminal offense. Administrative warrants may be signed by an immigration judge, but that does not make them "judicial" warrants. Immigration judges are administrative judges. Administrative warrants have never been held to be sufficient to grant immigration officials authority to enter a home or private space without consent. Nonetheless, as discussed above, ICE recently professed authority to enter homes or residences of people subject to final orders of removal with only a Form I-205.

[24] 8 U.S.C. § 1357(a)(5)(A).

- **Administrative Detainer.** An ICE detainer (Form I-247) is used to enlist state and local law enforcement to detain individuals before ICE transfers them into the federal deportation system. Detainers are written requests from ICE that can request state or local law enforcement: (1) notify ICE before they release an individual from custody; or (2) detain an individual for an additional 48 hours after his or her release from custody.[25] ICE detainer requests are just that: requests. They do not carry the weight of a warrant, and they impose no legal obligation for local law enforcement to detain, arrest, or jail someone. Under Connecticut's Trust Act, Conn. Gen. Stat. § 54-192h, state and local law enforcement may only detain an individual based solely on a civil immigration detainer if it is accompanied by a judicial warrant, if the individual has been convicted of an A, B or certain C felonies, or if the individual is on a terrorist watch list.[26] The Trust Act does not restrict the activities of federal immigration authorities.

- **Administrative Subpoenas.** Subpoenas, whether administrative or judicial, are documents that request the production of documents, testimony from a person, or other evidence. Administrative subpoenas are issued by a federal agency or federal official like a DHS official, an administrative judge like an immigration judge, or an ICE officer. Such documents generally do not require immediate responses and can be challenged in court. Unlike judicial subpoenas, penalties for failure to comply with an administrative subpoena are not automatic and may only occur if a subpoena enforcement action is brought in federal district court. Subpoenas should always be shared with legal counsel for review.

Judicially Issued Documents:

- **Judicial Warrant.** A judicial warrant can be either a search warrant or arrest warrant. Federal Arrest Warrants (Form AO 442) or Search and Seizure Warrants (Form AO 93) are issued by a federal district judge or federal magistrate judge based on a finding of probable cause and authorize the search and seizure of property in a specified location or the arrest of a person named in the warrant, including in non-public areas. Warrants signed by immigration judges are not judicial warrants. Prompt compliance with these warrants is usually required. A judicial warrant must:

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[25] *See generally* https://www.ice.gov/immigration-detainers.

[26] *See* Trust Act Guidance Memorandum; Conn. Gen. Stat. § 54-192h(b)(1)(A), (C), as amended. State and local law enforcement may also comply with an immigration detainer to the extent it seeks information about custody status or release date so long as they meet certain notice requirements. See Conn. Gen. Stat. §54-192h(c), (e).

1) be signed by a judicial officer (a judge or magistrate); and
2) describe the place to be searched, and the persons or things to be seized; and
3) have the correct date and have been issued within the past 14 days.

- **Judicial Subpoenas.** Subpoenas, whether administrative or judicial, are documents that request the production of documents, testimony from a person, or other evidence. Judicial subpoenas are issued by a judicial, not administrative, court, including a state judge or a federal district or magistrate judge. A subpoena signed by an immigration judge is **not** a judicial subpoena. There are serious consequences for failure to comply with a judicial subpoena, but they generally do not require *immediate* responses and can sometimes be challenged in court. Subpoenas should always be shared with legal counsel for review.

III. GUIDANCE TO PUBLIC AGENCIES AND OFFICIALS

Public agencies and personnel, including State agencies and personnel, should also understand how to handle visits or inquiries from ICE agents while ensuring compliance with state and federal laws, upholding the privacy and legal rights of individuals, and maintaining the integrity of public operations.

Information Sharing

Agencies and officials should protect the privacy and legal rights of individuals, and should only share sensitive information as explicitly required by law.

All requests for documents or data from ICE, regardless of whether they are accompanied by a warrant or subpoena, should be referred to legal counsel. As outlined above, personnel are generally not required to disclose any non-public information, including personal information or immigration status, unless presented with a valid judicial warrant or subpoena. Some information may be protected from disclosure under state or federal privacy laws, even when a valid judicial warrant or subpoena is presented. If a warrant or subpoena seeks data or documents, personnel should consult with legal counsel to determine the validity of any warrant or subpoena before taking any action.

Local and state law enforcement should be aware of their obligations under the Trust Act, which outline some guidelines on information sharing with federal immigration authorities. More information is available in this previously issued guidance memorandum about the Trust Act.

Access to Facilities and Arrests

As discussed above, law enforcement access to different areas depends upon whether a space is publicly accessible or not. Consistent with the law outlined above, generally, ICE agents should not be permitted to access non-public areas of public agency facilities without a judicial warrant or explicit approval. Personnel are not required to give consent to ICE agents to access non-public areas. If staff are uncertain about whether ICE must be permitted access to a certain part of a building, they should consult with legal counsel. Further, personnel should be sure to confirm that any individuals who seek access to a facility and claim to be law enforcement are, in fact, law enforcement officials. Personnel should ask ICE agents for identification and credentials.

It is equally important to understand that agencies generally have no control over what ICE does in public areas of the establishment or outside of the physical premises of a facility. Personnel should not pose a physical obstacle to ICE agents in public areas. Obstructing or otherwise interfering with certain ICE activity can be a crime subject to prosecution under federal law. No state or federal law requires any public official to actively intervene in an ICE encounter or physically prevent ICE agents from accessing a particular space, even if the ICE agent is not legally entitled to be there.

Law enforcement should be aware of their obligations under the Trust Act, which places limitations on when law enforcement may arrest or detain someone on the basis of a federal immigration detainer.

Some government owned spaces may be subject to specific laws about ICE access. For example, the Connecticut legislature recently enacted a new law codifying Judicial Branch Policy about civil arrests, including immigration arrests, in and around State courthouses. *See* Public Act 25-3 (November Special Session). The new law prohibits all law enforcement, except judicial marshals, from making any civil arrest on courthouse grounds[27] without a valid judicial warrant. The subject of the warrant must also have been convicted of certain serious felonies or be identified on terrorist watchlists for the arrest to be permissible.[28] The new law also restricts law enforcement from wearing

[27] "Courthouse" is defined as the interior of any facility or property in which a court of this state conducts business, and "courthouse grounds" includes the courthouse and "any garage or parking lot owned by the Judicial Branch, or under contract with said branch, for the purpose of serving a courthouse, any walkways or sidewalks on the grounds of, contiguous to or abutting the grounds of the courthouse or connecting such garage or parking lot to the courthouse or grounds of the courthouse." *See* P.A. 25-3 (November Special Session) Sec. 12 (h).

[28] See P.A. 25-3, Sec. 12 (a). The law requires law enforcement provide notification to a judicial marshal within the courthouse in which the law enforcement officer intends to detain or arrest a person and provide documentation to the judicial marshal demonstrating the arrest is permissible under this section. *Id.,* (a)(1)-(a)(2).

masks on courthouse grounds and creates a private cause of action against officials who violate the law.[29]

For all immigration enforcement encounters, personnel should document and report all interactions, including the date, time, names of agents, and the nature of the incident. Agencies should provide training for personnel, in consultation with legal counsel, for responding to visits from ICE in accordance with this guidance.

Employee and Public Rights

Employees, just like private individuals, have the right to remain silent and not provide personal information to ICE agents. They may inform immigration officials that they have the right to remain silent and the right to an attorney if approached. Employees should not hide or assist patrons (or patients/students/etc., as applicable) in leaving premises, provide false or misleading information, or discard any important documents or information. Obstructing or otherwise interfering with certain ICE activity can be a crime.

[29] *Id.,* Sec. 13.

APPENDIX A

FREQUENTLY ASKED QUESTIONS[30]

1) *Q: If immigration officials arrive at my organization's physical location seeking entry to search the facility or to access a person, do I have to allow them entry?*

A: It depends on exactly what part of the building they want to enter and what documentation they have.

ICE agents may enter and carry out enforcement activities in areas of facilities that are held **open to the public** (such as lobbies, reception areas, cafeterias, and parking lots) without a warrant and without prior permission. Businesses, organizations, and entities have to give the same level of access to immigration authorities in public areas of a facility that they give to any member of the public, and staff should not interfere with immigration officials in public areas or outside a facility. Obstructing or otherwise interfering with certain ICE activity in a public area can be a crime subject to prosecution under federal law. Staff may ask agents who are present in public areas to provide their names and badge numbers, the purpose of their presence, and whether they have a judicial warrant, though they are not required to answer.

In general, agents may not enter any of the facility's **nonpublic or private areas** without a valid judicial warrant or consent of the property owner, absent exigent circumstances.[31] Organizations and entities may, in most circumstances, refuse immigration officials access to non-public areas of their facility if ICE agents do not have a valid judicial warrant or claim exigent circumstances. It is far more likely that ICE agents will appear with, and try to enforce, an administrative arrest or removal warrant rather than a judicial warrant. In such a case, organizations are *generally* not required to authorize ICE agents to enter non-public areas of the premises to locate any specific person or provide any information to ICE agents about whether any person is even present on the premises. Organizations and entities should consult with legal counsel to determine whether this general principle applies in their specific circumstances. They should also understand the distinction between public areas and private areas of their facilities, and judicial versus administrative warrants. Organizations and entities should clearly identify and distinguish, in consultation with legal counsel, their private spaces.

[30] These questions and answers do not constitute legal advice, nor do they cover every potential encounter with ICE agents.

[31] Organizations and entities should consult with legal counsel to determine whether this general principle applies in their specific circumstance, and to determine which portions of their facilities are public and private.

Organizations, entities, and agencies should also consider implementing an internal protocol on how to interact with immigration officials. They should consider a protocol that identifies a designated employee or official of authority who has ready access to legal counsel. Front-line staff who may encounter ICE should immediately contact the designated employee or official for direction on next steps if ICE officials arrive at an organization or agency's physical location. Any such protocol should be developed in consultation with legal counsel.

2) *Q: If my organization receives a request for information or records from federal immigration authorities, do I have to provide the information or records?*

A: It depends. Requests for information or records could be made by immigration authorities in a variety of forms. Such requests may be formal or informal, by phone, email, or letter, or could be made through a judicial or administrative subpoena. A subpoena is a written request for information that gives the recipient a certain amount of time to respond.

For some organizations, release of certain types of sensitive information is prohibited by state and federal law except in limited circumstances. For example, your clients, patients, students, and residents may have rights under local, state and federal law that bar disclosure of information about them. For example, ICE agents might request your organization provide them with information protected from disclosure by the Health Insurance Portability and Accountability Act (HIPAA),[32] the Family Educational Rights and Privacy Act (FERPA),[33] or attorney-client privilege. Organizations and agencies should consult with legal counsel upon receiving any request for sensitive information or records from immigration authorities to determine whether any such information can or must be released.

A properly issued and served subpoena for records generally must be complied with. Whether a subpoena has been properly issued and served, and whether and to what extent it must be complied with, are highly individualized inquiries. Organizations should always immediately consult with their legal counsel upon receipt of a subpoena.

3) *Q: What types of documents might immigration officials present when conducting enforcement activities?*

A: Immigration officials may present a variety of documents, not all of which are judicial warrants for purposes of the Fourth Amendment. Organizations are *generally* not required to

[32] 42 U.S.C. § 1320d et seq.

[33] 20 U.S.C. § 1232g.

consent to a search of the private areas of their premises unless presented with a **judicial warrant**, signed by a judge or magistrate, and based on probable cause.[34] Subpoenas, whether administrative or judicial, are documents that request the production of documents or testimony. They generally do not require immediate responses and can be challenged in court in some circumstances.

Sample administrative and judicial warrants are appended hereto. If feasible, an organization should review documents presented by immigration authorities and consult with legal counsel prior to responding.

4) *Q: What is the difference between an administrative warrant and a judicial warrant?*

A: An administrative warrant is prepared and issued by federal immigration authorities and directs federal officials to arrest a noncitizen for removal or removal proceedings. **ICE administrative warrants, like Forms I-200 or I-205, do not give ICE officials authority to enter private areas**, or any place where there is a reasonable expectation of privacy, without consent. They are not signed by a judge or magistrate judge and are not based on a showing of probable cause of a criminal offense. They are not a judicial warrant but are essentially written requests for cooperation with ICE in detaining someone for violation of immigration law. ICE nonetheless recently professed authority to enter private homes or residences of individuals subject to a final order of removal, as discussed above. They may therefore attempt to enter homes with only Form I-205. Again, individuals interacting with ICE should act with caution and should not interfere or impede ICE officials. ICE has not claimed it has similar authority to enter private businesses or organizations without a judicial warrant. Organizations may therefore continue to rely on well-established law requiring a judicial warrant for entry into private spaces.

A judicial warrant is a warrant based on probable cause and issued by a federal district judge or a federal magistrate judge. A judicial warrant generally does one of two things: (1) authorizes federal immigration authorities to arrest the person who is the subject of the warrant or (2) authorizes federal immigration authorities to search premises. **Prompt compliance with these warrants is usually required**. Failure to comply with a valid judicial warrant can result in criminal contempt charges.

A judicial warrant is distinct from a civil immigration warrant, administrative warrant, or other document signed only by federal immigration officials.

[34] Organizations should consult with legal counsel to determine whether this general principle applies in their specific circumstance, as well was which portions of their facilities are public and private.

A judicial warrant should:

- Specify the specific address to be searched;
- Specify the time period in which the search must take place;
- Particularly describe the place or person, or both, to be searched and things to be seized;
- Particularly describe person to be arrested and on what violation;
- Be issued by a court and signed by a federal district judge or a federal magistrate judge, within the last fourteen days.

Sample administrative and judicial warrants are appended hereto. If feasible, an organization should review documents presented by immigration authorities and consult with legal counsel prior to responding.

5) *Q: What can my organization do to prepare for immigration enforcement?*

A: Organizations should consult with legal counsel to prepare a policy and protocol for responding to immigration enforcement actions that is tailored to their specific organization. As a general matter, organizations should consider:

- Establishing policies about how to respond if ICE demands physical access to an organization;
- Establishing policies about how to respond to requests for sensitive information;
- Providing training to employees or other relevant representatives on how to handle a visit from ICE;
- Clearly designating and maintaining public and nonpublic areas of their buildings.

In evaluating potential policies, organizations may contemplate designating an employee or official to be a point of contact for potential immigration enforcement actions. Organizations may consider requiring staff keep a detailed record of any visit from immigration authorities, including collecting the name, telephone number, and business card of the agent(s). Organizations may also consider requiring staff to request and review the validity of any documentation immigration officials may present, including warrants or subpoenas, and consult with legal counsel for direction. Organizations could consider, where appropriate, a neutrally applicable policy restricting wearing masks. For example, a policy could require all visitors to remove masks unless medically necessary. Organizations may also consider, where applicable, engaging in emergency planning with those they are serving to prepare for the possibility of arrest or detention by ICE.

6) *Q: Can federal immigration authorities question staff, clients, or individuals accessing my organization's services?*

A: When individuals are in a **public area**, yes.

Individuals can still exercise their right to remain silent and not answer questions, but immigration authorities can question anyone in a public area without a warrant. Public areas inside a building can include places like a lobby or waiting room or the dining room of a restaurant, or outside the physical premises of a facility, like a sidewalk or parking lot.

When interacting with immigration authorities, individuals should not lie or provide any false information or false identification to the police because that can be a separate crime and/or may give rise to a reasonable suspicion.

7) *Q: Can federal immigration authorities engage in enforcement actions at houses of worship or healthcare facilities?*

A: Generally, yes, but only within the bounds of the Fourth Amendment.

In the past, ICE guidelines generally discouraged enforcement activities in or near "sensitive" locations such as schools,[35] social service providers, places of worship, and healthcare facilities.[36] DHS rescinded these guidelines.[37] The language of the updated directive does not include concrete rules or procedures for ICE agents to follow but instructs agents to use "common sense" when determining where to engage in immigration enforcement.

The authority of ICE, though, like that of other law enforcement agencies, is governed by the Fourth Amendment to the U.S. Constitution which protects against unreasonable search and

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[35] This document does not examine enforcement actions in schools. Guidance specific to K-12 Public Schools has been promulgated by the State Department of Education and is available here: https://portal.ct.gov/-/media/sde/digest/2024-25/guidance_immigrationactivities_flyer.pdf

[36] See Alejandro N. Mayorkas, *Memorandum, Guidelines for Enforcement Actions in or Near Protected Areas* (Oct. 27, 2021) https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw10272021.pdf; see also U.S. Customs and Border Protection, DHS Protected Areas FAQs (April 11, 2024).

[37] See *Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole* at https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse.

seizure. Where a reasonable expectation of privacy exists, the U.S. Constitution prohibits access without consent, a judicial warrant, or certain exigent circumstances that excuse the warrant requirement. This general Fourth Amendment principle applies to private property, including property used for non-residential purposes such as businesses. Some courts have considered whether houses of worship provide a heightened expectation of privacy. The law in this space is evolving rapidly.[38]

While federal immigration authorities can now engage in enforcement actions in previously designated "sensitive" locations, ***in general***, federal immigration authorities must have a judicial warrant to access non-public areas of businesses and organizations. Organizations like houses of worship and healthcare facilities should confer with their own legal counsel to determine if this principle applies to them and the appropriate protocols to guide employee conduct when federal immigration officials request physical access to the organization.

8) **Q:** ***What if ICE or other immigration authorities are uncooperative with our organization's policies and processes?***

A: Remain calm, polite and professional. Never become confrontational and do not place yourself in a position where you are physically interfering with an agent. Always be truthful with the agents. Staff should not conceal or hide anyone. If an agent is uncooperative with your procedures, do not attempt to interfere with their actions. Obstructing or otherwise interfering with certain activities by immigration officials can be a crime subject to prosecution under federal law.

Staff can and should gather as much information as possible about the incident, including asking for officials' names and badge numbers, the purpose of their presence, and whether they have a judicial warrant. They should consult with their organization's leadership and/or legal counsel as needed.

9) ***Q: Does the Connecticut Trust Act prevent federal immigration authorities from making arrests or taking other enforcement actions?***

A: No. The Connecticut Trust Act does not restrict the conduct of federal authorities. It provides guidelines for state and local law enforcement. A guidance memorandum outlining the Connecticut Trust Act is available here. Please note that the Trust Act was amended after the issuance of this previously issued guidance memorandum, *see* Conn. Gen. Stat. § 54-192h, and should be consulted directly for additional information.

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[38] *See, e.g., Phila. Yearly Meeting of the Religious Soc'y of Friends v. United States Dep't of Homeland Sec.,* Civil Action No. 25-0243-TDC, 2025 U.S. Dist. LEXIS 32994, at *2 (D. Md. Feb. 24, 2025).

10) Q: Are there any additional resources that could be helpful?

A: Yes. Our office previously produced a list of helpful resources available at page 7 of this linked guidance memorandum and on our Civil Rights page.

Your organization may also find the following resources helpful:

- Archived Biden Administration DHS Memorandum: https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw10272021.pdf
- Leaked DHS Memorandum regarding Administrative Warrants: https://www.documentcloud.org/documents/26499371-dhs-ice-memo-1-21-26/
- Trump Administration DHS Directive: https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse
- State Department of Education Guidance: https://portal.ct.gov/-/media/sde/digest/2024-25/guidance_immigrationactivities_flyer.pdf
- National Immigration Law Fact Sheet: https://www.nilc.org/resources/factsheet-trumps-rescission-ofprotected-areas-policies-undermines-safety-for-all
- ICE Detainee Locator: https://locator.ice.gov/odls/homePage.do

APPENDIX B

SAMPLE IMMIGRATION DOCUMENTS (DHS Form I-247, I-200, I-205)

DEPARTMENT OF HOMELAND SECURITY

IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID: Event #:	File No: Date:
TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)	FROM: (Department of Homeland Security Office Address)

MAINTAIN CUSTODY OF ALIEN FOR A PERIOD NOT TO EXCEED 48 HOURS

Name of Alien: _____

Date of Birth: _____ Nationality: _____ Sex: _____

THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) HAS TAKEN THE FOLLOWING ACTION RELATED TO THE PERSON IDENTIFIED ABOVE, CURRENTLY IN YOUR CUSTODY:

☐ Determined that there is reason to believe the individual is an alien subject to removal from the United States. The individual (*check all that apply*):

- ☐ has a prior a felony conviction or has been charged with a felony offense;
- ☐ has three or more prior misdemeanor convictions;
- ☐ has a prior misdemeanor conviction or has been charged with a misdemeanor for an offense that involves violence, threats, or assaults; sexual abuse or exploitation; driving under the influence of alcohol or a controlled substance; unlawful flight from the scene of an accident; the unlawful possession or use of a firearm or other deadly weapon, the distribution or trafficking of a controlled substance; or other significant threat to public safety;
- ☐ has been convicted of illegal entry pursuant to 8 U.S.C. § 1325;
- ☐ has illegally re-entered the country after a previous removal or return;
- ☐ has been found by an immigration officer or an immigration judge to have knowingly committed immigration fraud;
- ☐ otherwise poses a significant risk to national security, border security, or public safety; and/or
- ☐ other (specify): _____.

☐ Initiated removal proceedings and served a Notice to Appear or other charging document. A copy of the charging document is attached and was served on _____ (date).

☐ Served a warrant of arrest for removal proceedings. A copy of the warrant is attached and was served on _____ (date).

☐ Obtained an order of deportation or removal from the United States for this person.

This action does not limit your discretion to make decisions related to this person's custody classification, work, quarter assignments, or other matters. DHS discourages dismissing criminal charges based on the existence of a detainer.

IT IS REQUESTED THAT YOU:

☐ Maintain custody of the subject for a period **NOT TO EXCEED 48 HOURS**, excluding Saturdays, Sundays, and holidays, beyond the time when the subject would have otherwise been released from your custody to allow DHS to take custody of the subject. This request derives from federal regulation 8 C.F.R. § 287.7. For purposes of this immigration detainer, **you are not authorized to hold the subject beyond these 48 hours.** As early as possible prior to the time you otherwise would release the subject, please notify DHS by calling_____during business hours or_____after hours or in an emergency. If you cannot reach a DHS Official at these numbers, please contact the ICE Law Enforcement Support Center in Burlington, Vermont at: (802) 872-6020.

☐ Provide a copy to the subject of this detainer.

☐ Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.

☐ Notify this office in the event of the inmate's death, hospitalization or transfer to another institution.

☐ Consider this request for a detainer operative only upon the subject's conviction.

☐ Cancel the detainer previously placed by this Office on _____ (date).

_____ _____

(Name and title of Immigration Officer) (Signature of Immigration Officer)

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS using the envelope enclosed for your convenience or by faxing a copy to _____. You should maintain a copy for your own records so you may track the case and not hold the subject beyond the 48-hour period.

Local Booking/Inmate #: _____ Latest criminal charge/conviction: _____ (date) Estimated release: _____(date)

Last criminal charge/conviction: _____

Notice: Once in our custody, the subject of this detainer may be removed from the United States. If the individual may be the victim of a crime, or if you want this individual to remain in the United States for prosecution or other law enforcement purposes, including acting as a witness, please notify the ICE Law Enforcement Support Center at (802) 872-6020.

_____ _____

(Name and title of Officer) (Signature of Officer)

Information Only

NOTICE TO THE DETAINEE

The Department of Homeland Security (DHS) has placed an immigration detainer on you. An immigration detainer is a notice from DHS informing law enforcement agencies that DHS intends to assume custody of you after you otherwise would be released from custody. DHS has requested that the law enforcement agency which is currently detaining you maintain custody of you for a period not to exceed 48 hours (excluding Saturdays, Sundays, and holidays) beyond the time when you would have been released by the state or local law enforcement authorities based on your criminal charges or convictions. **If DHS does not take you into custody during that additional 48 hour period, not counting weekends or holidays, you should contact your custodian** (the law enforcement agency or other entity that is holding you now) to inquire about your release from state or local custody. **If you have a complaint regarding this detainer or related to violations of civil rights or civil liberties connected to DHS activities, please contact the ICE Joint Intake Center at 1-877-2INTAKE (877-246-8253). If you believe you are a United States citizen or the victim of a crime, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.**

NOTIFICACIÓN A LA PERSONA DETENIDA

El Departamento de Seguridad Nacional (DHS) de EE. UU. ha emitido una orden de detención inmigratoria en su contra. Mediante esta orden, se notifica a los organismos policiales que el DHS pretende arrestarlo cuando usted cumpla su reclusión actual. El DHS ha solicitado que el organismo policial local o estatal a cargo de su actual detención lo mantenga en custodia por un período no mayor a 48 horas (excluyendo sábados, domingos y días festivos) tras el cese de su reclusión penal. **Si el DHS no procede con su arresto inmigratorio durante este período adicional de 48 horas, excluyendo los fines de semana o días festivos, usted debe comunicarse con la autoridad estatal o local que lo tiene detenido** (el organismo policial u otra entidad a cargo de su custodia actual) para obtener mayores detalles sobre el cese de su reclusión. **Si tiene alguna queja que se relacione con esta orden de detención o con posibles infracciones a los derechos o libertades civiles en conexión con las actividades del DHS, comuníquese con el Joint Intake Center (Centro de Admisión) del ICE (Servicio de Inmigración y Control de Aduanas) llamando al 1-877-2INTAKE (877-246-8253). Si usted cree que es ciudadano de los Estados Unidos o que ha sido víctima de un delito, infórmeselo al DHS llamando al Centro de Apoyo a los Organismos Policiales (Law Enforcement Support Center) del ICE, teléfono (855) 448-6903 (llamada gratuita).**

Avis au détenu

Le département de la Sécurité Intérieure [Department of Homeland Security (DHS)] a émis, à votre encontre, un ordre d'incarcération pour des raisons d'immigration. Un ordre d'incarcération pour des raisons d'immigration est un avis du DHS informant les agences des forces de l'ordre que le DHS a l'intention de vous détenir après la date normale de votre remise en liberté. Le DHS a requis que l'agence des forces de l'ordre, qui vous détient actuellement, vous garde en détention pour une période maximum de 48 heures (excluant les samedis, dimanches et jours fériés) au-delà de la période à la fin de laquelle vous auriez été remis en liberté par les autorités policières de l'État ou locales en fonction des inculpations ou condamnations pénales à votre encontre. **Si le DHS ne vous détient pas durant cette période supplémentaire de 48 heures, sans compter les fins de semaines et les jours fériés, vous devez contacter votre gardien** (l'agence des forces de l'ordre qui vous détient actuellement) pour vous renseigner à propos de votre libération par l'État ou l'autorité locale. **Si vous avez une plainte à formuler au sujet de cet ordre d'incarcération ou en rapport avec des violations de vos droits civils liées à des activités du DHS, veuillez contacter le centre commun d'admissions du Service de l'Immigration et des Douanes [ICE - Immigration and Customs Enforcement] [ICE Joint Intake Center] au 1-877-2INTAKE (877-246-8253). Si vous croyez être un citoyen des États-Unis ou la victime d'un crime, veuillez en aviser le DHS en appelant le centre d'assistance des forces de l'ordre de l'ICE [ICE Law Enforcement Support Center] au numéro gratuit (855) 448-6903.**

AVISO AO DETENTO

O Departamento de Segurança Nacional (DHS) emitiu uma ordem de custódia imigratória em seu nome. Este documento é um aviso enviado às agências de imposição da lei de que o DHS pretende assumir a custódia da sua pessoa, caso seja liberado. O DHS pediu que a agência de imposição da lei encarregada da sua atual detenção mantenha-o sob custódia durante, no máximo, 48 horas (excluindo-se sábados, domingos e feriados) após o período em que seria liberado pelas autoridades estaduais ou municipais de imposição da lei, de acordo com as respectivas acusações e penas criminais. **Se o DHS não assumir a sua custódia durante essas 48 horas adicionais, excluindo-se os fins de semana e feriados, você deverá entrar em contato com o seu custodiante** (a agência de imposição da lei ou qualquer outra entidade que esteja detendo-o no momento) para obter informações sobre sua liberação da custódia estadual ou municipal. **Caso você tenha alguma reclamação a fazer sobre esta ordem de custódia imigratória ou relacionada a violações dos seus direitos ou liberdades civis decorrente das atividades do DHS, entre em contato com o Centro de Entrada Conjunta da Agencia de Controle de Imigração e Alfândega (ICE) pelo telefone 1-877-246-8253. Se você acreditar que é um cidadão dos EUA ou está sendo vítima de um crime, informe o DHS ligando para o Centro de Apoio à Imposição da Lei do ICE pelo telefone de ligação gratuita (855) 448-6903**

THÔNG BÁO CHO NGƯỜI BỊ GIAM GIỮ

Bộ Quốc Phòng (DHS) đã có lệnh giam giữ quý vị vì lý do di trú. Lệnh giam giữ vì lý do di trú là thông báo của DHS cho các cơ quan thi hành luật pháp là DHS có ý định tạm giữ quý vị sau khi quý vị được thả. DHS đã yêu cầu cơ quan thi hành luật pháp hiện đang giữ quý vị phải tiếp tục tạm giữ quý vị trong không quá 48 giờ đồng hồ (không kể thứ Bảy, Chủ nhật, và các ngày nghỉ lễ) ngoài thời gian mà lẽ ra quý vị sẽ được cơ quan thi hành luật pháp của tiểu bang hoặc địa phương thả ra dựa trên các bản án và tội hình sự của quý vị. **Nếu DHS không tạm giam quý vị trong thời gian 48 giờ bổ sung đó, không tính các ngày cuối tuần hoặc ngày lễ, quý vị nên liên lạc với bên giam giữ quý vị** (cơ quan thi hành luật pháp hoặc tổ chức khác hiện đang giam giữ quý vị) để hỏi về việc cơ quan địa phương hoặc liên bang thả quý vị ra. **Nếu quý vị có khiếu nại về lệnh giam giữ này hoặc liên quan tới các trường hợp vi phạm dân quyền hoặc tự do công dân liên quan tới các hoạt động của DHS, vui lòng liên lạc với ICE Joint Intake Center tại số 1-877-2INTAKE (877-246-8253). Nếu quý vị tin rằng quý vị là công dân Hoa Kỳ hoặc nạn nhân tội phạm, vui lòng báo cho DHS biết bằng cách gọi ICE Law Enforcement Support Center tại số điện thoại miễn phí (855) 448-6903.**

对被拘留者的通告

美国国土安全部（DHS）已发出对你的移民监禁令。移民监禁令是美国国土安全部用来通告执法当局，表示美国国土安全部意图在你可能从当前的拘留被释放以后继续拘留你的通知单。美国国土安全部已经向当前拘留你的执法当局要求，根据对你的刑事起诉或判罪的基础，在本当由州或地方执法当局释放你时，继续拘留你，为期不超过 48 小时（星期六、星期天和假日除外）。**如果美国国土安全部未在不计周末或假日的额外 48 小时期限内将你拘留，你应该联系你的监管单位**（现在拘留你的执法当局或其他单位），询问关于你从州或地方执法单位被释放的事宜。**如果你对于这项拘留或关于美国国土安全部的行动所涉及的违反民权或公民自由权有任何投诉，请联系美国移民及海关执法局联合接纳中心（ICE Joint Intake Center），电话号码是 1-877-2INTAKE (877-246-8253)。如果你相信你是美国公民或犯罪被害人，请联系美国移民及海关执法局的执法支援中心（ICE Law Enforcement Support Center），告知美国国土安全部。该执法支援中心的免费电话号码是 (855) 448-6903。**

Information Only

U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

☐ the execution of a charging document to initiate removal proceedings against the subject;

☐ the pendency of ongoing removal proceedings against the subject;

☐ the failure to establish admissibility subsequent to deferred inspection;

☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or

☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

_____
(Signature of Authorized Immigration Officer)

_____
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)

on _____ (Name of Alien) on _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.

_____ Name and Signature of Officer

_____ Name or Number of Interpreter (if applicable)

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

File No: _____

Date: _____

To any immigration officer of the United States Department of Homeland Security:

_____
(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☐ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

_____
(Signature of immigration officer)

_____
(Title of immigration officer)

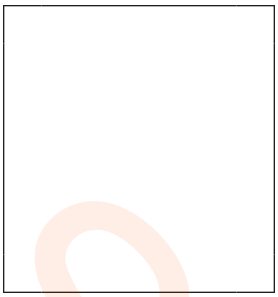
_____
(Date and office location)

SAMPLE

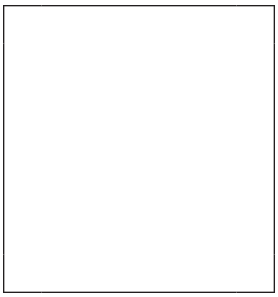
To be completed by immigration officer executing the warrant: Name of alien being removed:

_____

Port, date, and manner of removal: _____



Photograph of alien removed



Right index fingerprint of alien removed

_____
(Signature of alien being fingerprinted)

_____
(Signature and title of immigration officer taking print)

Departure witnessed by: _____
(Signature and title of immigration officer)

If actual departure is not witnessed, fully identify source or means of verification of departure:

_____

_____

_____

_____

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here. ☐

Departure Verified by: _____
(Signature and title of immigration officer)

SAMPLE

SAMPLE JUDICIAL WARRANTS

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of *(Briefly describe the property to be searched or identify the person by name and address)*	))))))	Case No.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(identify the person or describe the property to be seized)*:

YOU ARE COMMANDED to execute this warrant on or before _____ *(not to exceed 14 days)*
❒ in the daytime 6:00 a.m. to 10:00 p.m. ❒ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____.
(United States Magistrate Judge)

❒ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*
❒ for _____ days *(not to exceed 30)* ❒ until, the facts justifying, the later specific date of _____.

Date and time issued: _____ _____
Judge's signature

City and state: _____ _____
Printed name and title

SAMPLE

Return

Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

SAMPLE

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

_____
Executing officer's signature

_____
Printed name and title

UNITED STATES DISTRICT COURT

for the

United States of America
v.) Case No.
)
)
)
)
)

_____ Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) _____ ,

who is accused of an offense or violation based on the following document filed with the court:

❒ Indictment ❒ Superseding Indictment ❒ Information ❒ Superseding Information ❒ Complaint

❒ Probation Violation Petition ❒ Supervised Release Violation Petition ❒ Violation Notice ❒ Order of the Court

This offense is briefly described as follows:

Date: _____ _____
Issuing officer's signature

City and state: _____ _____
Printed name and title

Return

This warrant was received on *(date)* _____ , and the person was arrested on *(date)* _____
at *(city and state)* _____ .

Date: _____ _____
Arresting officer's signature

_____
Printed name and title

SAMPLE

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates *(name, relation, address, phone number)*: _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer *(if applicable)*: _____

Date of last contact with pretrial services or probation officer *(if applicable)*: _____

SAMPLE

SAMPLE JUDICIAL SUBPOENAS

SAMPLE

UNITED STATES DISTRICT COURT

for the

_____)
Plaintiff)
v.) Civil Action No.
_____)
Defendant)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: _____

(Name of person to whom this subpoena is directed)

❒ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place:	Date and Time:

❒ *Inspection of Premises:* **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

_____ _____
Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* _____ _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

SAMPLE

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____ .

❒ I served the subpoena by delivering a copy to the named person as follows: _____

_____

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____

_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____ _____

Server's signature

_____

Printed name and title

_____

Server's address

Additional information regarding attempted service, etc.:

SAMPLE

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) ***For Other Discovery.*** A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

COPY

UNITED STATES DISTRICT COURT

for the

_____)
Plaintiff)
v.) Civil Action No.
_____)
Defendant)

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: _____

(Name of person to whom this subpoena is directed)

❒ Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters:

Place:	Date and Time:

The deposition will be recorded by this method: _____

❒ *Production:* You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

_____ _____
Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* _____ _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

SAMPLE

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____ on *(date)* _____ .

❒ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____ _____

Server's signature

_____

Printed name and title

_____

Server's address

Additional information regarding attempted service, etc.:

SAMPLE

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) ***For Other Discovery.*** A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

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(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

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Exhibit B

An Executive Order to Affirm New Haven a Welcoming City

WHEREAS, the City of New Haven is home to a diverse population which contributes to the City's economy and cultural richness; and

WHEREAS, the City's Administration is committed to promoting the health and safety of all its residents, without regard to their immigration status, in order to achieve the City's goals of protecting life, liberty, and property:

NOW, THEREFORE: I, Justin Elicker, by virtue of the power vested in me, as Mayor of the City of New Haven, by the Charter and the laws of the State of Connecticut, hereby proclaim as follows:

I. The American promise to welcome immigrants of the world, from wherever they come, has long-defined the true spirit of our nation;

II. This American promise of welcome drives the Constitution State and the goals of our City.

III. In support of that commitment to promoting the safety of all who live here and in recognition of the fact that all persons need to feel comfortable in their interactions with City officials for the safety and security of the entire community, I declare:

1. New Haven introduced the Elm City Resident Card in 2007, which allows all city residents to obtain a government-issued ID, regardless of immigration status;
2. The New Haven Police Department issued General Order 06-2 in 2006, providing, inter alia, that City police officers may not inquire about immigration status;
3. It shall be the policy of the City that no New Haven officer or City employee shall inquire about a person's immigration status unless required by state or federal law; and
4. No New Haven officer or City employee shall engage in activities designed to ascertain a person's immigration status unless required by state or federal law; and
5. No New Haven officer or City employee shall use agency or department resources, including but not limited to monies, facilities, property, equipment or personnel to investigate, enforce or assist in the investigation or enforcement of any federal program

requiring registration of individuals on the basis of race, gender, sexual orientation, religion or national or ethnic origin.

6. "Confidential information" shall mean an individual's social security number, and any information obtained and maintained by a New Haven officer or City employee, relating to an individual's sexual orientation, status as a victim of domestic violence, status as a victim of sexual assault, status as a crime witness, recipient of public assistance, or immigration status.

7. No New Haven officer or City employee shall disclose confidential information unless such disclosure:

    a. has been authorized in writing by the individual to whom the information pertains, or by the parent or guardian of same if the individual is a minor or not legally competent; or
    b. is required by law; or
    c. is necessary to apprehend an individual suspected of engaging in criminal activity other than mere status as an undocumented immigrant, or
    d. is necessary in furtherance of a criminal investigation of potential terrorism.

8. Local law enforcement agencies, school police, and security departments shall not use agency or department resources, including but not limited to monies, facilities, property, equipment, or personnel to:

    a. Inquire about the immigration status of crime victims, witnesses or others who call or approach local law enforcement personnel, school police or security personnel seeking assistance;
    b. Detain or arrest a person solely on the belief that she or he is not present legally in the United States, or that she/he has committed a civil immigration violation. There is no general obligation for a police officer to initiate contact with U.S. Immigration and Customs Enforcement (ICE) regarding any person;
    c. Detain or arrest a person, based on ICE detainer requests or administrative warrants entered by ICE into the FBI's National Crime Information Center (NCIC) database, unless required by law.

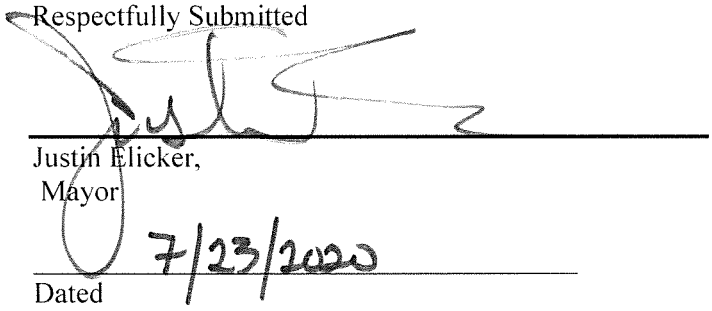
9. The New Haven Police Department and the New Haven Office of Human Resources shall conduct all necessary training and education to ensure that its officers and the City's

employees are knowledgeable about all the provisions of this Executive Order, and knowledge of such provision may be tested on department promotional examinations.

10. Any employee of the City who is found to have violated this Executive Order may be subject to discipline in accordance with applicable union contract, civil service rules, or department work rules.

11. The Mayor will provide details regarding the implementation of this Executive Order upon request.

Respectfully Submitted



Justin Elicker,
Mayor

7/23/2025

Dated