

FAQs about Immigration Issues in Carrollton

How are immigration issues handled?

ALL immigration issues are controlled by the federal government. Local law enforcement has no jurisdiction, meaning the legal ability to act, on any immigration issues. Local law enforcement must work in cooperation with the Immigration and Customs Enforcement (ICE).

What can a city do?

Cities have no legal authority to act on any immigration issues. A City can only provide public education; refer individuals who are detained for a criminal offense to the Immigration and Customs Enforcement Agency (ICE) to determine their legal status; and participate formally in the 287(g) program, further described below.

What is the City of Carrollton doing?

All that we legally can do:

- During 2007, the Carrollton Police Department formalized procedures for tracking non-US citizens processed at the jail and working closely with ICE to determine if suspected illegal aliens who were arrested were subject to investigative holds by ICE.
- The City Council authorized the City Manager to enter into a Memorandum of Agreement with ICE to participate in the local jail enforcement 287(g) program, which was completed in August 2008.
- A Council sub-committee was formed to study the importance and effects of illegal immigration in Carrollton.
- In 2008, the City Council authorized the Police Department to hire two additional civilian detention officers for ICE jail enforcement who have received extensive ICE 287(g) training.

What is the 287(g) program?

This refers to Section 287(g) of the Federal Immigration and Nationality Act which authorizes the U.S. Department of Homeland Security to enter into agreements with state and local law enforcement agencies to perform limited and specific immigration law enforcement functions. This may only be done after selected officers receive extensive training from ICE. The highest priority for ICE is the removal of aliens engaged in terrorism, felony offenses, and gang activity.

Has the City entered into an agreement with ICE to participate in 287(g)?

Yes. The City formalized its partnership with ICE. Carrollton originally applied for 287(g) participation in 2007, and was officially approved for the program in April, 2008. The final step, entering into a Memorandum of Understanding between the City and ICE, was completed in August, 2008.

So how does the 287(g) program work?

The City of Carrollton is participating in the Jail Enforcement Officer program. This program only involves individuals who have been arrested on criminal charges. If during the jail processing there is probable cause to suspect that the arrested person is not in the country legally, then our 287(g) trained civilian Detention Staff will be able to access additional databases to determine if ICE has a "*hold*" on that person or wants to detain that person for immigration enforcement. If there is a detainer notice to hold that person for ICE or if it is determined the person is in the country illegally, ICE will work with our officers to determine the next appropriate action. If ICE does not have an interest in the person, that individual is processed through the justice system in the normal manner and prosecuted on any applicable charges. ICE-funded training for two Detention Staff members operating out of the Carrollton Detention Center is provided at no cost to the City or the residents of Carrollton. The staff members are trained in the ICE vetting and assessment process, but also perform other standard detention duties. If the 287(g) program were to be eliminated, the two Detention Staff members would still be needed for daily center operations.

How does this differ from current law enforcement practices?

The difference is that prior to 287(g) participation, the police department contacted ICE to request a review of their databases and records. The 287(g) trained Detention officers will be authorized to access those databases themselves. It simply streamlines the process and cuts down on detention time in our jail, which is only meant as temporary holding facility. Whenever trained ICE Detention Officers are not on duty, the police department will continue very effective processes currently in place to determine if an arrested person should be detained for ICE.

Who makes sure that employers verify the citizenship or immigration status of their employees?

Business owners have a legal responsibility to verify the documentation of their employees. The City is working to establish access for small business owners to a free verification system that may use to determine the work authorization status of prospective employees.

What can I do if I suspect that someone is in the country illegally?

U.S. Federal law regarding immigration prohibits the Carrollton Police from taking any action based on the suspicion about an individual's legal status. If any individual is breaking the law, you should contact the Carrollton Police Department to report the criminal act.