

Immigrant Trust Directive

NJ Law Enforcement Officer Resource Guide

Dos and Don'ts for New Jersey Law Enforcement Officers

The Immigrant Trust Directive, first issued in 2018, helps protect public safety, which is law enforcement's core mission. The directive has, for over six years, allowed state and local officials to work with federal authorities to remove violent criminals from this country, while otherwise ensuring that individuals who are victims or witnesses to a crime can safely come forward to New Jersey law enforcement officials, regardless of their immigration status. It allows New Jersey law enforcement to properly focus on preventing violent crime. It is also settled law. Federal and local officials challenged it years ago, and their claims were thoroughly rejected, by judges across the ideological spectrum up through the Third Circuit. The Directive has been helping foster trust between immigrant residents and law enforcement in our state for years.

DO



Under the Immigrant Trust Directive, officers **MUST**:

- Continue to enforce New Jersey's criminal law regardless of the immigration status of any target or defendant.
- Comply with judicial warrants issued by federal or state judges.
- Assist federal immigration authorities in response to exigent circumstances.
- In response to an operational deconfliction check, provide federal immigration officials with relevant safety information when necessary to protect human life/officer safety.
- Notify a detainee (*using the forms provided by the AG*) when federal civil immigration authorities request to:
 - Interview them;
 - Be notified when they are released; or
 - Continue detaining them past when they would otherwise be eligible for release.
- Agencies are required to develop procedures to assist victims and witnesses applying for T-Visas and U-Visas, which provide special immigration status for those cooperating with law enforcement investigations.

1. Violent or serious offense is defined in the Directive, Appendix A, as any first or second-degree offense, any indictable domestic violence offense (including any domestic violence assault) assault, knowingly leaving scene of accident involving serious bodily injury, stalking, throwing bodily fluid at officers, criminal sexual contact, exposing genitals to minors, bias intimidation, arson, causing widespread injury, burglary of dwelling, endangering welfare of children, witness tampering, eluding, hindering apprehension, criminal contempt, manufacture/transportation/possession of weapons, aggravated hazing, and any indictable/felony offense in any jurisdiction that is substantially equivalent to any of the above offenses.

For more information visit:

nj.gov/trust

DON'T







Under the Immigrant Trust Directive, officers **MUST NOT**:

- Ask about the immigration status of any person unless necessary to the ongoing investigation of an indictable offense and relevant to the offense under investigation.
- Assist with the execution of immigration administrative warrants issued by federal immigration officers (*see pg. 2 for examples*).
- Stop, question, arrest, search, or detain any person solely based on their actual or suspected immigration status, or any actual or suspected violation of federal civil immigration law.
- Assist federal immigration authorities when the sole purpose is to enforce federal civil immigration law, including
 - Participating in civil immigration enforcement operations.
 - Providing any non-public personally identifying information.
 - Providing access to any state, county, or local law enforcement equipment, office space, database, or property not available to the general public.
 - Providing access to a detainee for an interview unless the detainee signs a detailed written consent form.
- Detain a person based solely on a civil immigration detainer request or provide notice of a detained individual's upcoming release from custody, unless the detainee
 - Is charged with or has ever been convicted, adjudicated delinquent, or found not guilty by reason of insanity of a violent or serious offense.¹
 - Has been convicted of an indictable crime in the past five years.
 - Is subject to a Final Order of Removal that has been signed by a federal judge and lodged with the jail or prison where the detainee is being held.



NJ Office of the Attorney General
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How to Tell the Difference Between a Judicial Warrant and an Administrative Warrant.

New Jersey officers **must** comply with judicially-issued warrants and court orders.

A judicially-issued warrant will:

- List the name of a federal or state court at the top (e.g. “Superior Court of New Jersey” or “United States District Court”).

Note: “Immigration Court” is not a court for these purposes.

- Be signed by a federal or state judge or magistrate, and will generally include the term “Honorable,” “Hon.,” “Judge,” “Justice,” or “Magistrate” before or after their name.
- Authorize a search or seizure (including arrest) based upon a finding of probable cause.

New Jersey law enforcement officers are prohibited from assisting with the execution of administrative warrants.

An administrative warrant will:

- Direct various federal immigration enforcement agents to arrest the person named in the warrant for civil violations of immigration law, not criminal charges.
- List the name of the federal agency at the top (e.g. U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP)).
- Be signed by an immigration agent or officer.
- Not be reviewed by a judge for probable cause.

Example of Federal Judicial Search Warrant:

MO 99 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT
for the
District of New Jersey

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address) Case No. 25-1234
123 Broad Street, Apt. 100, Newark NJ)

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 New Jersey
Identify the person or describe the property to be searched and give its location:
123 Broad Street, Apt. 100, Newark NJ, and all common hallways and lobby corridors

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 identity information on the property to be searched:
John Doe
Good stolen from ABC Convenience Store, 456 Main Street, Newark NJ, in a robbery involving John Doe

YOU ARE COMMANDED to execute this warrant on or before February 1, 2025 (not to exceed 14 days)
 in the daytime 6:00 a.m. to 9:00 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 Jane Smith, U.S.M.J.
(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: 01/31/2025 12:00 am
Jane Smith
(Judge's signature)

City and state: Newark, NJ Jane Smith, United States Magistrate Judge
(Printed name and title)

Example of Administrative Warrant (typically on forms I-200 or I-205):

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)

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)

Form I-200 (Rev. 09/16)



For more information visit: nj.gov/trust
NJ Office of the Attorney General
NJ State Association of Chiefs of Police
NJ State County Prosecutors Association

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