

Office of the Director

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

September 28, 2022

Kary Moss
Acting National Political Director
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, NY 10004

Dear Ms. Moss:

Thank you for your August 9, 2022 letter to the Department of Homeland Security (DHS). Secretary Mayorkas asked that I respond on his behalf.

U.S. Immigration and Customs Enforcement (ICE) recognizes the importance of its relationships with law enforcement agency (LEA) partners to carry out its mission. ICE coordinates with its partners in a way that best serves national security, public safety, and border security. This cooperation with state and local LEA partners includes the 287(g) program. In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act added section 287(g) to the Immigration and Nationality Act. This section of the law authorizes ICE to delegate to state and local law enforcement officers the authority to perform specified immigration officer functions under the agency's direction and oversight. Through the Jail Enforcement Model and the Warrant Service Officer program, ICE can work closely with state and local LEAs to fulfill ICE's important national security and public safety mission.

The protection of civil rights is one of this administration's top priorities. The DHS Office for Civil Rights and Civil Liberties recently resumed monthly check-in calls with ICE Enforcement and Removal Operations 287(g) headquarters staff to allow for robust and frequent communication to strengthen programmatic commitment to the protection of civil rights. Additionally, the 287(g) Inspections Section within the ICE Office of Professional Responsibility is responsible for assessing compliance with program policies and 287(g) Memorandum of Agreement requirements on the part of ICE and its LEA partners. DHS placed the expansion of the 287(g) program on a 100-day pause as the incoming administration assessed the program. The pause on program expansion is still fully in effect as program expansion is not a priority of the current administration and no agreements with new jurisdictions have been approved or will be approved in the foreseeable future.

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DHS, including ICE, is steadfastly committed to ensuring our enforcement policies and operations are fair, efficient, and consistent with a commitment to the protection of civil rights. Should you wish to discuss this matter further, please do not hesitate to contact the ICE Office of Partnership and Engagement at iceope@ice.dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tae D. Johnson', written in a cursive style.

Tae D. Johnson
Acting Director