



Guidance for Law Enforcement on Immigration Administrative Warrants

The inclusion of administrative immigration warrants in the National Crime Information Center (NCIC) Immigration Violator File (IVF) presents new challenges for law enforcement agencies when determining the appropriate actions to take when encountering these entries in NCIC. The Department of Homeland Security (DHS) Bureau of U.S. Immigration and Customs Enforcement (ICE) has added more than 700,000 administrative immigration warrants to the NCIC IVF. Only ICE can enter records into the IVF.

The IVF contains:

- Records of individuals whom U.S. immigration authorities deported for drug or firearms trafficking, serious violent crimes, or both;
- Information on individuals who have outstanding administrative warrants for removal from the United States and who have unlawfully remained in the United States; and
- Records of individuals who have outstanding administrative warrants for failure to comply with national security registration requirements.

Understanding and Identifying Administrative Immigration Warrants

An administrative warrant issued by ICE authorizes federal immigration officers to arrest an individual suspected of violating immigration laws. Administrative warrants are not signed by a federal magistrate or judge, but rather an immigration officer, such as an ICE agent or immigration judge.

Administrative immigration warrants are civil violations and are not criminal in nature. State and local law enforcement officers shall not detain or make an arrest of an individual based solely on an administrative immigration warrant, and shall not prolong a stop to call ICE, DHS, or any other federal immigration enforcement officer about an administrative warrant.

Maryland Criminal Procedure Article § 5-104 prohibits law enforcement agents from:

- asking about an individual's citizenship, immigration status, or place of birth during a stop, a search, or an arrest;
- detaining, or extending the detention of, an individual for the purposes of investigating the individual's citizenship or immigration status, or based on the suspicion that the individual has committed a civil immigration violation;
- intimidating, threatening, or coercing any individual on the basis of the actual or perceived immigration status of the individual or their family member, legal guardian, or someone whom they serve as a guardian; and
- transferring an individual to federal immigration authorities unless specifically required to do so by federal law.

Administrative immigration warrants entered into NCIC may contain the term "**fugitive**", which may cause confusion among law enforcement officers. The federal definition of an ICE fugitive differs significantly from the definition of a fugitive in the Maryland Criminal Law Article. Understanding the distinct differences in definitions is essential when determining what actions are lawful.

- **ICE Fugitive Operations Program** – An "ICE fugitive" is defined as an alien who has failed to leave the United States based upon a final order of removal, deportation or exclusion, or who has failed to report to ICE after receiving notice to do so.
- **Maryland Criminal Law Article** – "Fugitive" means an individual for whom a felony arrest warrant has been issued and is outstanding. MD Criminal Law Code § 9-401 (2024)

If an NCIC "hit" has the term "fugitive" in the message, further clarification is needed to determine if the warrant is "administrative" or "criminal" prior to any law enforcement action.



Police Training & Standards Commission

Operational Guidelines

To ensure that officers act within legal boundaries and protect their respective agencies and themselves from potential liability, officers should consider the following guidance when receiving an NCIC “hit” on an ICE warrant.

VERIFY: Law enforcement officers should carefully review NCIC to identify the nature of all warrants prior to determining the appropriate course of action.

State and local law enforcement officers may not prolong a detention to investigate a person’s immigration status or on the suspicion that the individual has committed a civil immigration violation.

- **ICE Criminal Warrants** - When a criminal immigration warrant is located in NCIC during a traffic stop or civilian contact, the individual should be detained pending confirmation **that the warrant is both active and for a criminal offense** by calling the ICE – Law Enforcement Support Center (802-872-6020) for assistance. Agencies can also request a copy of the warrant for review. Upon confirmation of the criminal warrant, the individual should be arrested and processed per departmental policies. Law enforcement officers should document all actions consistent with their agency policies.
- **ICE Administrative Warrants** – When an administrative immigration warrant is located in NCIC during a traffic stop or civilian contact, the individual shall NOT be detained, searched or arrested, based solely on the administrative warrant. Administrative warrants need no further clarification. If independent criminal activity is determined, outside the scope of the administrative warrant, appropriate action may be taken.

CHECK FOR INDICATORS: Law enforcement officers and/or dispatchers should review introductory language within the NCIC “hit” that will indicate the type of warrant, which will assist in determining the appropriate action that may be taken.

Review NIC# in NCIC Message

NIC #s in NCIC may provide details to the type of ICE warrant:

- NIC #s that begin with “**N**” are typically administrative warrants; and
- NIC #s that begin with “**W**” are typically criminal warrants.

Review Language Within the Narrative Portion of the NCIC Message

Criminal Warrant:

MIS/**CRIMINAL WARRANT** IN VIOLATION OF TITLE 18 USC, Section 1542, FALSE STATEMENT

Administrative Warrant:

SUBJECT HAS AN OUTSTANDING **ADMINISTRATIVE WARRANT** OF REMOVAL, OR
SUBJECT HAS AN OUTSTANDING **ADMINISTRATIVE WARRANT** OF ARREST FOR IMMIGRATION VIOLATIONS.

Examples and references provided on next pages.

Example: Administrative Warrant

WARNING REGARDING FOLLOWING RECORD - SUBJECT OF
NIC/ **N**123456789 IS A PREVIOUSLY DEPORTED FELON.
SUBJECT HAS AN OUTSTANDING **ADMINISTRATIVE WARRANT
OF ARREST** FOR IMMIGRATION VIOLATIONS. CONTACT LESC AT
(877) 999-5372 FOR IMMEDIATE HIT CONFIRMATION AND
AVAILABILITY OF BUREAU OF IMMIGRATION AND CUSTOMS
ENFORCEMENT DETAINER.

MKE/IMMIGRATION VIOLATION - DEPORTED FELON

ORI/VTINS1000 NAM/TEST, TEST SEX/M RAC/W POB/DF
DOB/19000101
HGT/505 WGT/145 EYE/BR0 HAI/BLK FBI/123456RA1 SKN/MED
SMT/SC R HND
FPC/12AB12345678A123AB12 MNU/AR-A123456789 SOC/123456789
OFF/SUBJECT IS A DEPORTED CRIMINAL/AGGRAVATED FELON
OCA/A12345678
VLD/20250325
MIS/ELP-DATE OF DEPORTATION 19971225 DEPORTATION CHARGE
D2A3
ORI IS BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, LAW
ENFORCEMENT SUPPORT CENTER 877 999-5372
AKA/TESTER, TEST
AKA/TEST, TESTER
NIC/ N123456789 DTE/20250325 0000 EDT DLU/20250325 1332
EDT
***** THIS RECORD MAY ONLY BE USED BY CRIMINAL JUSTICE
AGENCIES FOR
CRIMINAL JUSTICE PURPOSES.
***** END OF IMMIGRATION VIOLATOR FILE RESPONSE. *****

Review Language Within the Narrative Portion of the NCIC Message

Administrative Warrant:

SUBJECT HAS AN OUTSTANDING **ADMINISTRATIVE** WARRANT OF REMOVAL, OR
SUBJECT HAS AN OUTSTANDING **ADMINISTRATIVE** WARRANT OF ARREST FOR IMMIGRATION VIOLATIONS.

Criminal Warrant:

MIS/**CRIMINAL** WARRANT IN VIOLATION OF TITLE 18 USC, Section 1542, FALSE STATEMENT

Example: Criminal Warrant

***MESSAGE KEY ZW SEARCHES WANTED PERSON FILE FELONY RECORDS REGARDLESS OF EXTRADITION AND MISDEMEANOR RECORDS INDICATING POSSIBLE INTERSTATE EXTRADITION FROM THE INQUIRING AGENCY'S LOCATION. ALL OTHER NCIC PERSONS FILES ARE SEARCHED WITHOUT LIMITATIONS.

MKE/WANTED PERSON

EXL/1 - FULL EXTRADITION UNLESS OTHERWISE NOTED IN THE MIS FIELD ORI/MDICE1234 NAM/TEST, TEST SEX/M RAC/W ETN/H POB/EY DOB/19000101 HGT/510 WGT/175 EYE/BRO HAI/BRO SKN/LGT

MNU/PP-1234567 SOC/123456789

OFF/FRAUD - FALSE STATEMENT

DOW/20250325 OCA/2-M-TEST

VLD/20250325

MIS/**CRIMINAL WARRANT** IN VIOLATION OF TITLE 18 USC, SECTION 1542, FALSE

MIS/STATEMENT ON A PASSPORT APPLICATION; ISSUED BY THE U S DISTRICT COURT,

MIS/EASTERN DISTRICT OF VIRGINIA

DNA/N

ORI IS ICE LESC 802 872-6020

DOB/19000101

MNU/PP-1234567

SOC/123456789

NIC/**W** 123456789 DTE/20253025 1428 EST DLU/20250325 1428 EST

IMMED CONFIRM WARRANT AND EXTRADITION WITH ORI

Review Language Within the Narrative Portion of the NCIC Message

Administrative Warrant:

SUBJECT HAS AN OUTSTANDING **ADMINISTRATIVE** WARRANT OF REMOVAL, OR

SUBJECT HAS AN OUTSTANDING **ADMINISTRATIVE** WARRANT OF ARREST FOR IMMIGRATION VIOLATIONS.

Criminal Warrant:

MIS/**CRIMINAL** WARRANT IN VIOLATION OF TITLE 18 USC, Section 1542, FALSE STATEMENT

References:

- Federal Bureau of Investigation, Privacy Impact Assessment for NCIC, November 7, 2022
- ICE.gov; U.S. Immigration and Customs Enforcement
- Maryland Office of the Attorney General, Local Enforcement of Federal Immigration, January 2025.
- Maryland State Police, Immigration Enforcement Training