

Judicial Warrant vs. ICE Administrative Document

- If Law Enforcement, including Immigration and Customs Enforcement (ICE), knock on your door, do NOT open the door. First, ask them to slide a judicial warrant under the door. Make sure that the address and information on the judicial warrant is correct and that the warrant is being presented within the specified time period.
 - A **judicial warrant** is an official court order signed by a judge or magistrate that authorizes a search of private property, seizure, or arrest based on probable cause that a crime is being committed or has been committed.
 - A judicial warrant will:
 - 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
 - Be issued by a court and signed by a Judge or magistrate
- Following is an example of a judicial warrant.

----- Español -----

- Si la policía, incluido el Servicio de Inmigración y Control de Aduanas (ICE), llama a su puerta, NO abra la puerta. Primero, pídeles que deslicen una orden judicial debajo de la puerta. Asegúrese de que la dirección y la información en la orden judicial sean correctas y que la orden se presente dentro del período de tiempo especificado.
 - Una **orden judicial** es una orden judicial oficial firmada por un juez o magistrado que autoriza un registro de propiedad privada, incautación o arresto basado en una causa probable de que se está cometiendo o se ha cometido un delito.
 - Una orden judicial:
 - Especifique la dirección específica que se buscará
 - Especifique el período de tiempo en el que debe realizarse la búsqueda
 - Describa en particular el lugar o la persona, o ambos, que se registrarán y las cosas que se incautarán
 - Ser emitido por un tribunal y firmado por un juez o magistrado
- A continuación se muestra un ejemplo de una orden judicial.

This is a judicial search warrant. It DOES authorize agents to enter your home.

UNITED STATES DISTRICT COURT Issued by a COURT.

For the Eastern District of California

In the Matter of the Search of (Briefly describe the property to be searched or identify the person by name and address) 540 Oak Avenue Davis, California 95616

) Case No.)))))

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer 2:11-SW-0161EFB

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 EASTERN District of CALIFORNIA (Identify the person or describe the property to be searched and give its location): SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

Read attachments to make sure they are regarding YOU and YOUR address, not someone else's.

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be seized): SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property. Date for warrant, not to exceed 14 days

YOU ARE COMMANDED to execute this warrant on or before 5-9-2011 (not to exceed 14 days)

- in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night as I find reasonable 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 (name)

- 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). or until, the facts justifying, the later specific date of

Date and time issued: 4-25-2011 at 10:00 AM

Signed by a JUDGE. [Signature]

City and state: SACRAMENTO CALIFORNIA

EDMUND E. BRENNAN, U.S. MAGISTRATE JUDGE Printed name and title

- If Law Enforcement, including ICE, present to you any document other than a judicial warrant that is signed by a judge, you do not have to open the door. This would include instances where Law Enforcement or ICE present an ICE administrative document they call “an ICE warrant.”
 - An **ICE administrative warrant** is a document, issued by a federal agency such as Department of Homeland Security (DHS) or Immigration and Customs Enforcement (ICE), purporting to document their authority to arrest a person suspected of violating immigration laws. These administrative documents are not signed by a neutral magistrate or judge but rather an immigration officer like an ICE agent or immigration judge.
 - An ICE administrative warrant is NOT a judicial warrant. ICE administrative warrants do not give ICE officials authority to enter a place where there is a reasonable expectation of privacy, without consent.
 - If this happens—state clearly that you do not consent to them entering but do not physically resist. If ICE officials have already entered, then ask them to leave and state that you do not consent to a search.
- Following is an example of an ICE administrative warrant, which DOES NOT authorize agents to enter your home.

----- Español -----

- Si la policía, incluido ICE, le presenta cualquier documento que no sea una orden judicial firmada por un juez, no tiene que abrir la puerta. Esto incluiría casos en los que las fuerzas del orden o ICE presenten un documento administrativo de ICE que llaman "una orden de ICE".
 - Una **orden administrativa de ICE** es un documento, emitido por una agencia federal como el Departamento de Seguridad Nacional (DHS) o el Servicio de Inmigración y Control de Aduanas (ICE), que pretende documentar su autoridad para arrestar a una persona sospechosa de violar las leyes de inmigración. Estos documentos administrativos no están firmados por un magistrado o juez neutral, sino por un oficial de inmigración como un agente de ICE o un juez de inmigración.
 - Una orden administrativa de ICE NO es una orden judicial. Las órdenes administrativas de ICE no otorgan a los funcionarios de ICE autoridad para ingresar a un lugar donde existe una expectativa razonable de privacidad, sin consentimiento.
 - Si esto sucede, diga claramente que no da su consentimiento para que entren, pero no se resista físicamente. Si los funcionarios de ICE ya han entrado, pídeles que se vayan y diga que no da su consentimiento para una búsqueda.
- A continuación se muestra un ejemplo de una orden administrativa de ICE que NO autoriza a los agentes a ingresar a su hogar.

Warrant of Removal/Deportation

File No: _____

Date: _____

To any officer of the United States Immigration and Naturalization Service:

(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 district director or a district director's 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:
Section 241(a)(5) of the Immigration and Nationality Act(Act), as amended.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General 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 the appropriation. "Salaries and Expenses Immigration and Naturalization Service 2002," including the expense of an attendant if necessary.

(Signature of INS official)

(Title of INS official)

(Date and office location)