

**FILED**  
**09-18-2025**  
**CLERK OF WISCONSIN**  
**SUPREME COURT**

IN THE SUPREME COURT OF WISCONSIN

No. \_\_\_\_\_

VOCES DE LA FRONTERA, INC.,  
On behalf of itself and its members,  
a Wisconsin nonprofit corporation,  
737 W Historic Mitchell Street  
Milwaukee, WI 53204

Petitioner,

v.

DAVE GERBER, in his official capacity as  
Sheriff of Walworth County  
1770 County Road NN  
Elkhorn, Wisconsin 53121

TODD J. DELAIN, in his official capacity as  
Sheriff of Brown County  
2684 Development Drive  
Green Bay, Wisconsin 54311

CHAD BILLEB, in his official capacity as  
Sheriff of Marathon County  
500 Forest Street  
Wausau, Wisconsin 54403

DAVID ZOERNER, in his official capacity as  
Sheriff of Kenosha County  
1000 55th Street  
Kenosha, Wisconsin 53140; and

CHIP MEISTER, in his official capacity as  
Sheriff of Sauk County  
1300 Lange Court  
Baraboo, Wisconsin 53913,

Respondents.

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**PETITION TO THE SUPREME COURT OF WISCONSIN TO TAKE  
JURISDICTION OF AN ORIGINAL ACTION**

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## ISSUE PRESENTED

May Wisconsin law enforcement officers deprive a person of liberty after all state law bases for custody have ended, solely on the basis of a federal immigration detainer?

### I. INTRODUCTION

United States Immigration and Customs Enforcement (ICE) today sends hundreds of voluntary administrative requests, called immigration detainers, to county jails across the State of Wisconsin. These detainers ask the jails to arrest and hold for up to 48 hours people who are otherwise entitled under Wisconsin law to be released from the jail and from custody. Despite a lack of authority to do so, the vast majority of county sheriffs accede to these voluntary requests and illegally deprive Wisconsin residents of their liberty.

The use of these detainers has surged dramatically since January of this year. In just the first seven months of 2025, more than 700 detainers were sent to 49 jails across Wisconsin.<sup>1</sup> As a result, at least 247 people have been unlawfully deprived of their liberty.<sup>2</sup>

Each time a Sheriff holds someone on a detainer who is otherwise entitled to release, the Sheriff makes a new arrest. Yet Wisconsin law does not grant them the authority to make such arrests. Wisconsin's carefully constructed statutory framework dictates with specificity the types of arrests that can be made under state law and who is authorized to make them. This statutory framework not only provides no state law basis for civil immigration arrests, it expressly prohibits them. Multiple state courts across the country have similarly held that law enforcement in

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<sup>1</sup>*Immigration and Customs Enforcement: Detainers*, Deportation Data Project, <https://deportationdata.org/data/ice.html> (last accessed Sep. 16, 2025). The Deportation Data Project ("DDP") is a project of the UC Berkeley Law School and publishes data received from ICE through Freedom of Information Act requests. The most recent data sets concerning detainers include data through late July 2025.

<sup>2</sup>*Id.*

their own states may not make immigration arrests pursuant to ICE detainers when such authority is not granted by existing state law. *See Lunn v. Commonwealth*, 78 N.E.3d 1143 (Mass. 2017); *People ex rel. Wells v. DeMarco*, 88 N.Y.S.3d 518 (App. Div. 2018); *Ramon v. Short*, 460 P.3d 867 (Mont. 2020); *Esparza v. Nobles Cnty.*, Case No. A18-2011, 2019 WL 4594512, at \*4–\*5 (Minn. App. Ct. Sep. 23, 2019).

This Court should recognize its original-action jurisdiction and grant this petition because—as explained in detail below—this matter is *publici juris*, requires a “prompt and authoritative determination by this court in the first instance,” and presents a purely legal question for the Court’s review. *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 362, 338 N.W.2d 684, 686 (1983) (granting petition because matter was *publici juris* and required prompt determination by Court); *State ex rel. Kleczka v. Conta*, 82 Wis. 2d 679, 683, 264 N.W.2d 539, 540 (1978) (matter appropriate for original-action jurisdiction in part because it presented pure question of law that required no fact-finding). The purpose of original-action proceedings is to enable this Court to address “all judicial questions affecting . . . the liberties of its people.” *Petition of Heil*, 230 Wis. 428, 284 N.W. 42, 45 (1938). That no doubt includes the right to be free from unauthorized arrests and unlawful detention.

This matter is time-sensitive, too. The surging volume of detainers being delivered weekly to Wisconsin jails, combined with confusion among counties—with a majority of sheriffs honoring ICE’s requests and a small minority recognizing their lack of authority to do so—creates an unworkable patchwork of rights across the state, in which a person’s fundamental right to be free from unlawful arrest evaporates or reappears based on the county line they happen to cross. Requiring this fundamental legal question to percolate through the ordinary appellate process would cause significant harm. It could leave in place the chaotic patchwork of enforcement across the state; would subject individuals to potentially unlawful arrests for years to come; and would leave law enforcement, local governments, and the public in a state of prolonged legal uncertainty.

Finally, this case presents a purely legal question: can Wisconsin law enforcement officers deprive a person of liberty after all state law bases for custody have ended, solely on the basis of a federal immigration detainer? No factual development from a lower court is necessary to answer that question. Indeed, this is exactly the kind of case over which this Court has exercised original-action jurisdiction in the past. *See, e.g., State ex rel. Kleczka v. Conta*, 82 Wis. 2d 679, 683, 264 N.W.2d 539, 540 (1978) (taking original jurisdiction in case about governor’s veto authority where “no fact-finding procedure is necessary”); *James v. Heinrich*, 2021 WI 58, ¶ 15, 397 Wis. 2d 517, 960 N.W.2d 350, 359 (noting that “[i]ssues of statutory interpretation and application present questions of law”).

This Court can and should resolve this issue by granting this petition for an original action and declaring that Wisconsin sheriffs lack the authority under state law to hold persons in custody past their release date pursuant to ICE detainers.<sup>3</sup>

## II. PARTIES

1. Petitioner Voces de la Frontera, Inc. (“Voces”) is a membership-based Wisconsin nonprofit corporation headquartered in Milwaukee and led by low-wage workers, immigrants, and youth. Voces’ mission is to protect and expand civil rights and workers’ rights through leadership development, community organizing, and empowerment.

2. In 1998, Voces established an immigrant worker center in Milwaukee that has played a critical role in advocating for immigrant rights, including the fight for federal immigration reform, restoring state drivers’ licenses, restoring in-state tuition equity for immigrant youth, ending collaboration between ICE and local law enforcement, and advocating against policies that criminalize immigrants and people of color.

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<sup>3</sup>Detainers are also issued to state prison authorities. This petition does not address the legality of those detainers.

3. The membership of Voces includes Wisconsin residents with a wide variety of immigration statuses, from U.S. citizens to legal permanent residents (green card holders) to DACA recipients to undocumented individuals in various stages of obtaining legal immigration status. These members express to Voces their ongoing fear and concern that any contact with the Wisconsin criminal legal system may result in their being turned over to ICE by local law enforcement. Indeed, Voces members or their family members have been held on immigration detainers in Wisconsin county jails in the past, and members continue to risk being illegally deprived of their liberty as a result of such detainers.

4. Showing its commitment and advocacy on the detainer issue on behalf of its members, in 2015, Voces sought information, including unredacted versions of ICE detainer forms in the custody of the Milwaukee County Sheriff, pursuant to Wisconsin Open Records law. Voces litigated the requirement to reveal detainer forms through the Wisconsin court system, resulting in this Court's decision in *Voces De La Frontera, Inc. v. Clarke*, 2017 WI 16, 373 Wis. 2d 348, 891 N.W.2d 803.

5. Voces continues to be a leading organization in raising awareness of and opposing local law enforcement cooperation with ICE. In 2019, Voces was instrumental in a campaign that led the Milwaukee County Sheriff to adopt a policy declining to honor ICE detainers or share information with ICE.<sup>4</sup>

6. As of Sept. 12, 2025, Voces had 1,395 members throughout the State of Wisconsin, including members living in Walworth, Brown, Sauk, Marathon, and Kenosha counties. In addition, other members residing throughout the state regularly travel and conduct business in these counties.

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<sup>4</sup>See Terry Sater, *Milwaukee sheriff shifts policy, says department will no longer offer info to immigration officials*, WISN (Feb. 27, 2019), <https://www.wisn.com/article/milwaukee-sheriff-earnell-lucas-immigration-deportation/26560628>.

## THE RESPONDENT SHERIFFS

7. The Sheriff respondents named in this petition each receive a substantial volume of the detainers issued by ICE to county jails across the State of Wisconsin. Each of the respondents honors detainers received from ICE, and each has detained numerous individuals based on these detainers after there was no longer any state-law basis for detaining those individuals.

8. Dave Gerber is the Sheriff of Walworth County, Wisconsin, and is sued here in his official capacity. The policy or practice of the Walworth County Sheriff's Department is to honor ICE detainers. Since January 1, 2025, the Department has received at least 31 detainers from ICE requesting holds on persons in custody in the Walworth County Jail. For official capacity claims, the Sheriff's address is 1770 County Road NN, Elkhorn, Wisconsin, 53121.

9. Todd J. Delain is the Sheriff of Brown County, Wisconsin, and is sued here in his official capacity. The policy or practice of the Brown County Sheriff's Department is to honor ICE detainers. Since January 1, 2025, the Department has received at least 71 detainers from ICE requesting holds on persons in custody in the Brown County Jail. For official capacity claims, the Sheriff's address is 2684 Development Drive, Green Bay, Wisconsin, 54311.

10. Chad Billeb is the Sheriff of Marathon County, Wisconsin, and is sued here in his official capacity. The policy or practice of the Marathon County Sheriff's Department is to honor ICE detainers. Since January 1, 2025, the Department has received at least 16 detainers from ICE requesting holds on persons in custody in the Marathon County Jail. For official capacity claims, the Sheriff's address is 500 Forest Street, Wausau, Wisconsin, 54403.

11. David W. Zoerner is the Sheriff of Kenosha County, Wisconsin, and is sued here in his official capacity. The policy or practice of the Kenosha County Sheriff's Department is to honor ICE detainers. Since January 1, 2025, the

Department has received at least 26 detainers from ICE requesting holds on persons in custody in the Kenosha County Jail. For official capacity claims, the Sheriff's address is 1000 55th Street, Kenosha, Wisconsin 53140.

12. Chip Meister is the Sheriff of Sauk County, Wisconsin, and is sued here in his official capacity. The policy or practice of the Sauk County Sheriff's Department is to honor ICE detainers. Since January 1, 2025, the Department has received at least 24 detainers from ICE requesting holds on persons in custody in the Sauk County Jail. For official capacity claims, the Sheriff's address is 1300 Lange Court, Baraboo, Wisconsin 53913.

### III. STATEMENT OF FACTS

#### A. Detainers Are Voluntary Requests from ICE for a Jail to Keep an Individual in Custody After the Individual is Entitled to Release.

13. An ICE detainer, sometimes also referred to as an "ICE hold" or "immigration hold," is a request to a custodial agency to notify ICE before an individual is to be released and continue to detain the individual for an additional 48-hour period after the individual would otherwise be entitled to release, in order to allow ICE to make a separate immigration arrest. 8 C.F.R. § 287.7(d). An ICE hold is issued on ICE form I- 247A. (Sample attached as Exhibit A.<sup>5</sup>)

14. ICE detainers are "simply requests" and "not commands." *Lunn v. Commonwealth*, 78 N.E.3d 1143, 1152 (Mass. 2017); *see also Ramon v. Short*, 460 P.3d 867 (Mont. 2020) (referring to ICE detainers as "requests" throughout opinion); *Galarza v. Szalczyk*, 745 F.3d 634, 640–41 (3d Cir. 2014) (noting that "[a]ll Courts of Appeals to have commented on the character of ICE detainers refer to them as 'requests' or as part of an 'informal procedure'" and collecting cases); *United States v. Uribe-Rios*, 558 F.3d 347, 350 n.1 (4th Cir. 2009) ("A detainer is a

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<sup>5</sup> Petitioner requests that the Court take judicial notice of this document pursuant to Wis. Stat. § 902.03(2).

mechanism by which federal immigration authorities may request that another law enforcement agency temporarily detain an alien in order to permit assumption of custody by the Department [of Homeland Security].” (citation omitted)); *Buquer v. City of Indianapolis*, 797 F. Supp. 2d 905, 911 (S.D. Ind. 2011) (“A detainer is not a criminal warrant, but rather a voluntary request that the law enforcement agency advise [DHS], prior to release of the alien, in order for [DHS] to arrange to assume custody.” (citation omitted)).

15. Detainers are issued by ICE immigration officers as part of civil immigration enforcement and removal actions. 8 C.F.R. § 236.1(b)(1); *see* U.S. Immigr. & Customs Enf’t, Directive: 10074.2 Issuance of Immigration Detainers by ICE Immigration Officers, at 2 (Mar. 24, 2017), [https://www.ice.gov/doclib/foia/policy/10074.2\\_IssuanceImmDetainers\\_03.24.2017.pdf](https://www.ice.gov/doclib/foia/policy/10074.2_IssuanceImmDetainers_03.24.2017.pdf) (“Only ICE immigration officers . . . may issue immigration detainers.”).

16. Attached to each detainer is DHS Form I-200, often referred to by ICE as an “administrative warrant.” (Sample Attached as Exhibit B.<sup>6</sup>) *See* Directive: 10074.2 Issuance of Immigration Detainers by ICE Immigration Officers, at 2; *City of Phila. v. Att’y Gen. of United States*, 916 F.3d 276, 281 (2019). Despite being called a “warrant,” an I-200 form is not issued or reviewed by any court or even an administrative law judge (ALJ). It can only be issued by immigration officials, which, again, do not include ALJs. *See* 8 C.F.R. § 287.5(e)(2)(i)-(lii) (authorizing “immigration enforcement agents” and 51 other categories of immigration officials but not including ALJs); *id.* § 236.1(b)(1) (prohibiting others from issuing I-200s); *Lopez-Lopez v. Cnty. of Allegan*, 321 F. Supp. 3d 794, 799 (W.D. Mich. 2018) (“Administrative warrants differ significantly from warrants in criminal cases because they do not require a detached and neutral magistrate. Instead, executive

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<sup>6</sup> Petitioner requests that the Court take judicial notice of this document pursuant to Wis. Stat. § 902.03(2).

officers may issue an administrative warrant . . . .”). Accordingly, these “warrants” are signed by the *same* immigration officers who issue the detainers.

17. Additionally, unlike criminal warrants, ICE administrative “warrants” are not supported by a sworn, particularized showing of probable cause of the alleged violation. Instead, officers complete a fill-in-the blank form with check boxes for generic potential sources of information that they allege grant legal authority for an arrest. *See* Exhibit B (I-200 form).

**B. The Number of Detainers Sent to County Jails is Surging, and the Vast Majority of Wisconsin Sheriffs Honor those Detainers.**

18. The number of detainers sent to county jails in Wisconsin is rapidly increasing. In the first seven months of 2025<sup>7</sup>:

- ICE issued more than **700** detainers to county jails across the state, exceeding the total for all of 2024.
- **49** different county jails across the state have received one or more detainers.
- **247** people have been placed into immigration detention after being held on detainers—more than one person per day.
- Of those 247, **140** people (57%) were placed into immigration detention while their criminal charges were still pending. These transfers into ICE detention while criminal cases are still pending disrupts the Wisconsin criminal justice process, potentially depriving victims of justice and defendants of the opportunity to defend against the charges.

19. Hundreds of people currently in custody in Wisconsin jails are subject to open detainers, meaning they currently risk being deprived of their liberty when the state law basis for their custody ends.<sup>8</sup>

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<sup>7</sup>Data in paragraphs 18–27 regarding detainers and removals from the country comes from the Deportation Data Project, *supra* n.1, supplemented with responses to open record requests served on Respondents by the ACLU of Wisconsin.

<sup>8</sup>*Id.* ICE data show that, as of July 28, 2025, 392 people in custody in Wisconsin jails were subject to open detainers.

20. This data reflects a continuing pattern of ICE relying on local jails to facilitate the transfer of individuals into federal immigration custody. And the use of detainers is expected to increase in the coming months. The recently passed federal budget bill sets aside roughly \$170 billion for immigration enforcement and border security efforts, including \$75 billion in extra funding for ICE, making it the highest-funded law enforcement agency in the federal government.<sup>9</sup>

21. At most, only five Sheriff's Departments in Wisconsin have express policies against honoring immigration detainers.<sup>10</sup> The vast majority, like the Respondents here, make immigration arrests pursuant to these voluntary requests from ICE.

22. The Walworth County Sheriff's office has received at least 31 detainers so far in 2025. At least eight individuals have been transferred into ICE custody as a result of those detainers and five of the eight (62%) still faced pending criminal charges at the time of that transfer. Numerous other individuals remain in the Walworth County jail subject to detainers and transfer to ICE custody in the event their state law basis for detention is terminated.

23. On July 15, 2025, Walworth County Sheriff's deputies took two people into custody on the basis of ICE detainers/warrants in a proceeding in front of a court commissioner. Those people would otherwise have been free to leave the courtroom on signature bonds.<sup>11</sup>

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<sup>9</sup>Camilo Montoya-Galvez, *Trump's "big, beautiful bill" gives ICE unprecedented funds to ramp up mass deportation campaign*, CBS (July 10, 2025), <https://www.cbsnews.com/news/ice-funding-big-beautiful-bill-trump-deportations/>.

<sup>10</sup>Gina Castro, et al., *We surveyed all 72 Wisconsin sheriffs about their stance on immigration enforcement. Here's what they said*, Milwaukee Journal Sentinel (Mar. 13, 2025), <https://www.jsonline.com/story/news/special-reports/2025/03/13/see-your-wisconsin-sheriffs-policy-on-immigration-enforcement-ice-cooperation-trump-287g-detainer/81630352007/>; ACLU of Wisconsin, *The Jail to Deportation Pipeline in Wisconsin*, <https://www.aclu-wi.org/publications/deportreport/> (last accessed Sep. 17, 2025).

<sup>11</sup>John Dierdrich, *Listen to tense hearing where court commissioner asks for warrant on ICE arrest in Wisconsin*, Milwaukee Journal Sentinel (Aug. 28, 2025),

24. The Brown County Sheriff's office has received at least 71 detainer requests so far in 2025. At least 35 individuals have been transferred into ICE custody as a result of those detainers and 25 of the 35 (71%) still faced pending criminal charges at the time of that transfer. Numerous other individuals remain in the Brown County jail subject to detainers and transfer to ICE custody in the event their state law basis for detention is terminated.

25. The Sauk County Sheriff's office has received at least 24 detainers so far in 2025. At least 16 individuals have been transferred into ICE custody as a result of those detainers and 8 of the 16 (50%) still faced pending criminal charges at the time of that transfer.

26. The Kenosha County Sheriff's office has received at least 26 detainers so far in 2025. At least 17 individuals have been transferred into ICE custody as a result of those detainers and 8 of the 17 (47%) still faced pending criminal charges at the time of that transfer. On September 5, 2025, Respondent Sheriff Zoerner stated that 24 individuals were in the Kenosha County jail subject to detainers and transfer to ICE custody in the event their state law basis for detention is terminated.<sup>12</sup>

27. The Marathon County Sheriff's office has a policy or practice of notifying ICE of every person booked into the jail who was not born in the United States, regardless of immigration status, and asking if ICE wants to place a detainer on that person. Marathon has received at least 13 detainers so far in 2025. At least 9 individuals have been transferred into ICE custody as a result of those detainers and 8 of the 9 (88%) still faced pending criminal charges at the time of that transfer.

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<https://www.jsonline.com/story/news/local/wisconsin/2025/08/28/audio-captures-tense-immigration-arrest-in-walworth-county-courtroom/85850495007/>.

<sup>12</sup>Kenosha County Sheriff's Office, *Sheriff Zoerner statement on ICE 287(g) program* (Sep. 5, 2025), <https://www.kenoshacountywi.gov/CivicAlerts.aspx?AID=3403>.

**C. Petitioner and its Members Have Suffered and Continue to Suffer Legally Cognizable Injuries as a Result of Respondents' Illegal Practice of Honoring ICE Detainers.**

28. Many Voces members live in households or families with individuals of mixed immigration status who are always fearful of arrests and subsequent ICE detainers.

29. From January 2024 to the present, Voces was forced to divert resources to addressing the risks of immigration detainers. During that period, Voces conducted 512 Know Your Rights training workshops for approximately 21,721 persons, predominantly immigrants of mixed statuses, in 41 Wisconsin counties. Those workshops advise immigrants of their rights with respect to interactions with ICE, local police authorities, and what to do if detained or arrested by governmental authorities, including if placed on an ICE detainer beyond a scheduled release date. These 512 workshops have required Voces to devote substantial paid staff hours, as well as money for training materials, transportation, food, advertising, and meeting areas at an estimated total cost of more than \$300,000.

30. Voces regularly consults with immigrant families regarding relatives arrested for various non-immigration offenses who are concerned about being held on illegal ICE detainers. Voces devotes significant resources and staff time to responding to such calls and offering referrals, advice, and information.

31. But for Respondents' illegal acquiescence to ICE detainer requests, Voces would have spent these resources on a variety of other initiatives it has to improve the lives of immigrants, including its Essential Workers Network, which provides workers' rights training and advocates for workplace protection laws; its New Sanctuary Movement, a network of faith-based organizations that support immigration reform and defend immigrant families from being separated by deportations; its Youth Empowered in the Struggle group, which has advocated for

the DREAM Act and tuition equity for immigrant youth; and other initiatives.

#### IV. STATEMENT OF CONTROLLING LAW

32. As set out below, keeping a person detained when they are entitled to release constitutes a new arrest under Wisconsin law. Under Wis. Stat. § 818.01(1), Wisconsin law enforcement are barred from making arrests for civil actions, except in certain enumerated circumstances, none of them applicable to the voluntary detentions that Respondents are conducting pursuant to ICE detainers. No other Wisconsin statute provides the authority that Wis. Stat. § 818.01(1) explicitly denies. Therefore, when a Wisconsin sheriff makes an arrest by honoring an ICE detainer for someone who is otherwise entitled to release, the sheriff violates § 818.01(1) and acts outside of their authority to make an arrest.

##### **A. Extending a Person's Detention Based on an ICE Detainer for a Civil Immigration Violation, After Release Has Been Ordered, Constitutes an Arrest.**

33. In Wisconsin, an arrest occurs when “a reasonable person in the defendant’s position would have considered himself or herself to be ‘in custody,’ given the degree of restraint under the circumstances.” *State v. Swanson*, 164 Wis. 2d 437, 446–47, 475 N.W.2d 148, 152 (1991), *abrogated in unrelated part by State v. Sykes*, 2005 WI 48, 279 Wis. 2d 742, 695 N.W.2d 277. “Under this test, the circumstances of the situation control,” including what officers “communicate by their words or actions.” *State v. Wilson*, 229 Wis. 2d 256, 267, 600 N.W.2d 14, 19 (Ct. App. 1999) (defendant was under arrest when he was twice refused the opportunity to use the bathroom until frisked). When a county relies on an ICE detainer to keep someone in jail who would otherwise be released, that person—who would reasonably consider themselves to *still* be in custody—has been subjected to a new arrest.

34. While an arrest most often occurs when a person at liberty is detained, the extension of a detention, beyond the initial authority for that detention, is itself

a new arrest. For example, in *State ex rel. Forte v. Ferris*, this Court held that extending custody based on a parole detainer is “tantamount to an arrest.” 79 Wis. 2d 501, 510, 255 N.W.2d 594, 599 (1977).

35. State and federal courts nationwide have uniformly agreed with this interpretation. *See, e.g., Lunn*, 78 N.E.3d at 1153 (“The requested detention constitutes an arrest.”); *People ex rel. Wells*, 88 N.Y.S.3d at 526–57 (noting that a detention pursuant to an ICE detainer or warrant constitutes an arrest); *Ramon*, 460 P.3d at 875 (“There is broad consensus around the nation that an immigration detainer constitutes a new arrest.”); *Esparza*, 2019 WL 4594512, at \*4–\*5 (applying Minnesota law’s definition of arrest—whether a reasonable person would conclude that he is “under arrest and not free to go”—to affirm district court’s holding that individuals held on ICE detainers are under arrest); *Morales v. Chadbourne*, 793 F.3d 208, 217 (1st Cir. 2015) (“Because [Plaintiff] was kept in custody for a new purpose after she was entitled to release, she was subjected to a new seizure . . . .”); *Gonzalez v. U.S. Immigr. & Customs Enf’t*, 975 F.3d 788, 817 (9th Cir. 2020) (“Detention . . . is a type of seizure of the person . . . .”).

36. Even the federal government itself has previously conceded that holding someone on an ICE detainer constitutes a new arrest. *Lunn*, 78 N.E.3d at 1153 (“The United States acknowledged at oral argument . . . that a detention . . . based strictly on a Federal immigration detainer[] constitutes an arrest.”); *Moreno v. Napolitano*, 213 F. Supp. 3d 999, 1005 (N.D. Ill. 2016) (stating that Federal defendants “concede that being detained pursuant to an ICE immigration detainer constitutes a warrantless arrest”).

**B. Wisconsin Law Enforcement Officials Lack State-Law Authority to Make Arrests for Civil Immigration Violations.**

37. When state or local officers make an “arrest for violation of federal law,” the arrest’s legality “is to be determined by reference to state law.” *Miller v. United States*, 357 U.S. 301, 305 (1958). This requirement is key to “state

sovereignty,” which “surely encompasses the right to set the duties of office for state-created officials.” *Koog v. United States*, 79 F.3d 452, 460 (5th Cir. 1996).

38. The power to make arrests in Wisconsin is limited. “The power to arrest must be authorized by statute.” *City of Madison v. Two Crow*, 88 Wis. 2d 156, 159, 276 N.W.2d 359, 361 (Ct. App. 1979) (citing *Wagner v. Lathers*, 26 Wis. 436 (1870)); *see also State v. Wilks*, 117 Wis. 2d 495, 500, 345 N.W.2d 498, 500 (Ct. App. 1984). This means that only the legislature can grant law enforcement the authority to make arrests, and only the legislature can decide what conduct is subject to arrest by local and state law enforcement. *See* Wis. Stat. § 939.10 (common law crimes abolished).

39. No statute authorizes arresting an individual for a civil immigration violation.<sup>13</sup> In fact, since at least 1941,<sup>14</sup> Wisconsin law has expressly prohibited arrests in civil actions except for certain specified circumstances, none of them relevant here. Wis. Stat. § 818.01(1) (“No person may be arrested in a civil action except as prescribed by this chapter.”); *see State v. Hess*, 2010 WI 82, ¶ 25, 327 Wis. 2d 524, 537, 785 N.W.2d 568, 575 (“In a civil action, arrests are to be made *only* ‘as prescribed by [Wis. Stat. § 818.01(1)].’”) (emphasis added). Though the legislature has added more exceptions over the years—for instance, in proceedings to establish child support or maintenance obligations (1985 Wis. Act 29, § 2426), in certain forfeiture actions (1989 Wis. Act 121, § 96), in other forfeiture actions (2003 Wis. Act 193, § 5), and in actions for the surrender of firearms (2013 Wis. Act 321, § 29)—it has never changed the default rule that arrests for civil actions are expressly prohibited.<sup>15</sup>

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<sup>13</sup>Most violations of the Immigration and Naturalization Act are not criminal offenses. Being present in the country illegally, for example, is not by itself a crime. It is only a civil violation of the Act, and subjects the individual to possible removal, not criminal prosecution. 8 U.S.C. § 1227(a)(1)(B); *see Arizona v. United States*, 567 U.S. 387, 407 (2012) (“As a general rule, it is not a crime for a removable alien to remain present in the United States.”); *Melendres v. Arpaio*, 695 F.3d 990, 1000–01 (9th Cir. 2012).

<sup>14</sup>*See* Wis. Stat. §§ 264.01–264.02 (1941).

<sup>15</sup>Respondent Brown County Sheriff has executed a so-called “287(g) agreement” with ICE pursuant to 8 U.S.C. § 1357(g). Such agreements delegate to certain local law enforcement officers

40. Other state courts have similarly ruled that local sheriffs lack the authority to make immigration arrests, finding that such detentions are illegal arrests under those states' statutes. *See e.g., Lunn*, 78 N.E.3d at 1156 (noting that no statute "either directly or indirectly authorizes the detention of individuals based solely on a Federal civil immigration detainer"); *People ex rel. Wells*, 88 N.Y.S.3d at 529; *Esparza*, 2019 WL 4594512, at \*6–\*7 (affirming district court's preliminary injunction holding).

41. Particularly instructive is the Massachusetts Supreme Judicial Court's decision in *Lunn v. Commonwealth*. After holding that a detainer was a form of arrest, the court proceeded to a wide-ranging review of Massachusetts statutory and common law to determine if authority existed for such civil immigration arrests. *Lunn*, 78 N.E.3d at 1154–59. Finding no such authority existed, the court considered and rejected arguments from the Sheriff defendant that there was either inherent or implicit authority to make such arrests and cooperate with federal authorities. *Id.* at 1157. "Conspicuously absent from our common law is any authority (in the absence of a statute) for police officers to arrest generally for civil matters, let alone authority to arrest specifically for Federal civil immigration matters." *Id.* at 1154.

42. That same "conspicuous absence" of legal authority is true of Wisconsin law. What's more, even in the few instances where civil arrests are authorized in this state, those arrests are only valid where an order for the arrest has been "obtained from the court in which the action is brought or a judge," Wis. Stat. § 818.03, and where that order is accompanied by an affidavit, Wis. Stat. § 818.04. Even setting aside the fact that immigration violations are not one of the few civil violations for which arrests are authorized by state law, ICE administrative warrants

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specific immigration enforcement functions, but only so long as doing so is "consistent with State and local law." 8 U.S.C. § 1357(g)(1). A sheriff thus does not obtain the ability to violate Wis. Stat. § 818.01(1) by signing one, just as a Wisconsin sheriff could not sign a contract with law enforcement in New Jersey to make arrests for misdemeanors committed in that State. Any sheriff who signs such an agreement, therefore, has no more authority than any other sheriff who has not signed a 287(g) agreement.

are not issued by a court or judge and are not accompanied by affidavits, as required by Sections 818.03 and 818.04. *Supra* ¶¶ 15–17.

43. Further, even if Section 818.01(1) did not exist—that is, even if Wisconsin law did not explicitly prohibit arrests in civil actions—state law enforcement officers would still lack authority to honor ICE detainers. That is because no other part of the Wisconsin code authorizes such arrests. Take, for instance, Wisconsin statutes section 968.07(1)(a)-(d), which lays out the general arrest authority for Wisconsin law enforcement. It states that a law enforcement officer may arrest an individual when:

(a) The law enforcement officer has a warrant commanding that such person be arrested; or

(b) The law enforcement officer believes, on reasonable grounds, that a warrant for the person’s arrest has been issued in this state; or

(c) The law enforcement officer believes, on reasonable grounds, that a felony warrant for the person’s arrest has been issued in another state; or

(d) There are reasonable grounds to believe that the person is committing or has committed a crime.

44. ICE detainers do not fall within any of these categories. To begin, Sections 968.07(1)(a)-(c) require an arrest warrant or reasonable belief that one exists. Under Wisconsin law, an arrest warrant must be signed by a judge. Wis. Stat. § 968.04(3)(a)(1). Yet, as explained above, *supra* ¶ 17, ICE detainers are not accompanied by warrants signed by a judge. *See, e.g., Ramon*, 460 P.3d at 873 (“[ICE administrative warrants] do not require the authorization of a judge, and, accordingly, they do not amount to a criminal arrest warrant or criminal detainer under Montana law.”); *People ex rel. Wells*, 88 N.Y.S.3d at 527 (“such warrants are civil and administrative, and not judicial, in nature”). Nor does the remaining basis

of arrest authority, § 968.07(1)(d), apply. As explained above, *supra* at n.13, being present in the country unlawfully is not by itself a crime; it is only a civil violation. *Arizona*, 567 U.S. at 407; *United States v. Meza-Rodriguez*, 798 F.3d 664, 673 (7th Cir. 2015), *abrogated in unrelated part by N.Y. State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022); *Millan-Hernandez v. Barr*, 965 F.3d 140, 147 (2d Cir. 2020); *Yoc-Us v. Att’y Gen. of the U.S.*, 932 F.3d 98, 104–05 (3d Cir. 2019); *Texas v. United States*, 809 F.3d 134, n.14 (5th Cir. 2015); *Lopez-Valenzuela v. Arpaio*, 770 F.3d 772, n.15 (9th Cir. 2014); *Martinez Carcamo v. Holder*, 713 F.3d 916, n.5 (8th Cir. 2013).

45. The remaining limited grants of arrest authority scattered throughout the Wisconsin code are similarly inapplicable here. Neither the Uniform Criminal Extradition Act, Wis. Stat. § 976.03, nor the Uniform Detainer Act, Wis. Stat. § 976.05, applies to immigration detainers, nor does ICE purport to issue detainers under such provisions. While the Uniform Criminal Extradition Act allows the governor to turn over individuals “fle[eing] from justice” in another state, that Act is limited to individuals charged with “treason, felony or other crime,” and does not encompass civil violations. *See* Wis. Stat. § 976.03(2). On top of that, the Act requires that the states requesting custody of an individual support its request with an indictment, information, affidavit, or judgment of conviction. Wis. Stat. § 976.03(3). And while the Uniform Detainer Act creates a process for inmates in one state with pending charges in another state to proceed to trial on those charges, the Act only applies to *convicted, imprisoned* individuals. Wis. Stat. § 976.05(3)(a). Finally, none of the other statutes that grant any sort of arrest authority in Wisconsin apply to the circumstances here.<sup>16</sup>

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<sup>16</sup>Such irrelevant provisions include Wis. Stat. § 13.26(1)(a) (arresting a member or officer of the House for contempt); § 23.11(4) (granting arrest authority to Department of Natural Resources (DNR) officers for violations of departmental rules on state-owned lands and property); § 23.56(1) (allowing arrests for violations of any rules of Kickapoo Reserve Management Board); § 29.921(4) (granting DNR authority in certain circumstances to make arrests for violations of federally recognized American Indian tribe’s conservation codes); § 36.11(2)(a) (granting authority

46. Accordingly, the Wisconsin legislature has clearly laid out the complete extent of state and local law enforcement officers' arrest authority in great detail, creating prohibitions on civil arrests and then making only specific detailed exceptions to such prohibitions. *See* Wis. Stat. §§ 818.01(1), 818.02(1)–(9). It would be unreasonable for this Court to find that the legislature meant to silently create additional exceptions to its limitations on arrest authority that it expressed nowhere in any statute, and in some cases, expressly prohibited. *See James v. Heinrich*, 2021 WI 58, ¶ 18, 397 Wis. 2d 517, 960 N.W.2d 350, 359 (“Under the doctrine of *expressio unius est exclusio alterius*, the express mention of one matter excludes other similar matters [that are] not mentioned.” (citation omitted)).

## V. CAUSES OF ACTION

### COUNT I:

#### **Uniform Declaratory Judgments Act (§ 806.04(2) and §§ 818.01(1)–818.04)**

47. Petitioners re-allege all previous paragraphs as if set forth fully herein.

48. When a Wisconsin law enforcement officer honors an ICE detainer, they arrest an individual for a civil violation not enumerated in Wis. Stat. § 818.02(1)–(9). Because Wis. Stat. § 818.01(1) bars arrests in civil actions except as prescribed by the chapter, a Wisconsin law enforcement officer violates § 818.01(1) when they honor a civil immigration violation detainer.

49. In addition, when a Wisconsin law enforcement officer honors an ICE detainer, they arrest an individual without an order of arrest obtained from a court or a judge and without an affidavit demonstrating that a cause of action exists. Because Wis. Stats. §§ 818.03 and 818.04 require that arrests in civil actions be

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to university police to arrest for violations of state law or any rule promulgated under Chapter 36); § 42.01(2) (granting State Fair Park Board agents the authority to arrest on park grounds for violations of state law or violations of rules of State Fair Board); § 45.50(7) (granting commandant and employees of veterans homes authority to arrest individuals on grounds of veterans homes who are guilty of violating rules governing veterans homes).

made only with an arrest order obtained from a court or judge and an affidavit, a Wisconsin law enforcement officer violates §§ 818.03 and 818.04 when they hold a person pursuant to an ICE detainer after that person is otherwise entitled to release under state law.

**COUNT II:**  
**Uniform Declaratory Judgments Act**  
**(§ 806.04(2) and § 968.07(1))**

50. Petitioners re-allege all previous paragraphs as if set forth fully herein.

51. When a Wisconsin law enforcement officer honors an ICE detainer, they arrest an individual without the authority granted by Wis. Stat. §§ 968.07(1)(a)-(d). ICE detainees are not accompanied by warrants, depriving Wisconsin law enforcement officers of any authority that §§ 968.07(1)(a)-(c) might otherwise grant. Further, civil immigration violations are not crimes and therefore not covered by § 968.07(1)(d). A Wisconsin law enforcement officer therefore acts outside of the authority granted to them by § 968.07(1) when they hold a person pursuant to an ICE detainer after that person is otherwise entitled to release under state law.

**VI. STATEMENT OF RELIEF SOUGHT**

If the Court grants the Petition, Petitioners will ask the Court to declare that:

- (a) Civil immigration violations are not one of the enumerated offenses in Wis. Stat. § 818.02.
- (b) DHS Form I-200 (ICE's so-called "administrative warrant") is not an order of arrest "obtained from the court in which the action is brought or a judge" under Wis. Stat. § 818.03.
- (c) DHS Form I-200 does not contain an "affidavit demonstrating that a cause of action exists" under Wis. Stat. § 818.04.
- (d) DHS Form I-200 is not a "warrant" under Wis. Stat. §§ 968.07(1)(a)-(c).

- (e) A civil immigration violation is not a crime under Wis. Stat. § 968.07(1)(d).
- (f) A Wisconsin law enforcement officer violates Wis. Stat. §§ 818.01–818.04 when they hold a person pursuant to an ICE detainer after that person is otherwise entitled to release under state law.
- (g) A Wisconsin law enforcement officer acts outside of their authority under Wis. Stat. § 968.07(1) when they hold a person pursuant to an ICE detainer after that person is otherwise entitled to release under state law.

Petitioners also seek injunctive relief prohibiting the Respondents from holding a person pursuant to an ICE detainer after they were otherwise entitled to release under state law.

## **VII. STATEMENT OF REASONS WHY THIS COURT SHOULD TAKE ORIGINAL JURISDICTION**

The Wisconsin Constitution empowers this Court to “hear original actions and proceedings.” Wis. Const. art. VII, § 3(2). The purpose of the provision is to enable this Court to address “all judicial questions affecting the sovereignty of the state, its franchises or prerogatives, or the liberties of its people.” *Petition of Heil*, 284 N.W. at 45.

The Court traditionally has exercised original jurisdiction where the question presented is *publici juris*—of “public right”—and “requires a prompt and authoritative determination by this court in the first instance.” *State ex rel. La Follette*, 338 N.W.2d at 686; *see also Petition of Heil*, 284 N.W. at 49 (original actions limited to “cases so importantly affecting the rights and liberties of the people of this state as to warrant such intervention”); *Wis. Pro. Police Ass’n, Inc. v. Lightbourn*, 2001 WI 59, ¶ 4, 243 Wis. 2d 512, 529, 627 N.W.2d 807, 816 (original actions limited to “exceptional cases in which a judgment by the court significantly affects the community at large”). This case meets that high bar.

*First*, this is a quintessential public rights case. At issue is law enforcement’s power to deprive persons of their liberty by holding them in jail without any legal authorization. This issue affects *at least* all of the estimated 308,000 foreign-born persons living in the state, of whom approximately 162,000 are not U.S. citizens.<sup>17</sup> In fact, the issue may affect even more than that; even U.S. citizens have been held on detainers issued by ICE.<sup>18</sup>

*Second*, this case requires a “prompt and authoritative” determination by this Court. The use of these detainers has dramatically surged in 2025. *See supra* ¶¶ 18–20. Currently, hundreds of people in Wisconsin jails have ICE detainers lodged against them. Dozens of new detainers arrive at Wisconsin jails each week. Without clear guidance from this Court, sheriffs across the state have taken different tacks. Some have declined to honor detainers, presumably aware that they lack the authority to do so; others have simply acceded to requests from ICE. If not addressed promptly and decisively by this Court, hundreds of Wisconsin residents may be unlawfully arrested and incarcerated in the coming months, while hundreds of thousands will live in fear of contact with local and state authorities. This issue cannot wait for a piecemeal process of decisions by individual circuit courts, followed by intermediate appellate decisions, and finally review by this Court. In fact, that standard process—apart from significantly delaying final relief for Petitioner, its members, and all other affected individuals—would likely perpetuate the state’s patchwork of rights. Individuals’ freedom from unauthorized arrests would depend on the county they happen to be in at any one moment. People

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<sup>17</sup>Migration Policy Institute, *State Immigration Data Profiles - Wisconsin* (2023), <https://www.migrationpolicy.org/data/state-profiles/state/demographics/WI> (last accessed Sep. 18, 2025).

<sup>18</sup>Maya Yang, *Florida releases US-born American citizen who was arrested on ICE orders*, The Guardian (Apr. 18, 2025), <https://www.theguardian.com/us-news/2025/apr/18/florida-us-born-citizen-released-ice> (man arrested then detained on ICE hold); *see Brown v. Ramsay*, CASE NO. 18-10279-CV-WILLIAMS, 2025 WL 1571661, --- F.Supp.3d ---- (S.D. Fla. May 30, 2025).

crossing county lines to go to work, visit family, or run errands would incur the risk of unlawful arrest. That sort of system is unworkable.

*Finally*, there are no disputed facts in this case; the issue presented by this petition is a pure question of law—do Wisconsin law enforcement officers have the authority to deprive a person of liberty after all state law bases for custody have ended, solely on the basis of a federal immigration detainer? This is exactly the sort of isolated legal issue over which this Court has historically been willing to exercise its original-action jurisdiction. *See LeMieux v. Evers*, 2025 WI 12, 415 Wis. 2d 422, 19 N.W.3d 76; *State ex rel. Kleczka v. Conta*, 82 Wis. 2d 679, 683, 264 N.W.2d 539, 540 (1978) (disposition via original action was appropriate where “no fact-finding procedure [was] necessary”); *James*, 2021 WI 58, ¶ 15, (noting that “[i]ssues of statutory interpretation and application”—the exact issues presented here—“present questions of law”); *see also* Wis. Stat. § 809.62(1r)(c)(3) (including as criteria for granting Supreme Court review that “[t]he question presented is not factual in nature but rather is a question of law of the type that is likely to recur unless resolved by the supreme court”). There is no need for lower courts to develop a factual record; in fact, this Court could answer the question presented with *no* factual background. The authority to make arrests is set out in Wisconsin statutes as interpreted by decisions of this Court. What is lacking is not fact-finding, but a clear statement from this Court.

This *publici juris* case needs prompt resolution and is exactly the sort of case over which this Court has historically exercised its original-action jurisdiction: one that presents a clean legal issue and no factual disputes. The Court should grant the petition.

## VIII. CONCLUSION

Petitioners respectfully request that this Court exercise its original jurisdiction to hear this matter. Wisconsin law is clear that Wisconsin law

enforcement officers' arrest authority is not limitless. The legislature has put civil immigration arrests beyond the limits of that authority. Because Respondents and dozens of other sheriffs are acting outside of those limits, in ways that have affected and will affect hundreds of Wisconsin residents, this Court should act.

Respectfully submitted this 18th day of September, 2025.

*Electronically signed by R. Timothy Muth\_\_\_\_\_.*

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**CERTIFICATION**

I hereby certify that this brief conforms to the rules contained in sections 809.70 and 809.81. The length of this brief is 7231 words.

*Electronically signed by R. Timothy Muth*

R. Timothy Muth, Bar No. 1010710

**EXHIBIT A****DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION DETAINER - NOTICE OF ACTION**

Subject ID:  
Event #:

File No:  
Date:

TO: (Name and Title of Institution - OR Any Subsequent Law  
Enforcement Agency)

FROM: (Department of Homeland Security Office Address)

Name of Individual: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Citizenship: \_\_\_\_\_ Sex: \_\_\_\_\_

**1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE INDIVIDUAL. THIS DETERMINATION IS BASED ON (complete box 1 or 2).**

- ☐ A final order of removal against the individual;
- ☐ The pendency of ongoing removal proceedings against the individual;
- ☐ Biometric confirmation of the individual's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the individual either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ Statements made by the individual to an immigration officer and/or other reliable evidence that affirmatively indicate the individual either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**2. DHS TRANSFERRED THE INDIVIDUAL TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2).**

- ☐ Upon completion of the proceeding or investigation for which the individual was transferred to your custody, DHS intends to resume custody of the individual to complete processing and/or make an admissibility determination.

**IT IS THEREFORE REQUESTED THAT YOU:**

- **Serve the individual** a copy of this form, and complete and return to ICE the service information at the bottom of this form. If the detainer is not served, the detainer is not valid and may not be relied upon to maintain custody of the individual.
  - **Notify DHS** as early as practicable (at least 48 hours, if possible) before the individual is released from your custody. Please notify DHS by calling ☐ U.S. Immigration and Customs Enforcement (ICE) or ☐ U.S. Customs and Border Protection (CBP) at \_\_\_\_\_. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
  - **Maintain custody** of the individual for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The individual **must be served with a copy of this form** for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the individual's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters
  - Relay this detainer to any other law enforcement agency to which you transfer custody of the individual.
  - Notify this office in the event of the individual's death, hospitalization or transfer to another institution.
- ☐ If checked: please cancel the detainer related to this individual previously submitted to you on \_\_\_\_\_ (date).

\_\_\_\_\_  
(Name and title of Immigration Officer)

\_\_\_\_\_  
(Signature of Immigration Officer) (Sign in ink)

**Notice:** If the individual may be the victim of a crime or you want the individual to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

**TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE INDIVIDUAL WHO IS THE SUBJECT OF THIS NOTICE:**

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to \_\_\_\_\_

Local Booking/Inmate #: \_\_\_\_\_ Estimated release date/time: \_\_\_\_\_

Date of latest criminal charge/conviction: \_\_\_\_\_ Last offense charged/conviction: \_\_\_\_\_

This form was served upon the individual on \_\_\_\_\_, in the following manner:

☐ in person ☐ by inmate mail delivery ☐ other (please specify): \_\_\_\_\_

\_\_\_\_\_  
(Name and title of Officer)

\_\_\_\_\_  
(Signature of Officer) (Sign in ink)

**NOTICE TO THE DETAINEE**

The Department of Homeland Security (DHS) has placed an immigration detainer on you. An immigration detainer is a notice to a law enforcement agency that DHS intends to assume custody of you (after you otherwise would be released from custody) because there is probable cause that you are subject to removal from the United States under federal immigration law. DHS has requested that the law enforcement agency that is currently detaining you maintain custody of you for a period not to exceed 48 hours beyond the time when you would have been released based on your criminal charges or convictions. **If DHS does not take you into custody during this additional 48 hour period, you should contact your custodian** (the agency that is holding you now) to inquire about your release. **If you believe you are a United States citizen or the victim of a crime, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903 / (802) 872-1310.**

**NOTIFICACIÓN A LA PERSONA DETENIDA**

El Departamento de Seguridad Nacional (DHS) le ha puesto una retención de inmigración. Una retención de inmigración es un aviso a una agencia de la ley que DHS tiene la intención de asumir la custodia de usted (después de lo contrario, usted sería puesto en libertad de la custodia) porque hay causa probable que usted está sujeto a que lo expulsen de los Estados Unidos bajo la ley de inmigración federal. DHS ha solicitado que la agencia de la ley que le tiene detenido actualmente mantenga custodia de usted por un periodo de tiempo que no exceda de 48 horas más del tiempo original que habría sido puesto en libertad en base a los cargos judiciales o a sus antecedentes penales. **Si DHS no le pone en custodia durante este periodo adicional de 48 horas, usted debe de contactarse con su custodio** (la agencia que le tiene detenido en este momento) para preguntar acerca de su liberación. **Si usted cree que es un ciudadano de los Estados Unidos o la víctima de un crimen, por favor avise al DHS llamando gratuitamente al Centro de Apoyo a la Aplicación de la Ley ICE al (855) 448-6903 / (802) 872-1310.**

**AVIS AU DETENU OU À LA DÉTENUE**

Le Département de la Sécurité Intérieure (DHS) a placé un dépositaire d'immigration sur vous. Un dépositaire d'immigration est un avis à une agence de force de l'ordre que le DHS a l'intention de vous prendre en garde à vue (après ~~cela~~ vous pourrez par ailleurs être remis en liberté) parce qu'il y a une cause probable que vous soyez sujet à expulsion des États-Unis en vertu de la loi fédérale sur l'immigration. Le DHS a demandé que l'agence de force de l'ordre qui vous détient actuellement puisse vous maintenir en garde pendant une période ne devant pas dépasser 48 heures au-delà du temps après lequel vous auriez été libéré en se basant sur vos accusations criminelles ou condamnations. **Si le DHS ne vous prene pas en garde à vue au cours de cette période supplémentaire de 48 heures, vous devez contacter votre gardien (ne)** (l'agence qui vous détient maintenant) pour vous renseigner sur votre libération. **Si vous croyez que vous êtes un citoyen ou une citoyenne des États-Unis ou une victime d'un crime, s'il vous plaît aviser le DHS en appelant gratuitement le centre d'assistance de force de l'ordre de l'ICE au (855) 448-6903 / (802) 872-1310.**

**NOTIFICAÇÃO AO DETENTO**

O Departamento de Segurança Nacional (DHS) expediu um mandado de detenção migratória contra você. Um mandado de detenção migratória é uma notificação feita à uma agência de segurança pública que o DHS tem a intenção de assumir a sua custódia (após a qual você, caso contrário, seria liberado da custódia) porque existe causa provável que você está sujeito a ser removido dos Estados Unidos de acordo com a lei federal de imigração. O DHS solicitou à agência de segurança pública onde você está atualmente detido para manter a sua guarda por um período de no máximo 48 horas além do tempo que você teria sido liberado com base nas suas acusações ou condenações criminais. **Se o DHS não levar-lo sob custódia durante este período adicional de 48 horas, você deve entrar em contato com quem tiver a sua custódia** (a agência onde você está atualmente detido) para perguntar a respeito da sua liberação. **Se você acredita ser um cidadão dos Estados Unidos ou a vítima de um crime, por favor informe ao DHS através de uma ligação gratuita ao Centro de Suporte de Segurança Pública do Serviço de Imigração e Alfândega (ICE) pelo telefone (855) 448-6903 / (802) 872-1310.**

**THÔNG BÁO CHO NGƯỜI BỊ GIAM**

Bộ Nội An (DHS) đã ra lệnh giam giữ di trú đối với quý vị. Giam giữ di trú là một thông báo cho cơ quan công lực rằng Bộ Nội An sẽ đảm đương việc lưu giữ quý vị (sau khi quý vị được thả ra) bởi có lý do khả tín quý vị là đối tượng bị trục xuất khỏi Hoa Kỳ theo luật di trú liên bang. Sau khi quý vị đã thi hành đầy đủ thời gian của bản án dựa trên các tội phạm hay các kết án, thay vì được thả tự do, Bộ Nội An đã yêu cầu cơ quan công lực giữ quý vị lại thêm không quá 48 tiếng đồng hồ nữa. Nếu Bộ Nội An không đến bắt quý vị sau 48 tiếng đồng hồ phụ trội đó, quý vị cần liên lạc với cơ quan hiện đang giam giữ quý vị để tham khảo về việc trả tự do cho quý vị. Nếu quý vị là công dân Hoa Kỳ hay tin rằng mình là nạn nhân của một tội ác, xin vui lòng báo cho Bộ Nội An bằng cách gọi số điện thoại miễn phí 1(855) 448-6903 / (802) 872-1310 cho Trung Tâm Hỗ Trợ Cơ Quan Công Lực Di Trú.

**被拘留者通知書**

國土安全部(Department of Homeland Security, 簡稱DHS)已經對你發出移民拘留令。移民拘留令為一給予執法機構的通知書, 闡明DHS意欲獲取對你的羈押權(若非有此羈押權, 你將會被釋放); 因為根據聯邦移民法例, 並基於合理的原因, 你將會被遞解離美國國境。DHS亦已要求現正拘留你的執法機構, 在你因受到刑事檢控或定罪後, 而在本應被釋放的程序下, 繼續對你作出不超過四十八小時的監管。若你在這附加的四十八小時內, 仍未及移交至DHS的監管下, 你應當聯絡你的監管人(即現正監管你的機構)查詢有關你釋放的事宜。若你認為你是美國公民或為罪案受害者, 請致電ICE執法部支援中心(Law Enforcement Support Center)知會DHS, 免費電話號碼: (855)448-6903 / (802) 872-1310。

**EXHIBIT B****U.S. DEPARTMENT OF HOMELAND SECURITY****Warrant for Arrest of Alien**

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)**Certificate of Service**

I hereby certify that the Warrant for Arrest of Alien was served by me at \_\_\_\_\_  
(Location)

on \_\_\_\_\_ on \_\_\_\_\_, and the contents of this  
(Name of Alien) (Date of Service)

notice were read to him or her in the \_\_\_\_\_ language.  
(Language)

\_\_\_\_\_  
Name and Signature of Officer\_\_\_\_\_  
Name or Number of Interpreter (if applicable)