



U.S. Department of  
Homeland Security

# DHS Announces New Guidance to Limit ICE and CBP Civil Enforcement Actions In or Near Courthouse

**Release Date:** April 27, 2021

Today, Secretary of Homeland Security Alejandro N. Mayorkas directed U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) to place new limits on civil immigration enforcement actions in or near courthouses. Acting Director of ICE Tae Johnson and Acting CBP Commissioner Troy Miller have issued a memorandum to ICE and CBP personnel pertaining to the limited circumstances in which civil immigration enforcement actions may be carried out in or near a courthouse. The interim guidance is intended to balance the importance of preserving access to courts in the fair administration of justice with legitimate civil immigration enforcement interests. Additional guidance will be forthcoming following the release of updated immigration enforcement priorities. This policy supersedes an ICE Directive issued in 2018 and marks the first time CBP has ever had formal policy guidance regarding civil immigration enforcement in or near courthouses.

“Ensuring that individuals have access to the courts advances the fair administration of justice, promotes safety for crime victims, and helps to guarantee equal protection under the law,” said Secretary Mayorkas. “The expansion of civil immigration arrests at courthouses during the prior administration had a chilling effect on individuals’ willingness to come to court or work cooperatively with law enforcement. Today’s guidance is the latest step in our efforts to focus our civil immigration enforcement resources on threats to homeland security and public safety.”

A civil immigration enforcement action may be taken in or near a courthouse only in certain limited instances, including the following: (1) it involves a national security matter, (2) there is an imminent risk of death, violence, or physical harm to any person, (3) it involves hot pursuit

of an individual who poses a threat to public safety, or (4) there is an imminent risk of destruction of evidence material to a criminal case. The interim guidance also makes clear that civil immigration enforcement is permitted against public safety threats in the absence of hot pursuit where necessary and with prior approval.

The memorandum directs supervisors to ensure that all employees are trained annually on this policy and that such training is documented and reviewed by agency counsel. ICE and CBP will each provide a monthly report to Secretary Mayorkas, and to the DHS Office for Civil Rights and Civil Liberties upon request, detailing all planned or executed civil immigration enforcement actions in or near courthouses, including the basis under this policy for each enforcement action.

Topics: [Citizenship and Immigration Services \(/topics/immigration-and-citizenship-services\)](#), [Immigration and Customs Enforcement \(/topics/immigration-enforcement\)](#), [Secretary of Homeland Security \(/topics/secretary-homeland-security\)](#)

Keywords: [Enforcement \(/keywords/enforcement\)](#), [Immigration and Customs Enforcement \(ICE\) \(/keywords/ice\)](#), [Immigration Enforcement \(/keywords/immigration-enforcement\)](#), [Secretary Alejandro Mayorkas \(/keywords/secretary-alejandro-mayorkas\)](#)

Last Published Date: April 27, 2021