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I. Policy

To establish guidelines when dealing with possible violations of immigration statutes; arrests of foreign nationals; and for properly responding to aliens' requests for asylum.

II. Definitions

- A. Asylum: a form of protection that allows individuals in United States to remain in the United States.
- B. Consular Officer: A citizen of a foreign country employed by a foreign government and authorized to provide assistance on behalf of that government to that government's citizens in a foreign country
- C. Foreign National: Any person who is not a U.S. citizen
- D. *USCIS: United States Citizenship and Immigration Services, is a component of the United States Department of Homeland Security (DHS). It performs many administrative functions formerly carried out by the former United States Immigration and Naturalization Service (INS), which was part of the Department of Justice.*
- E. *ICE: U.S. Immigration and Customs Enforcement enforces federal laws governing border control, customs, trade and immigration to promote homeland security and public safety.*

III. Arresting Foreign Nationals

- A. Upon arrest of a foreign national, the Division will offer to contact the appropriate Consulate and, in those instances where required, the appropriate Consulate will be contacted regardless of the arrestee's wishes.
- B. When foreign nationals are arrested or detained, they must be advised of the right to have their consular officials notified.
 - 1. After determining the country of origin, personnel will, without delay, notify the foreign national of their rights to consular notification and if the foreign national desires notification, that country's consular representatives should be notified of the arrest as soon as possible. *Officers may obtain assistance and advice from the U.S. Department of State's 24-hour Operations Center at (202) 647-1512.*

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2. Notification is mandatory for some foreign nationals. Other foreign nationals have the right to have notification made. Determine the foreign national's country. A list of mandatory notification countries, jurisdictions and phone numbers are available at <https://travel.state.gov/content/travel/en/consularnotification/countries-and-jurisdictions-with-mandatory-notifications.html>
 3. In all cases, make notifications without delay. The type of notification, mandatory or requested, notification must appear in the narrative of the report and be made via Notification of Detention/Arrest of Foreign National form.
 4. Lawful permanent resident aliens, who have a *Permanent Resident Card (Form I-551, commonly referred to as a "Green Card")* retain their foreign nationality and must be considered "foreign nationals" for the purposes of consular notification.
- C. Consular officials are entitled access to their nationals in detention, and are entitled to provide consular assistance.
 - D. When a government official becomes aware of the death of a foreign national, consular officials must be notified.
 - E. When a guardianship or trusteeship is being considered with respect to a foreign national who is a minor or incompetent, consular officials must be notified.
 - F. When a foreign ship or aircraft wrecks or crashes, consular officials must be notified.
 - G. Information on the closest consular office may be obtained 24 hours a day by telephoning the U.S. Department of State Operations Center at (202) 647-1512.
 - H. In general, officers should permit a consular officer the same access to a foreign national that we would want an American consular officer to have to an American citizen in a similar situation in a foreign country.
 - I. *The arresting officer will notify ICE by telephone (refer to section VI) as soon as possible after the arrest for specific offenses, and provide the following information:*
 1. *Full name of the arrested subject*
 2. *Date and place of birth*
 3. *When and where the foreign national entered the United States (if known)*
 4. *Charges against the foreign national or the reason for the arrest*
 5. *The registered alien file number (this number appears on the Resident Alien Card or "green card" issued to registered resident foreign nationals and should be in their possession). If no card is available, ICE will advise the officer of what action to take. The Resident Alien Card is known by many as a "green card," however the color of the card depends on the date it was issued.*

- J. Offenses requiring notification to ICE:*
1. *Child Abuse, physical, 1st degree, CR 3-601*
 2. *Child Abuse, sexual, CR 3-602(b)*
 3. *Arson, 1st degree, CR 6-102(a)*
 4. *Assault, 1st degree, CR 3-202*
 5. *Unlawful use of handgun in commission of felony or crime of violence, 1st offense, CR 4-204(b)(2)*
 6. *Unlawful use of handgun in commission of felony or crime of violence, CR 4-204(b)(1)*
 7. *Child Abduction, Child under 12, CR 3-503(a)(1)*
 8. *Kidnapping, Child under 16, CR 3-503(a)(2)*
 9. *Kidnapping, Generally, CR 3-502(a)*
 10. *Manslaughter, voluntary, CR 2-207*
 11. *Murder, 1st degree, CR 2-201(a)*
 12. *Murder, 1st degree, attempted, CR 2-205*
 13. *Murder, 2nd degree, CR 2-204(a)*
 14. *Murder, 2nd degree, attempted, CR 2-206*
 15. *Abduction, Child under 16 for immoral purposes, CR 11-305(a)*
 16. *Carjacking, Unarmed, CR 3-405(b)*
 17. *Carjacking, Armed, CR 3-405(c)*
 18. *Robbery, CR 3-402(a)*
 19. *Robbery With a Dangerous or Deadly Weapon, CR 3-403(a)*
 20. *Rape, 1st degree, CR 3-303(a)*
 21. *Attempted Rape, 1st degree, CR 3-309(a)*
 22. *Rape, 2nd degree, CR 3-304(a)*
 23. *Attempted Rape, 2nd degree, CR 3-310(a)*
 24. *Sex Offense, 1st degree, CR 3-305(a)*
 25. *Attempted Sexual Offense, 1st degree, CR 3-311(a)*
 26. *Sex Offense, 2nd degree, CR 3-306(a)*
 27. *Attempted Sexual Offense, 2nd degree, CR 3-312(a)*
 28. *Wearing, Carrying, or Transporting Handgun, CR 4-203*

IV. Immigration Violations

- A. Officers will make no attempt to enforce immigration laws. All such matters will be referred to the *United States Citizenship and Immigration Services*.
- B. Any officer receiving information regarding, or contacting, a deportable foreign national will document name, address, DOB, phone number, and any other pertinent information and forward it to *U.S. Immigration and Customs Enforcement (ICE)* in Baltimore, MD. Since employers may now face penalties for having undocumented aliens, information should include the alien's Social Security number and name/place/phone of employment, if available
- C. Officers do not have the authority to detain a person solely for suspected or confirmed immigration violations. Specifically, the U.S. Attorney General set forth the following guidelines for state and local law enforcement agencies:

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1. “Do not stop and question, detain, arrest or place an ‘immigration hold’ on any person not suspected of a crime, solely on the ground that they may be deportable aliens.”
 2. “Upon arresting an individual for a criminal violation, notify *ICE* immediately if it is suspected that the person may be an undocumented alien, so that *ICE* may respond appropriately.”
- D. A person will not be held or detained any longer than is necessary to complete the normal processes in connection with a criminal charge or traffic violation for which the person was arrested. The time cannot be extended to allow *ICE Agents* enough time to respond.
- V. Asylum
- A. Foreign nationals who request asylum in the U.S. should be given full opportunity to have their requests considered. Safe protective custody will be provided to the asylum seeker.
 - B. If a member of the Division is contacted by a person who requests asylum, the member will immediately contact their supervisor who will notify the Chief, *Park Police Division* via chain of command, and refer the matter to the *United States Citizenship and Immigration Services* immediately. The member will also notify the U.S. Department of State - Diplomatic Security Service Command Center at: 1-866-217-2089 or (571) 345-3146
- VI. *Notification Information*
- A. *Immigration and Customs Enforcement (ICE)*
 1. *Officers are encouraged to seek assistance 24 hours a day from the ICE Law Enforcement Support Center (LESC) at (802) 872-6050 or via NLETS Administrative Message (AM) to VTINS07S0*
 2. *The agents at the Baltimore Field Office can be reached at (410) 637-4000, (0800-1630 week days).*
 - B. *United States Citizenship and Immigration Services - Officers may contact the USCIS National Customer Service Center line at (800) 375-5283*

**Approved Park Police Document
Signed Original on File**

End of Directive