

Focusing on Immigrant Communities: The Impact of the 287(g) Program Beyond Public Safety

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ABSTRACT *The 287(g) program is a controversial element of the United States' immigration enforcement policy, which authorizes state and local law enforcement agencies to participate directly in the enforcement of federal immigration laws. The study examines in detail the program's origins, operation, and changes from the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to the second Trump administration, as well as its effects on immigrant communities and public safety. The work of civil organizations also plays an important role in the study, as these organizations provide essential assistance in legal representation and the documentation of violations, and support for the affected communities. Nevertheless, the program's negative impacts remain significant.*

KEYWORDS *287(g) program, immigration enforcement, USA, IIRAIRA.*

1. Introduction

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 amended the Immigration and Nationality Act (INA) by adding section 287(g),¹ which allows local and state law enforcement agencies to cooperate with the United States Immigration and Customs Enforcement in enforcing federal immigration laws. Over the years, the 287 (g) program has evolved, and different administrations have applied it in different ways. Although the program was originally intended to identify and deport immigrants who had committed serious crimes, it has been increasingly criticized for promoting racial profiling, resulting in false arrests, and operating in a fear-mongering manner that has particularly disadvantaged immigrant communities.^{2 3}

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¹ *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, Pub. L. No. 104–208, div. C, 110 Stat. 3009–546 (1996).

² N. Theodore and R. Habans, “Policing Immigrant Communities: Latino Perceptions of Police Involvement in Immigration Enforcement,” *Journal of Ethnic and Migration Studies* 42, (2016): 970–988.

³ E. Aranda, and E. Vaquera, “Racism, the Immigration Enforcement Regime, and the Implications for Racial Inequality in the Lives of Undocumented Young Adults,” *Sociology of Race and Ethnicity*, no. 1 (2015): 88–104.

This study examines the historical development of the 287(g) program, its impact on local law enforcement practices, and its consequences for immigrant communities. The structure and expansion of the program, particularly under the Trump administration, highlights the growing attachment between immigration control and local policing. However, research and case studies show that the program has resulted in widespread fear, a loss of trust in law enforcement agencies, and a decline in public safety. Immigrant communities, particularly families with mixed status, are often reluctant to report crimes or to seek basic services for fear of deportation.⁴

By analyzing racial profiling, community policing and civil rights concerns, this study demonstrates that the 287(g) program has significant flaws that undermine its stated objectives. While supporters argue that it improves public safety by identifying undocumented individuals with criminal records, critics contend that it has instead led to civil rights violations and weakened relationships between law enforcement agencies and the communities they serve.^{5 6} This analysis aims to provide a comprehensive understanding of how the 287(g) program works, its legal and social consequences, and whether it is consistent with broader public safety and human rights goals.

2. The 287(g) program: Structure, implementation, and enforcement models

The program has allowed the federal government to delegate immigration enforcement authority to state and local law enforcement agencies, thereby establishing a nearly three-decade long partnership between U.S. Immigration and Customs Enforcement (ICE) and state or local law enforcement agencies.⁷

There are various forms of enforcement cooperation between ICE and state or local law enforcement bodies, but the 287(g) program is the only one that authorizes state and local officials to *directly* enforce federal immigration laws. After completing an ICE-provided training, local law enforcement officers may be authorized to carry out certain immigration enforcement functions that would otherwise fall exclusively under federal jurisdiction.⁸

Participation in the program is voluntary but requires the signing of a Memorandum of Agreement (MOA) between ICE and local jurisdictions. Section

⁴ Laura Muñoz Lopez, “How 287(g) Agreements Harm Public Safety” (*Center for American Progress*, 8 May 2018) <https://www.americanprogress.org/article/287g-agreements-harm-public-safety/>.

⁵ ‘Enhancing National Security & Public Safety Through 287(g)’ (*America First Policy Institute*) <https://www.americafirstpolicy.com/issues/enhancing-national-security-public-safety-through-287g>.

⁶ Randy Capps, Marc R. Rosenblum, Cristina Rodríguez, and Muzaffar Chishti, *Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement* (Washington, DC: Migration Policy Institute, 2011), <https://www.migrationpolicy.org/sites/default/files/publications/287g-divergence.pdf>.

⁷ *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, Pub. L. No. 104–208, div. C, 110 Stat. 3009–546 (1996).

⁸ *Immigration and Nationality Act* § 287(g), 8 U.S.C. § 1357(g)(1) (2025).

287(g) authorizes the Attorney General – whose authority over immigration control functions has been transferred from the Department of Justice to the Department of Homeland Security – to enter into formal agreements with state and local officials, enabling them to “act as immigration officers in connection with the investigation, apprehension, or detention of aliens in the United States (including the transport of such persons across state lines to detention centers)” at the expense of the state or community.⁹ Under the program, participating local officials may be appointed by ICE, authorizing them to perform the duties of federal immigration agents under the supervision and direction of the Attorney General.^{10 11}

This designation gives the right to officials to check the immigration status of individuals during routine law enforcement activities by accessing immigration databases to determine whether the person is legally present in the country. If an individual is found to be without lawful status and meets certain criteria, designated officers may arrest them on behalf of ICE.¹² In addition, in cases of immigration violations¹³, they may detain individuals until federal authorities take them into custody.^{14 15} By facilitating the direct involvement of local law enforcement, the 287(g) program integrates state and local agencies into the federal immigration system.

It is difficult to define what the goal of the program is. Should the primary goal of the 287(g) program be to identify and remove individuals previously identified by the federal government as enforcement priorities, or to deport as many undocumented immigrants as possible?¹⁶

Regarding the answers, the Migration Policy Institute study mentions two options: (1) targeted models or (2) universal models. *Targeted models* focus primarily, if not exclusively, on ICE's enforcement priorities and undocumented immigrants who already have removal orders. *Universal models*, on the other hand, take a comprehensive approach, seeking to identify and detain as many undocumented immigrants as possible, regardless of their criminal history.¹⁷

⁹ *Immigration and Nationality Act* § 287(g), 8 U.S.C. § 1357(g)(1) (2025).

¹⁰ *Immigration and Nationality Act* § 287(g), 8 U.S.C. § 1357(g)(8) (2025).

¹¹ *Immigration and Nationality Act* § 287(g), 8 U.S.C. § 1357(g)(3) (2025).

¹² Detention for up to 48 hours.

¹³ An immigration violation refers to any action by a foreign national that breaks the law or regulations established by the host country (in this case it is the USA) in order to regulate their entry, stay, or conduct within its borders.

¹⁴ *Immigration and Nationality Act* § 287(g), 8 U.S.C. § 1357(g)(8) (2025).

¹⁵ Randy Capps and others, *Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement* (Migration Policy Institute 2011) 16 <https://www.migrationpolicy.org/sites/default/files/publications/287g-divergence.pdf>.

¹⁶ Specifically, those who pose a security threat, have a history of serious criminal offences, or have committed multiple immigration violations.

¹⁷ Randy Capps, Marc R. Rosenblum, Cristina Rodríguez, and Muzaffar Chishti, *Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement* (Washington, DC: Migration Policy Institute, 2011), <https://www.migrationpolicy.org/sites/default/files/publications/287g-divergence.pdf>.

Both models have their positive effects: the targeted enforcement model seeks to ensure that ICE achieves security objectives by prioritizing enforcement resources, reducing threats to public safety and minimizing destabilizing effects on immigrant communities. Supporters of the universal enforcement model, which is used to identify as many undocumented immigrants as possible regardless of their criminal history, argue that deporting unauthorized immigrants reduces crime and increases the deterrent effect of law enforcement, potentially encouraging voluntary departure.¹⁸

3. History and evolution of the 287(g) program's objectives

3.1 2002-2005: Signing of the first agreements

The first agreement was signed with the state of Florida in 2002.¹⁹ Officers trained under the agreement were members of Regional Domestic Security Task Forces (RDSTFs). These task forces were established in Florida after the attacks of 11 September 2001 to focus on security concerns, particularly threats related to foreign nationals. In 2003, Alabama was the next state to enter into an agreement, as there were increasing instances of false documents being used to obtain driver's licenses.²⁰

In July 2005, a subcommittee of the House Homeland Security Committee held a hearing on the 287(g) program. During the hearing, Paul M. Kilcoyne, Deputy Assistant Director of ICE's Investigative Services, clarified that the program would continue to focus on organized crime groups and individuals who pose a border security risk, rather than minor offences such as broken headlights.²¹

At that time, Los Angeles County had recently implemented a 287(g) agreement, which allowed county jail officers to receive training in checking the immigration status of detainees after they had been convicted of a crime. Kilcoyne emphasized that participants in the program must maintain the approach outlined in the program's objectives in order to maximize the effectiveness of the available financial and managerial resources.²²

¹⁸ Randy Capps, Marc R. Rosenblum, Cristina Rodríguez, and Muzaffar Chishti, *Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement* (Washington, DC: Migration Policy Institute, 2011), <https://www.migrationpolicy.org/sites/default/files/publications/287g-divergence.pdf>.

¹⁹ *The 287(g) Program: Ensuring the Integrity of America's Border Security System Through Federal-State Partnerships*, hearing before the Subcommittee on Management, Integration and Oversight of the Committee on Homeland Security, House of Representatives, 109th Cong., 1st sess., July 27, 2005, Serial No. 109-36, 9, http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_house_hearings&docid=f:28332.pdf.

²⁰ *The 287(g) Program*, 20.

²¹ *The 287(g) Program*, 62.

²² *The 287(g) Program*, 8.

3. 2 2006-2008: Emergence of a universal implementation model in the southeastern United States

By September 2006, the 287(g) program had increased the number of participating prisons. In some jurisdictions, the scope of the program began to extend beyond targeting dangerous criminals and security threats. This change was particularly noticeable in Mecklenburg County, North Carolina, where the 287(g) program was launched in 2006. This initiative targeted large numbers of undocumented immigrants on the assumption that they were more likely to commit crimes, and concerns were raised about the financial burden of their use of public services.²³ This expansion of jurisdiction resulted in a remarkably high number of cases, as the agreement allowed county officials to identify large numbers of civil immigration violators. According to Sheriff Jim Pendergraph, ICE was “overwhelmed by the number of deportations we generate in Mecklenburg County alone” and “had to reassign ICE agents to handle the number of cases we were seeing.”^{24 25}

Kenneth Smith, acting special agent in charge of the Atlanta ICE office, cited Mecklenburg County's participation in the 287(g) program as an example for the entire country. He firmly believed that the program not only helped identify criminal aliens, but also ensured that everyone who entered a jail participating in the program, was screened for civil immigration violations.²⁶ Smith added that the procedure “would not necessarily have a huge impact on the criminal justice system,” but “it would certainly have an impact on our detention and removal capabilities.”²⁷ The “Mecklenburg approach” significantly influenced the development of the 287(g) program in the southeastern United States. From 2007 to mid-2009, ICE signed 55 new agreements, all of which followed the Mecklenburg County framework.²⁸ Following the precedent set by Mecklenburg County, a clear *shift in the original focus* became apparent.

3. 3 A New Path: The Obama Administration's Unified Agreement

As the 287(g) program grew in size, numerous immigrant rights organizations and some law enforcement agencies expressed widespread concern, with some even calling for its termination. In January 2009, the U.S. Government Accountability Office (GAO) released a report evaluating existing 287(g)

²³ *Empowering Local Law Enforcement to Combat Illegal Immigration*, hearing before the Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the Committee on Government Reform, House of Representatives, 109th Cong., August 25, 2006, Serial No. 109-243, <https://www.govinfo.gov/content/pkg/CHRG-109hhrg36029/pdf/CHRG-109hhrg36029.pdf>.

²⁴ *Empowering Local Law Enforcement*, 49.

²⁵ *Empowering Local Law Enforcement*, 70.

²⁶ *Empowering Local Law Enforcement*, 35.

²⁷ *Empowering Local Law Enforcement*, 35.

²⁸ Randy Capps and others, *Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement* (Migration Policy Institute 2011) <https://www.migrationpolicy.org/sites/default/files/publications/287g-divergence.pdf>.

programs.²⁹ The GAO found that the program lacked basic control mechanisms, such as clear objectives, guidelines on the powers of local officials, oversight systems and data collection protocols, without which it was difficult for ICE to evaluate the program's effectiveness. In July 2009, signaling the Obama administration's intention to continue the program, Secretary of Homeland Security Janet Napolitano announced that ICE would sign 11 new agreements based on a standardized template.³⁰ The goal was to strengthen federal oversight and increase the focus on detaining and removing "dangerous" criminals. These processes led to negotiations with participating jurisdictions, which were required to sign the new agreement.

As the new template was created, every agency entering into a MOA was to take into account the following categories of offenders when it came to resources:

1. *Level 1 offenders*: Persons convicted or arrested for serious crimes, such as serious drug-related crimes and violent crimes such as murder, manslaughter, rape, robbery, and kidnapping.
2. *Level 2 offenders*: Persons convicted or arrested for less serious drug-related offences or primarily property offences, such as burglary, theft, fraud, and money laundering.
3. *Level 3 offenders*: Persons convicted or arrested for other crimes, including misdemeanors and civil offences.³¹

As mentioned before, the 2009 guidance for the 287(g)-program focused on the removal of offenders based on the seriousness of their crimes and required ICE supervisory approval for enforcement operations and arrests. It introduced new data collection standards and required annual reviews.³² Although the remodeling put a focus on *level one offenders*, it also allowed jurisdictions to continue to address less serious offenders and individuals who had committed immigration violations but no crimes. This change reflected the administration's broader approach to immigration control, which emphasized focusing on individuals who posed the greatest risk. Despite the attempts at remodeling and the modifications, persistent concerns regarding racial profiling and the potential erosion of community trust remained.

Although the 287(g)-program continued to operate based on a new template under the Obama administration, his government placed greater emphasis on

²⁹ US Government Accountability Office (GAO), *Immigration Enforcement: Better Controls Needed Over Program Authorizing State and Local Enforcement of Federal Immigration Laws* (Washington, DC: GAO, 2009), www.gao.gov/products/GAO-09-109.

³⁰ Department of Homeland Security, 'Secretary Announces New Agreement for State and Local Immigration Enforcement' (10 July 2009) <https://www.dhs.gov/archive/news/2009/07/10/secretary-announces-new-agreement-state-and-local-immigration-enforcement>.

³¹ Cristina Rodríguez, Muzaffar Chishti, Randy Capps, and Laura St. John, *A Program in Flux: New Priorities and Implementation Challenges for 287(g)* (Washington, DC: Migration Policy Institute, 2010), <https://www.migrationpolicy.org/sites/default/files/publications/287g-March2010.pdf>.

³² Rodríguez et al., *A Program in Flux*.

programs such as Deferred Action for Childhood Arrivals (DACA) and efforts to reform the immigration system.³³ This contrasted with the aggressive enforcement policies seen under previous administrations, although the 287(g) program continued to play a role in deportations, particularly for individuals with criminal convictions and without legal status.

3. 4 Measures taken by the first Trump administration

After his initial election, beginning in January 2017, President Donald Trump and his administration emphasized strict immigration control and sought to increase cooperation between federal immigration authorities and local law enforcement agencies. In his executive order on border security and immigration control, President Trump instructed the head of the Department of Homeland Security (DHS) to enter into more 287(g) agreements and to "structure each agreement to provide the most effective model for enforcing federal immigration laws and gaining operational control of the border in that jurisdiction."³⁴

Following the issuance of the presidential directives, then-DHS Secretary John Kelly issued a memorandum outlining the expansion of the 287(g) program.³⁵ He directed ICE to extend participation to any qualified law enforcement agency that applied and met the program requirements. In addition, the memorandum authorized Customs and Border Protection (CBP) to cooperate with states and take the necessary steps to enforce immigration laws under section 287(g) of the INA, which effectively allowed both CBP and ICE to enter into 287(g) agreements.³⁶

In contrast to the Obama administration's focus on *level 1 offenders*, the Trump administration took a broader approach, encouraging local authorities to assist in the identification and removal of undocumented immigrants, including those who had never been convicted of a crime or had only committed a minor offence. The strategy with Trump was to arrest and then detain, then deport as many people as possible. This led to an increase in the number of arrests and deportations under the 287(g) program. The Trump administration's aggressive use of the 287(g) program faced criticism and legal challenges, with many local governments and

³³ U.S. Citizenship and Immigration Services, "Deferred Action for Childhood Arrivals (DACA)," last modified 01/24/2025, <https://www.uscis.gov/DACA>.

³⁴ Exec. Order No. 13767, *Border Security and Immigration Enforcement Improvements*, 82 Fed. Reg. 8793 (Jan. 25, 2017).

³⁵ Department of Homeland Security, *Enforcement of Immigration Laws to Serve the National Interest* (Washington, DC: U.S. Department of Homeland Security, February 20, 2017), archived, <https://www.dhs.gov/archive/publication/enforcement-immigration-laws-serve-national-interest>.

³⁶ Department of Homeland Security, *Enforcement of Immigration Laws to Serve the National Interest* (Washington, DC: U.S. Department of Homeland Security, February 20, 2017), archived, <https://www.dhs.gov/archive/publication/enforcement-immigration-laws-serve-national-interest>.

sheriffs opposing the program or terminating their agreements with ICE.³⁷ Critics argued that the program contributed to the already existing criminalization of immigrant communities and undermined trust between local law enforcement and the public.

3. 5 Joe Biden's presidency

Taking office in January 2021, President Joe Biden introduced significant changes to immigration enforcement priorities, placing the emphasis on individuals who pose a threat to national security, public safety, or border security, rather than on widespread deportation efforts.³⁹ A key element of this change was the review of the 287(g) program, which had been significantly expanded under the Trump administration. During his campaign, Biden promised to terminate all 287(g) agreements signed under the previous administration, but this promise has largely remained unfulfilled. Although the Biden administration has not initiated any new 287(g) agreements, it has taken steps to roll back the program by terminating two existing agreements.⁴⁰ These steps reflect broader efforts to reform immigration enforcement, consistent with the administration's stated priorities of focusing resources on serious threats rather than indiscriminately targeting undocumented individuals.

Biden's approach to immigration policy has provided greater protections for immigrant communities, including preserving the rights of DACA recipients and promoting comprehensive immigration reform. The administration also increased oversight and transparency in immigration enforcement programs such as 287(g) to prevent them from being used to unfairly target vulnerable populations.

3. 6 President Trump's second term

After being elected for his second term, Donald Trump has sought to fulfill his campaign promises regarding immigration policy, aiming, among other things, to strengthen border control and increase the number of deportations. He promised that he would conduct the biggest deportation in US history by deporting 1 million illegal immigrants.⁴¹

³⁷ Ed Pilkington, "US Police Chiefs Warn Trump: Mass Deportations Will Make Cities Less Safe," *The Guardian* (1 March 2017) <https://www.theguardian.com/us-news/2017/mar/01/police-chiefs-letter-trump-deportation-immigrants>.

³⁸ Usaid Siddiqui, "Trump's Roadblock: The ACLU Filed 400 Cases Against Trump So Far," *Al Jazeera* (6 August 2020) <https://www.aljazeera.com/news/2020/8/6/trumps-roadblock-the-aclu-filed-400-cases-against-trump-so-far>.

³⁹ Department of Homeland Security, *Secretary Mayorkas Announces New Immigration Enforcement Priorities* (Washington, DC: U.S. Department of Homeland Security, September 30, 2021), archived, <https://www.dhs.gov/archive/news/2021/09/30/secretary-mayorkas-announces-new-immigration-enforcement-priorities>.

⁴⁰ National Immigration Project, *The Biden Administration's Track Record on Enforcement, Detention, and the Criminalization of Immigrants of Colour* (May 2023), https://nippnl.org/sites/default/files/2023-05/2023_May-Biden-Report-Card.pdf.

⁴¹ The White House. 2025. "America First in Action: Deportations Surge, Jobs Return, D.C. Gets Tough." August 13. <https://www.whitehouse.gov/articles/2025/08/america-first-in-action-deportations-surge-jobs-return-dc-gets-tough/>.

Upon his second inauguration on 20 January 2025, President Donald Trump signed several executive orders related to immigration, including one titled “Protecting the American People from Invasion” (PAPAI).⁴² This order outlines aggressive measures for internal immigration control, including the involvement of military forces and local law enforcement agencies. Prior to implementation, Trump’s transition team had already urged local law enforcement officials to support these expanded enforcement efforts. The PAPAI directs the Attorney General and the Secretary of Homeland Security to penalize “sanctuary cities” and jurisdictions that refuse to cooperate with federal immigration enforcement. The order follows an earlier 2017 presidential order by President Trump that sought to withhold federal funding from such jurisdictions, although parts of the order were blocked by the courts.⁴³

In addition, the PAPAI Presidential Order calls for the expansion of the 287(g) program, allowing DHS to increase partnerships with local law enforcement agencies to assist in the identification, detention, and removal of undocumented immigrants. The order also calls for the creation of Homeland Security Task Forces in every state to coordinate enforcement efforts at the federal, state, and local levels. These task forces are charged with combating transnational crime, human smuggling and organized criminal networks, while ensuring full enforcement of U.S. immigration laws.

PAPAI outlined an aggressive framework for immigration enforcement. In the executive order Donald Trump emphasizes the necessity of maximizing the use of state and local law enforcement agencies in enforcing federal immigration laws. With regard to reaching the required high number in deportations, it has become obvious that ICE alone cannot deliver on those numbers. Within the mentioned PAPAI executive order, President Trump reinstated the task force model version of the 287 (g) program by saying that the Secretary of Homeland Security should structure each agreement under Section 287(g) of the Immigration and Nationality Act “in the manner that provides the most effective model for enforcing Federal immigration laws in that jurisdiction.”⁴⁴ The TFM was disbanded back in 2012 for violations of civil rights.⁴⁵

Unlike ICE, the joining local agencies are not immune from liability. The return of the 287 (g) TFM has opened a critical legal window for civil lawsuits against lawbreaking sheriffs and municipalities, providing both remedy for individuals and a necessary check on potential overreach by the Trump administration.⁴⁶

⁴² The White House. *Protecting the American People Against Invasion*. Washington, DC: The White House, January 20, 2025. <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>.

⁴³ Exec Order No 13768, 82 Fed Reg 8799 (25 January 2017).

⁴⁴ Exec Order No 13768, 82 Fed Reg 8799 (25 January 2017).

⁴⁵ American Immigration Council, “The 287(g) Program: An Overview” (8 June 2023) <https://www.americanimmigrationcouncil.org/fact-sheet/287g-program-immigration/>.

⁴⁶ American Immigration Council, “The 287(g) Program: An Overview” (8 June 2023) <https://www.americanimmigrationcouncil.org/fact-sheet/287g-program-immigration/>.

The whole 287 (g) program was designed to create a force multiplier for ICE, and the best way to use this force multiplying effect is to use the TFM. As mentioned before, by signing the MOAs and entering these agreements, sheriffs, counties and municipalities may be held liable under 42 U.S. Code § 1983.⁴⁷ This federal statute makes it possible for individuals to sue state and local officials for constitutional violations.⁴⁸

Not only the mentioned federal statute and lawsuits could be a deterrent, but also the amounts paid in settlements and the pressure from the public. Municipalities across the USA take out insurance policies in order to indemnify themselves against liability for the acts of their law enforcement officers. These insurance policies come in handy when they save them from spending money on settlements in civil lawsuits. Insurers can also put pressure on local law enforcement agencies by increasing their rates or by reducing coverage in the case of high numbers of civil lawsuits, or if they identify patterns of risks.⁴⁹

Since taking office, the Trump administration has approved more than 424 new agreements under the 287(g) program, allowing state and local law enforcement agencies to cooperate with the federal government in enforcing immigration laws.

⁵⁰ In 2025, 593 agreements were for new taskforce-type 287(g) programs.⁵¹

4. Everyday policing and community relations in the shadow of 287(g)

4. 1 The political role of sheriffs

The 287(g) program is primarily based on cooperation between ICE and county sheriff's offices. While both city police departments and sheriff's offices were previously involved, most of the current 287(g) agreements are now exclusively with sheriffs. To understand the program, it is essential to examine the role of sheriffs in both jails and communities. In some regions, interactions with sheriffs and their deputies are primarily limited to local jails. In other areas, however, sheriffs' powers extend far beyond prison administration: they conduct traffic stops, investigate crimes, and patrol neighborhoods – often independently of other local law enforcement agencies.⁵² Unlike police chiefs, who are appointed and can be removed by local elected officials or, in some cases, civilian oversight

⁴⁷ 42 U.S.C. § 1983 (2025), <https://www.law.cornell.edu/uscode/text/42/1983>.

⁴⁸ A Fourth Amendment violation can occur by relying solely on an individual's race and ethnicity.

⁴⁹ Kari Hong, "The Return of 287(g): How Trump's Immigration Plan May Leave Sheriffs Liable," *Lawfare* (14 March 2017) [https://www.lawfaremedia.org/article/the-return-of-287\(g\)--how-trump-s-immigration-plan-may-leave-sheriffs-liable](https://www.lawfaremedia.org/article/the-return-of-287(g)--how-trump-s-immigration-plan-may-leave-sheriffs-liable).

⁵⁰ In contrast, between December 2020 and February 2025, no new agreements were signed under the program during the entire term of the Biden administration.

⁵¹ US Immigration and Customs Enforcement, "287(g) Participating Agencies" (*US Immigration and Customs Enforcement*, 23 January 2026) <https://www.ice.gov/doclib/about/offices/ero/287g/participatingAgencies01232026am.xlsx>.

⁵² James Tomberlin, "'Don't Elect Me': Sheriffs and the Need for Reform in County Law Enforcement," *Virginia Law Review* 104 (2018): 113, <https://ssrn.com/abstract=3135346>.

boards, sheriffs are elected officials. Because of their political status, they must organize campaigns, raise funds, and maintain a public profile, similarly to other politicians. In addition, because they are independently elected officials, many sheriffs also manage their own budgets, often with minimal oversight from local legislators.

Historically, particularly in the southern United States, sheriffs have played a central role in enforcing discriminatory laws, often using systemic, race-based violence to protect *white* property interests. Their actions led to widespread abuses that resulted in the loss of thousands of lives among Black, Latino, Native American, and other marginalized communities.⁵³ This legacy remains deeply ingrained in many regions, as sheriff's offices today often exhibit patterns of racially biased violence.

4. 2 The 287(g) program and racial discrimination

One of the most significant failures of the 287(g) program is the reinforcement of racial profiling, a practice that directly violates constitutional rights.⁵⁴ Sheriffs have often circumvented the prison enforcement limitations of current 287(g) agreements by using traffic stops, patrols, and criminal investigations to deport immigrants. To facilitate immigration control, the Frederick County (Maryland) Sheriff's Office implemented a policy requiring that all persons arrested be checked for immigration status at the county jail. As a result, deputy sheriffs often made arrests for minor offences, such as traffic violations, solely to initiate these checks, in the hope that the person could be deported at the end of the process.⁵⁵ According to a 2017 study, the 287(g) program in Frederick County led to a significant increase in arrests of people of Latin American descent and created a situation in which the Latin American community actively avoided contact with law enforcement agencies.⁵⁶ Research consistently shows that when local law enforcement agencies participate in immigration enforcement, it often involves targeting immigrants for minor offences and arresting them on dubious grounds. These actions lead to local detentions, which can then trigger deportation proceedings. According to a 2021 analysis by the *Washington Post*, sheriff's offices participating in the 287(g) program saw a significant increase in arrests

⁵³ Wenei Philimon, "Not Just George Floyd: Police Departments Have 400-Year History of Racism," *USA Today*, June 7, 2020, <https://eu.usatoday.com/story/news/nation/2020/06/07/black-lives-matters-police-departments-have-long-history-racism/3128167001/>.

⁵⁴ American Civil Liberties Union, *Statement Submitted to the U.S. House of Representatives, Committee on Homeland Security, 111th Cong., Examining 287(g): The Role of State and Local Enforcement in Immigration Law*, March 4, 2009, https://www.aclu.org/wp-content/uploads/document/asset_upload_file717_39062.pdf.

⁵⁵ *Medrano v. Jenkins*, 1:19-cv-02038-RDB (D. Md., July 11, 2019), https://www.aclu-md.org/sites/default/files/1_-_medrano_v_jenkins_compl.pdf.

⁵⁶ Michael Coon, "Local Immigration Enforcement and Arrests of the Hispanic Population," *Journal on Migration and Human Security* 5, no. 3 (August 8, 2018): 645–666, <https://doi.org/10.1177/233150241700500305>.

for low-level offences per officer after 2016.⁵⁷ These data suggest that officers were influenced either by explicit instructions or by an environment where they felt they did not have to account for their actions and therefore used the 287(g) program as a tool to arbitrarily arrest and remove those they considered to be “outsiders.”

Racial profiling flourished in places where the 287(g) program was expanded. In a widely condemned case in Davidson County, a pregnant woman driving without a license was handcuffed to her hospital bed while giving birth.⁵⁸ Data shows that a significant proportion of individuals arrested by officers authorized under the 287(g) program had only committed minor traffic violations, suggesting false arrests and racial profiling. For example, in Gaston County, North Carolina, 83% of those arrested under the program fell into this category.⁵⁹ Although reports of racial profiling and related civil rights violations have been received in several jurisdictions participating in the 287(g) program, the true extent of these abuses is likely to be much greater. Many victims and witnesses are reluctant to report incidents for fear of retaliation, particularly in households with mixed immigration status. Others see little hope for justice or distrust the legal system that has harmed them.⁶⁰ In addition, detained immigrants often lack access to legal representation, and some are deported before they have a chance to report these violations.

4.3 287(g): Fear and Consequences

In areas where the 287(g) program is in effect, many immigrants and their families live in constant fear of contact with local law enforcement, as even a minor encounter can lead to family separation or deportation. Research consistently shows that fear of discriminatory and anti-immigrant policing discourages undocumented individuals and their relatives from coming forward as witnesses, reporting crimes, or seeking protection.⁶¹

⁵⁷ Debbie Cenziper, Madison Muller, Monique Beals, Rebecca Holland, and Andrew Ba Tran, “Under Trump, ICE Aggressively Recruited Sheriffs as Partners to Question and Detain Undocumented Immigrants,” *Washington Post*, November 23, 2021, <https://www.washingtonpost.com/investigations/interactive/2021/trump-ice-sheriffs-immigrants-287g/>.

⁵⁸ Amanda Holpuch, “Migrant forced to give birth in shackles granted US visa,” *The Guardian* (27 October 2014) <https://www.theguardian.com/us-news/2014/oct/27/juana-villegas-migrant-shackles-granted-us-visa>.

⁵⁹ Deborah M. Weissman, Rebecca C. Headen, and Katherine Lewis Parker, *The Policies and Politics of Local Immigration Enforcement Laws: 287(g) Program in North Carolina* (University of North Carolina Immigration and Human Rights Policy Clinic & ACLU of North Carolina Legal Foundation, February 2009), <https://law.unc.edu/wp-content/uploads/2019/10/287gpolicyreview.pdf>.

⁶⁰ Naureen Shah, Brian Tashman and Kyle Berlin, “License to Abuse: How ICE’s 287(g) Program Empowers Racist Sheriffs and Civil Rights Violations” (American Civil Liberties Union 2022) 27 https://assets.aclu.org/live/uploads/publications/2022-06-02-sheriffresearch_1.pdf.

⁶¹ Reva Dhingra, Mitchell Kilborn, and Olivia Woldemikael, “When Local Police Cooperate With ICE, Latino Communities Under-report Crime. Here’s the Data,”

A study conducted in four metropolitan counties confirmed that members of Latino immigrant communities are often reluctant to report crimes, even when they themselves are the victims. This is due to concerns that law enforcement agencies may use the interaction to investigate their immigration status or that of their loved ones.⁶² The North Texas Human Rights Initiative, which assists U visa applicants, highlights this risk, noting that in 287(g) jurisdictions, there is no guarantee that law enforcement agencies will credit undocumented individuals for cooperating in an investigation.⁶³ In fact, police in these areas may even initiate deportation proceedings against victims or witnesses of crimes.

Tragically, numerous cases have confirmed these fears. In a 2020 case, a Latin American asylum seeker in Knox County, Tennessee, called 911 from her locked bedroom, where she was seeking refuge with her three children, to report that her partner was aggressive and possibly armed. However, instead of arresting her English-speaking, American citizen partner, the responding officers arrested the woman, resulting in her being held in ICE custody for more than two months.⁶⁴

Beyond its impact on public safety, fear and distrust of authorities among immigrants can have profound consequences for their communities. Studies on immigration policies have shown that many immigrants avoid using basic government services because they fear it may put them at risk. Evidence shows a direct link between fear of detention and reluctance to use health services. Many immigrants avoid seeking medical care because they fear encountering law enforcement agencies in hospitals or being stopped for traffic violations while travelling to receive treatment.⁶⁵

5. The role of civil society organizations in supporting immigrants affected by the 287(g) program

One of the most significant contributions non-governmental organizations (NGOs) make to addressing the consequences of the 287(g) program is providing legal assistance to detained individuals and their families. Organizations such as

Washington Post, February 5, 2021, <https://www.washingtonpost.com/politics/2021/02/05/when-local-police-cooperate-with-ice-latino-communities-under-report-crime-heres-data/>.

⁶² Naureen Shah, Brian Tashman and Kyle Berlin, "License to Abuse: How ICE's 287(g) Program Empowers Racist Sheriffs and Civil Rights Violations" (American Civil Liberties Union 2022) 8-16 <https://www.aclu.org/publications/license-abuse-how-ices-287g-program-empowers-racist-sheriffs>.

⁶³ Marcus Perkins and Christine Cooney Mansour, *The Misguided Expansion of § 287(g) Agreements Allowing Local Police to Perform Immigration Duties* (Human Rights Initiative of North Texas, May 1, 2019), <https://hrionline.org/wp-content/uploads/2022/06/MisguidedExpansion287gFINALFINAL.pdf>.

⁶⁴ *Oviedo-Granados v. Spangler*, 3:21-cv-412-TAV-JEM (E.D. Tenn., March 17, 2023), <https://casetext.com/case/oviedo-granados-v-spangler>.

⁶⁵ Omar Martinez, "Immigration Policy and Access to Health Services," *Journal of Immigrant and Minority Health* 16 (2014): 563–564, <https://link.springer.com/article/10.1007/s10903-013-9864-y>.

the National Immigration Law Centre (NILC) and the National Immigration Justice Centre (NIJC) provide free or low-cost legal representation to immigrants facing deportation as a result of contact with local law enforcement.^{66 67} These NGOs help immigrants understand their rights, navigate complex immigration procedures, and appeal unlawful detentions.

For example, the Southern Poverty Law Centre (SPLC) has filed class action lawsuits against local governments that have implemented the 287(g) program in an unconstitutional manner.⁶⁸ The American Civil Liberties Union (ACLU) has also successfully challenged several cases involving racial profiling and unlawful detention.⁶⁹ By providing legal resources, these NGOs help prevent unlawful deportations and hold law enforcement agencies accountable for civil rights violations.

Beyond legal representation, NGOs play a key role in promoting the abolition or reform of the 287(g) program. Several advocacy groups, including the Detention Justice Network (DWN) and Faith in Action, are actively lobbying federal and state legislators to limit the scope of 287(g) agreements. These organizations conduct research, publish reports on the harmful effects of the program, and work with legislators to promote immigrant-friendly policies.^{70 71}

For example, NILC and the ACLU have used policy campaigns to pressure local governments to opt out of 287(g) agreements.⁷² In addition, groups such as Families Belong Together organize protests, petitions, and social media campaigns to oppose harsh immigration enforcement tactics.⁷³

Civil society organizations play a key role in supporting affected communities by offering “Know Your Rights” workshops, financial assistance, and mental health support. The Texas-based Refugee and Immigrant Centre for Education and

⁶⁶ National Immigration Law Center, <https://www.nilc.org/>, National Immigration Law Center, “Our Rights, Our Work, Our Home” (*National Immigration Law Center*) <https://www.nilc.org/campaigns/our-rights-our-work-our-home/>.

⁶⁷ National Immigrant Justice Center, <https://immigrantjustice.org/>, National Immigrant Justice Center, “Immigration Legal Services and Know Your Rights for Immigrants and Asylum Seekers” (*National Immigrant Justice Center*) <https://immigrantjustice.org/for-immigrants/#rights>

⁶⁸ Southern Poverty Law Center, <https://www.splcenter.org/>, Southern Poverty Law Center, ‘Class Action Lawsuits’ (*Southern Poverty Law Center*) <https://www.splcenter.org/class-action-lawsuits/>.

⁶⁹ American Civil Liberties Union, <https://www.aclu.org/>, American Civil Liberties Union, “Court Cases: Racial Profiling” (*American Civil Liberties Union*) <https://www.aclu.org/court-cases?issue=racial-profiling>.

⁷⁰ Detention Watch Network, <https://www.detentionwatchnetwork.org/>.

⁷¹ Faith in Action, <https://faithinaction.org/>.

⁷² Naureen Shah, “How Expanded 287(g) Program Turns Local Police Into Deportation Agents” (*American Civil Liberties Union*, 10 September 2025) <https://www.aclu.org/news/immigrants-rights/how-expanded-287g-program-turns-local-police-into-deportation-agents>.

⁷³ National Domestic Workers Alliance, “Families Belong Together” (*National Domestic Workers Alliance*) <https://www.domesticworkers.org/programs-and-campaigns/developing-policy-solutions/families-belong-together/>.

Legal Services (RAICES) provides emergency assistance to families whose primary breadwinners have been detained under 287(g).⁷⁴

Faith-based organizations such as Faith in Action work directly with immigrant communities, offering sanctuary to individuals at risk of deportation and providing housing, food and emotional support to families affected by the 287(g) program.⁷⁵ Many NGOs collaborate with local community leaders to create support networks that help immigrants navigate the constant threat of deportation. Despite playing a key role, NGOs face numerous challenges in assisting individuals affected by the 287(g) program. Their work is complicated by limited funding, political resistance, and threats to organizations fighting for immigrant rights. The rise in the criminalization of immigration activism poses legal threats to some organizations and activists.⁷⁶ In addition, the constantly changing nature of immigration policy, particularly under different presidential administrations, makes it difficult to maintain long-term advocacy strategies.

Nevertheless, NGOs continue to adapt to coalitions, use technology for advocacy purposes, and seek alternative sources of funding to sustain their work.⁷⁷ Their resilience and commitment to social justice remain crucial in counteracting the negative effects of the 287(g) program.

6. Conclusion

The 287(g) program remains a controversial aspect of US immigration control, with significant implications for law enforcement practices, immigrant rights, and community trust. Although the program was intended to identify individuals posing a security threat, experience shows that it has primarily led to detentions and deportations for minor offences, often through racial profiling and sham arrests. It has also created a climate of fear, discouraging immigrants from contacting law enforcement agencies, seeking medical care, or reporting crimes – which directly jeopardizes public safety.

The expansion of the program under various administrations reflects broader political debates about US immigration policy and the role of local law enforcement agencies in federal immigration control. While the first Trump administration aggressively increased the number of 287(g) agreements, raising

⁷⁴ Refugee and Immigrant Center for Education and Legal Services (RAICES), “Legal Services” (RAICES) <https://raicestexas.org/legal>.

⁷⁵ Faith in Action, “Our Work” (Faith in Action) <https://faithinaction.org/our-work/>.

⁷⁶ *United States v Warren*, 446 F Supp 3d 574 (D Ariz 2020).

⁷⁷ United We Dream, “Defund Hate- A Vision for a Just Future: Defund Hate Coalition Releases Transformative Budget on Immigration Amidst FY23 Budget Negotiations in Congress” (United We Dream, 4 May 2022) <https://unitedwedream.org/press/defund-hate-a-vision-for-a-just-future-defund-hate-coalition-releases-transformative-budget-on-immigration-amidst-fy23-budget-negotiations-in-congress/>, National Network for Immigrant and Refugee Rights, “For Students and Youth” (National Network for Immigrant and Refugee Rights) <https://nnirr.org/education-resources/community-resources-legal-assistance-recursos-comunitarios-asistencia-legal/for-students-and-youth/>.

concerns about civil rights violations, the Biden administration sought to modify enforcement priorities. However, recent actions by the second Trump administration show that the 287 (g) program is getting out of control more than ever. News hit the media every day of police brutality towards immigrant communities, ending with death.

These abuses require policymakers to rethink its implementation and oversight. Important steps toward a fair and effective system include strengthening accountability, reducing racial disparities in enforcement, and prioritizing community trust over aggressive persecution of immigrants. A good first step would be to remove individuals (without criminal records) with pending immigration cases from the program's target list. This could be achieved by updating officer protocols to require verification of pending application prior to enforcement action. Ultimately, addressing the root causes of unauthorized migration and promoting inclusive policies will do more to improve public safety than programs that disproportionately target the most vulnerable communities.