

North Carolina Department of Public Safety
Prisons
Policy Summary Sheet



Deportation Released and Citizenship Verification

Chapter: Q

Section: .0200

Current Review Date: August 31, 2018

Reviewed By: Prisons Security Accountability Section

Next Review Due: **August 31, 2019**

Current Revision Date: August 31, 2018

Supersedes Revision Dated: **August 1, 2018**

Current Revision Summary (if applicable):

All current changes are highlighted in yellow.

Policy title changed from “Release of Inmates for Deportation” to “Deportation Releases and Citizenship Verification.”

Specific Changes

.0201 General

Page 1, additional language added to General section clarify employees are to comply with federal regulations regarding inmate citizenship or immigration status pursuant to federal law.

.0202 Definitions

Page 1, additional definitions added: “(c) Department of Homeland Security (DHS) – federal agency tasked with “preventing terrorism and enhancing security; managing our borders; administering immigration laws; securing cyberspace; and ensuring disaster resilience”. (d) United States Immigration and Customs Enforcement (ICE) - federal agency within the Department of Homeland Security tasked with investigating and enforcing federal immigration statutes, including removal of illegal aliens from the United States. (e) United States Citizenship and Immigration Services (USCIS) - federal agency within the Department of Homeland Security tasked with administering the immigration system. (f) United States Customs and Border Patrol (CBP) – federal agency within the Department

of Homeland Security tasked with regulating and facilitating international trade and enforcing U.S. regulations involving customs and immigration.” The addition of these definitions changed the former (d) and (e) definitions to current (g) and (h) definitions.

.0203 General Communication with Federal Agencies

Page 2 new section .2003 General Communication with Federal Agencies added which describes how Prisons staff are to communicate regarding information concerning citizenship or immigration status with Federal agencies. Specifically, “Prisons staff may not prohibit, restrict or impede federal officials from investigating the citizenship of individuals being held in our facilities. 8 U.S.C. § 1373. Prison staff may not prohibit, restrict or impeded the sending or receiving of information concerning citizenship or immigration status with government entities or officials. 8 U.S.C. § 1373. Prisons staff are directed to comply with all requirements of the federal law and:

- (a) Permit the Department of Homeland Security to meet with individuals in DPS correctional facilities for the purposes of inquiring into citizenship and immigration status;
- (b) share information regarding immigration status with the Department of Homeland Security, and
- (c) respond to all formal written requests and inquiries by the Department of Homeland Security for information concerning the scheduled release date and time for a particular individual committed to a DPS facility, and when asked give a 48-hour notice of an offender’s release date and time.”

Officers should always confirm that the person alleging to be a federal agent is in fact a federal agent before giving them access to the facility. This should include checking for proper identification.

Previous .2003 now .2004 Eligibility for Consideration for Conditional Release reflects new number and title change.

Page 2 Additional language added noting when the North Carolina Post Release Supervision and Parole Commission may conditionally release an inmate to the custody of United States Immigration and Customs Enforcement (ICE). Also for clarity purposes, in (b) (1-6) added N.C. before G.S. to represent North Carolina General Statute. Also removed Larceny fro (b) (1) and added N.C.G.S. 20-138-1 to (b) (6).

Previous 2004 now .0205 Procedures

Previous 2005 now .0206 Return to Custody

Page 5 (a) changed language from “The Special Operations Security Section of Prisons” to “Prisons Administration Security Post/PIN Desk.”



08/31/18

Interim Prisons Policy Coordinator

Date