

IMMIGRATION ENFORCEMENT UPDATES & RESOURCES FOR PEOPLE IN NORTH CAROLINA¹

This document is intended for people in North Carolina who are supporting noncitizens and immigrant communities and includes explanations of major changes in immigration enforcement policy and information and resources to share with affected individuals. Please refer to the following sections for: (1) summaries of new enforcement policies that could affect North Carolinians, (2) a summary of HB10 (North Carolina’s new immigration detainer law), (3) an overview of counties in North Carolina with 287(g) agreements, (4) guidance on how to reduce the likelihood of traffic stops and arrests, (5) documents noncitizens should carry based on their status, (6) resources for emergency preparedness and rights during encounters with law enforcement, and (7) a list of local attorneys for referrals. It concludes with volunteer opportunities and other ways to engage with local immigration organizations.

I. Major Changes to Immigration Policy that Could Affect North Carolinians

Eliminating enforcement priorities: The Biden Administration set “immigration enforcement priorities” that directed Immigration and Customs Enforcement (ICE) and the Department of Homeland Security (DHS) to target people considered national security threats, public safety threats (e.g., those convicted of crimes considered aggravated felonies), and people who entered the United States after October 2020. In January, Trump rescinded Biden’s enforcement priorities without setting new ones. Without a new list of enforcement priorities, ICE and DHS can target all noncitizens. This means that anyone without lawful immigration status, regardless of how long they have lived in the United States or their family/community ties, may be a target for immigration enforcement. People who have received removal orders or who have criminal convictions are at a greater risk of being targeted by ICE for enforcement, but there are many reports of ICE detaining and arresting people without removal orders or criminal histories.

Eliminating sensitive locations policy: President Trump rescinded policies dating back to 2011 that restricted ICE, absent an emergency, from enforcing immigration laws in sensitive locations—such as places of worship, schools, public protests and hospitals—without specific authorization. The Trump Administration now requires only that local officers consult with local supervisors and use “common sense” in questioning and arresting people at sensitive locations. The Trump Administration also issued a directive that allows ICE officers to conduct civil immigration enforcement in or near courthouses “when they have credible information that leads them to believe the targeted alien(s) is or will be present at a specific location.” The memo states that courthouse arrests may be particularly necessary in jurisdictions that refuse to cooperate with ICE, such as by not enforcing immigration detainers and transferring noncitizens to ICE custody.

Expanding expedited removal: President Trump directed DHS to apply the expedited removal process, set out in statute, to any noncitizen apprehended anywhere inside the United States who cannot establish that they have been in the country for more than two years. Expedited removal

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requires detention and swift removal by ICE, without a hearing before an immigration judge, for certain categories of noncitizens subject to a limited screening interview for asylum.

Pressure for interior arrests: President Trump issued an executive order directing DHS to “take all appropriate actions to detain, to the fullest extent permitted by law, aliens apprehended for violations of immigration law until their successful removal from the United States.” The Trump Administration has a goal of each field office making 75 arrests daily or 1,500 daily arrests nationally. This target is significantly more than the average 311 daily arrests during the last year of the Biden Administration.

Prioritizing enforcement for people who entered on parole or are subject to expedited removal: President Trump ended the humanitarian parole program for people from Cuba, Haiti, Nicaragua, Venezuela, and Ukraine. The Trump Administration then directed ICE to review and potentially terminate parole for anyone who already entered the United States with parole and to consider prioritizing them for removal proceedings, particularly if they have not applied for, or obtained, another immigration benefit (e.g., asylum). The Trump Administration also directed ICE to consider applying the expedited removal process to anyone who is “eligible” by moving people out of immigration court hearings and revoking parole.

Increased mandatory immigration detention and immigration detainers: The Laken Riley Act requires ICE to detain noncitizens who entered without authorization if they have been arrested for or charged with (regardless of conviction) burglary, theft, larceny, shoplifting, assault on a law enforcement officer, or any crime resulting in death or serious bodily injury. It further requires that ICE issue requests (“detainers”) to local jails to detain anyone subject to this provision for up to 48 hours longer than they would otherwise be held so that ICE can take custody of them.

Prioritizing Violations of Registration and Change of Address Requirements for Criminal and Immigration Prosecution: Federal immigration law has required noncitizens to register their presence and report any change of address and has made failure to register or report a change in address both a federal crime and a basis for removal. In the past, these criminal and immigration penalties have not been widely applied. The Trump Administration has prioritized violations of these laws for both criminal prosecution and immigration enforcement. More information on who is required to register, how to report a change in address, and which documents serve as proof of registration is available [here](#). Information about the constitutional rights of noncitizens related to the registration requirement is available [here](#).

For more information, or to keep track of the rapidly changing immigration policies under Trump, click [here](#).

II. North Carolina’s New Immigration-Related Law: HB10

When someone is arrested and booked into a jail, their fingerprints are sent through FBI and ICE databases. If ICE believes they person is here in violation of the immigration laws, ICE can send a detainer to the jail in which the person is held, requesting that the jail hold the individual for an additional 48 hours.

HB10 (to be codified at N.C.G.S. § 162-62) is a recent North Carolina law, passed over Governor Cooper's veto, that requires all North Carolina jails to notify ICE when they cannot identify the immigration status of a person charged with certain violent, sexual, or drug offenses. It also requires sheriffs to detain people for 48 hours after receiving an ICE detainer and ICE warrant for that person. HB10 applies to anyone who is arrested and subject to an ICE detainer for any reason and is not limited to violent, sexual, or drug offenses listed in the first part of the statute.

Sheriffs must first bring the person subject to the ICE detainer and ICE warrant in front of an NC judicial officer to obtain a judicial custody order. The sheriff must hold the person subject to the detainer and judicial custody order for 48 hours from the time the detainer was received at the jail.

The Laken Riley Act amended federal immigration law to expand the grounds that someone can be held without bond or a hearing in immigration detention to include arrests and charges for shoplifting, theft, and other crimes, regardless of conviction. The Act also requires ICE to issue detainers for people who have been charged or arrested for the additional list of offenses. Consequently, the Act may result in more detainers and thus more people subject to HB10.

III. 287(g) Agreements

287(g) agreements are contracts between local law enforcement agencies and ICE that authorize local law enforcement officers to perform certain functions of federal immigration agents. North Carolina has specifically passed a law (N.C.G.S. § 128-1.1(c1)) authorizing counties to enter into these agreements and perform the duties of immigration agents. If a county has a 287(g) agreement, it is constrained by the limits of its 287(g) agreement, not by the limits of HB10. For example, under HB10, a jail can only detain someone for 48 hours from when it received an ICE detainer and administrative warrant. Under 287(g), however, a jail can detain someone for 48 hours beyond when they would otherwise be released.

The following North Carolina counties have 287(g) agreements: Alamance, Albemarle, Avery, Brunswick, Cabarrus, Caldwell, Cleveland, Duplin, Gaston, Henderson, Lincoln, Nash, Randolph, Rockingham, and Yancey. ICE maintains an updated list of 287(g) agreements [here](#).

IV. Reducing the Likelihood of Traffic Stops & Arrests

Traffic stops are a common way people come into contact with ICE. Frequent reasons for traffic stops in North Carolina are speeding, reckless driving, tailgating, stop sign or light violations, registration and equipment violations, failure to use a turn signal, failure to wear a seatbelt, and driving on a suspended or revoked license.

To avoid traffic stops:

- Wear your seatbelt.
- Make sure your car is in good condition.

- If your windows are tinted or cracked, or a tail light is out, the police can stop you and cite you for these minor infractions.
- Do not hang items from the rearview mirror.
- Do not use license plate frames that cover your license plate number.
- Make sure your license tags are not expired, which is proof that you paid for your car to be registered.
- Drive carefully.
 - Make sure you always know the speed limit.
 - Do not speed or drive too slowly.
 - Come to a complete stop at stop signs and lights.
 - Use your turn signals when switching lanes or making turns.
- Follow the laws for driving with a child in the car in North Carolina. Note that crimes involving children can be removable offenses under immigration law.
 - A properly used car seat or booster seat is required for children less than age 8 and under 80 pounds.
 - Children who are less than age 5 and less than 40 pounds must be restrained in the back seat if the vehicle has a passenger side front airbag and has a rear seat.
 - Children under 16 can't ride in the bed of a truck.
- Do not drink and drive.
 - Even one glass of alcohol may put you over the legal limit.
 - Do not drive with open containers of alcohol in the car.
- Do not throw trash out of the window of your vehicle.
- Consult an attorney if you have open traffic charges and be sure to attend any scheduled court hearings.

*If you are stopped while driving:*²

- If immigration agents or police signal you to stop your car, you must pull over. Immigration agents may ask brief questions about your name, immigration status, nationality, and travel plans. You do not have to answer any questions other than giving your name and driver's license.
- Police officers may ask for your name, driver's license, proof of insurance, and vehicle registration. You should show these documents if you have them. You do not have to answer any other questions.
- If an agent or officer asks to search your car, you may refuse to give them permission.
- If an agent or officer questions a passenger, that person should ask if they have to answer. If the agent or officer says yes, the passenger has to give their name but does not have to give any other information. The agent may ask you and your passenger to exit the car.

V. Documents to Carry³

For a U.S. citizen (naturalized, derived, or acquired at birth):

- You are not required to carry identification.

² From North Carolina Advocates for Justice: <https://www.ncaj.com/for-the-public/immigration-agents>.

³ From The Legal Aid Society of New York City: <https://legalaidsnyc.org/get-help/immigration-deportation/what-you-need-to-know-about-ice-encounters/>.

For a Lawful Permanent Resident (“green card holder”):

- You should carry your Lawful Permanent Resident card (green card).
- You should also keep a paper copy of your card (both front and back) in a safe place and keep a photo or other electronic copy (both front and back) saved in a safe place.

If you do not have permanent immigration status but have a valid Employment Authorization Document (“work permit”):

- You should carry your work permit card.
- You should also keep a paper copy of your card (both front and back) in a safe place and keep a photo or other electronic copy (both front and back) saved in a safe place.

If you entered the U.S. with permission, such as parole or with a temporary visa such as a tourist or student visa or border crossing card, and your period of parole or admission has not expired:

- You should carry a copy of your I-94 record that shows you were granted parole or admitted for a temporary period. You can obtain a copy of your I-94 [here](#).

If you do not have permanent immigration status but have an upcoming Immigration Court hearing:

- You should carry your [Notice to Appear](#) and proof of your upcoming [Immigration Court Hearing](#).
- You should also keep a paper copy of your hearing notice and any other immigration related documents in a safe place and keep photos or other electronic copies saved in a safe place where a loved one could access them if you are detained.

If you do not have a permanent immigration status but have filed an immigration application with U.S. Citizenship and Immigration Services (“USCIS”):

- If you have an approval notice for that application (and not a work permit card), you should carry that approval notice.
- If you have a notice saying you have received a Bona Fide Determination or Deferred Action in connection with a pending application, you should carry that notice.
- If you have a receipt notice from USCIS for a pending application, you should carry that notice.
- You should also keep a paper copy of your receipt notice and any other immigration related documents in a safe place and keep photos or other electronic copies saved in a safe place where a loved one could access them if you are detained.
- Note that neither an approval notice nor a receipt notice satisfies the government’s registration requirement. You should consult an immigration attorney about your risks and obligations.
- Additional resources: [registration requirement](#), [change of address requirement](#), [consequences for registration](#) and [constitutional rights regardless of status](#).

If you entered the U.S. with parole or on a temporary visa and that period has expired or you had employment authorization but your employment authorization has expired:

- Your expired documents serve as proof that you registered with the U.S. and therefore carrying these documents could avoid criminal prosecution.

- These expired documents could also be used to support your immigration arrest and removal.
- You should consult an immigration attorney about your risks and obligations.
- Additional resources: [registration requirement](#), [change of address requirement](#), [consequences for registration](#) and [constitutional rights regardless of status](#).

If you do not have permanent immigration status and no other option above applies to you, but have been in the United States for two years or longer:

- You should carry proof of your physical presence in this country for the last 2 years,* such as:
 - Identification documents issued by North Carolina or a Faith ID
 - Leases, rent statements, and rent receipts
 - Utility bills
 - Medical records
 - School records
 - Mail addressed to you
 - Anything else with your name, address, and date
 - Remember that you will need to update documents monthly to show the most recent two years of presence in the United States at all times.
- Note that proof of physical presence in the U.S. does not satisfy the government's registration requirement. You should consult an immigration attorney about your risks and obligations.
- Additional resources: [registration requirement](#), [change of address requirement](#), [consequences for registration](#) and [constitutional rights regardless of status](#).

*The reason 2 years is significant is because of an expanded policy called Expedited Removal. If ICE thinks you have been here for less than 2 years, Expedited Removal may let ICE detain and deport you without the chance to defend yourself before an Immigration Court judge. If ICE detains you for this reason and you are afraid to return to your country of origin, you should tell the officer immediately that you are afraid of returning and request a Credible Fear Interview.

If you have been in the United States for less than two years and no other option above applies to you:

- You should consult an immigration attorney about your risks and obligations.
- Additional resources: [registration requirements](#), [change of address requirement](#), [consequences for registration](#) and [constitutional rights regardless of status](#).

VI. Know Your Rights Resources & Emergency Preparedness Guides

[We Have Rights](#) is a series of animated films narrated in English, Spanish, Arabic, Mandarin, Russian, Haitian Creole, Urdu, and French that help immigrants know what to do when confronted by ICE in the most common situations.

The National Immigration Law Center maintains and updates [this website](#) that answers many of the common questions people have about their rights when interacting with ICE and [this](#)

[webpage](#) for interactions with law enforcement generally. Resources are available in English, Spanish, Haitian Creole, Arabic, Korean.

The National Korean American Service and Education Consortium (NAKASEC) has created an app to inform noncitizens of their rights, share legal resources, and provide an option to play out loud a voice in English that tells the law enforcement officer that you are asserting your rights. The app is called “Know Your Rights 4 Immigrants” and can be downloaded on the [App Store](#) or on [Google Play](#). The app is available in English, Spanish, Simplified and Traditional Chinese, Urdu, Vietnamese, Thai, Nepali, Hindi, Bangla, Farsi (Persian), Mongolian, Haitian Creole, Tagalog, Russian, Burmese, Korean, Khmer, and Lao.

“Red cards” to print and carry for police/ICE encounters (available in multiple languages): <https://www.ilrc.org/red-cards-tarjetas-rojas>.

Central NC Hotline for Immigration Enforcement Support: <https://www.siembranc.org/la-migra-hotline>.

Information on stops and searches in the airport: <https://www.aclu.org/know-your-rights/what-do-when-encountering-law-enforcement-airports-and-other-ports-entry-us>

If you or someone you know is in immigration detention and is being held on bond, visit the National Bail Fund Network’s [Directory of Community Bail](#) funds for help paying bond.

For employers interested in supporting immigrant workers: www.nilc.org/wp-content/uploads/2017/07/EmployerGuide-NELP-NILC-2017-07-1.pdf.

Emergency Preparedness Guides:

From El Pueblo, North Carolina Justice Center (NCJC), and ACLU-NC (Spanish): <https://elpueblo.org/wp-content/uploads/2025/01/Guia-de-Emergencia-web.pdf>.

From NCJC (in English/Spanish – extended version from 2018): <https://www.ncjustice.org/wp-content/uploads/2018/11/EMERGENCY-PLANNING-GUIDE-for-IMMIGRANTS-final-web.pdf>.

VII. LOCAL REFERRALS

Immigration attorneys can be found at:

The American Immigration Lawyers Association “Immigration Lawyer Search” (available in English and Spanish): <http://www.aialawyer.org/>

VIII. OPPORTUNITIES TO ENGAGE & VOLUNTEER

To sign up for volunteer opportunities related to immigration and labor rights:

<https://www.siembranc.org/la-migra-hotline> (scroll to bottom)
<https://www.acluofnorthcarolina.org/en/get-involved>.

To report immigration civil rights violations for possible assistance from ACLU-NC, NCJC, and other local litigation groups: [fill out this form](#).

Power of Attorney Clinics:

Power of Attorney (POA) clinics are designed to help immigrants prepare an emergency safety plan for their family (in training they receive before the event), and to fill out advance planning documents at the clinic that will help their family or friends manage their affairs if they are detained or deported. These clinics have provided both concrete legal support and peace of mind to the hundreds of immigrant families who have participated in the past.

To request assistance in hosting a POA Clinic with NCJC: [fill out this form](#) (must be an organization willing to host a clinic).

Each POA clinic involves costs including travel for staff members, lunch for volunteers, copying/printing costs, and more. If you or your firm is interested in sponsoring a POA Clinic, please contact NCJC Director of Gifts, Kim-Marie McLellan at kim_marie@ncjustice.org.