

OCT 26 2012



**Homeland
Security**

To the extent that Tropical Storm/Hurricane Sandy (Sandy) impacts law enforcement operations and/or the storm triggers the need for an officially ordered evacuation or an emergency government response, U.S. Immigration and Customs Enforcement's (ICE) and U.S. Customs and Border Protection's (CBP) highest priorities are to promote life-saving and life-sustaining activities, the safe evacuation of people who are leaving the impacted area, the maintenance of public order, the prevention of the loss of property to the extent possible, and the speedy recovery of the impacted region.

As such, to the extent that Sandy impacts law enforcement operations and/or the storm triggers the need for an officially ordered evacuation or an emergency government response, there will be no immigration enforcement initiatives associated with evacuations or sheltering related to Sandy, including the use of checkpoints for immigration purposes in impacted areas during an evacuation. If a state or local law enforcement agency determines that individuals in their custody should be transferred or released due to Sandy, the state or local law enforcement agency should not decline to do so solely on the basis of an immigration detainer issued by ICE or CBP.

If a state or law enforcement agency does decide to release an individual subject to an ICE or CBP detainer based on Sandy, the agency should, wherever possible, contact the local ICE or CBP office prior to any such release to ensure that the release does not pose a danger to the community. When determining how to handle individuals in state or local detention during an emergency, state and local law enforcement agencies should act consistently with the safety needs of their local communities and the individual detainees.

The Department's law enforcement components will be at the ready to help anyone in need of assistance. The laws will not be suspended, and we will be vigilant against any effort by criminals to exploit disruptions caused by Sandy. Nevertheless, in the event of an evacuation or response, we are committed to making sure that we can assist local authorities quickly, safely, and efficiently.

ICE and CBP also seek to provide for the safety and security of those in our custody and to protect them from bodily harm in the event of a hurricane or a major destructive storm. Should the need arise because of Sandy, ICE will transfer detainees from affected detention facilities. In the event of a transfer, the detainee's attorney of record will be notified, the Online Detainer Locator will be updated, and the transfer will be temporary in nature.

Handwritten signature of Thomas S. Winkowski in black ink.

Thomas S. Winkowski
Chief Operating Officer
U.S. Customs and Border Protection

Handwritten signature of Daniel H. Ragsdale in blue ink.

Daniel H. Ragsdale
Acting Deputy Director
U.S. Immigration and Customs Enforcement