

From: ERO Assistant Directors (b)(7)(E)
(b)(7)(E)
Sent: 3/18/2025 5:52:48 PM
Subject: Update: ICE Responsibilities under the Laken Riley Act

Assistant Director for Field Operations

Enforcement and Removal Operations



To: All ERO Personnel

Subject: Update: ICE Responsibilities under the Laken Riley Act

This message supplements and clarifies the guidance sent on February 13, 2025, and provides additional guidance on ERO responsibilities under the Laken Riley Act (LRA). Pub. L. No. 119-1, 139 Stat. 3 (2025) (codified as amended at INA §§ 212, 235, 236, 241, 242, and 243).

The LRA added a category of inadmissible aliens to those subject to the detention provisions of section 236(c) of the Immigration and Nationality Act (INA), colloquially referred to as "mandatory detention":

- aliens inadmissible under INA §§ 212(a)(6)(A) (present without admission or parole), 212(a)(6)(C) (fraud or material misrepresentation), or 212(a)(7) (no valid documents); and
- charged with, arrested for, convicted of, admit having committed, or admit committing acts which constitute the essential elements of:
 - any burglary, theft, larceny, or shoplifting offense; or
 - any assault of a law enforcement officer (LEO) offense; or
 - any crime that results in death or serious bodily injury to another person.

INA § 236(c)(1)(E)(i)-(ii). **The LRA is not retroactive and applies only on or after the law's effective date of January 29, 2025.** Since the LRA does not expressly allow for retroactive application, if a charge, arrest, conviction, or admission for a qualifying offense happened before January 29, 2025, that offense does not subject an alien to the LRA. **This is true even if another related event occurs on or after the effective date. In addition, an "arrest" for purposes of the LRA means criminal arrest. An ERO arrest does not qualify.**

- Example: An alien is *criminally arrested* for burglary on December 1, 2024, and is *convicted* for the same burglary offense on March 1, 2025. The LRA does not apply because the arrest pre-dated January 29, 2025.
- Example: On November 1, 2024, an alien is admitted to the United States on a valid B-2 visitor visa for a period not to exceed 180 days. The alien is *criminally arrested* for a theft offense on December 1, 2024, and is *convicted* for the same theft offense on January 1, 2025. On March 1, 2025, the alien admits to an ERO officer that he was arrested and convicted for the theft offense. The LRA does not apply because: (1) the arrest and conviction pre-dated January 29, 2025; and (2) the alien is not inadmissible under one of the required grounds because he entered the United States pursuant to a valid admission.

- Example: An alien *commits* an assault on a LEO on December 1, 2024, and is *arrested* and *criminally charged* with the same offense on March 1, 2025. The LRA does apply because none of the events-arrest, charge, conviction, or admission-occurred before January 29, 2025.
- Example: An alien *commits* an offense resulting in death on December 1, 2024, but is not arrested or charged. On March 1, 2025, the alien *admits to having committed* the offense. The LRA does apply because none of the events-arrest, charge, conviction, or admission-occurred before January 29, 2025.
- Example: An alien is *criminally arrested* for a shoplifting offense on December 1, 2024, and is *criminally charged* with a different shoplifting offense based on separate conduct on March 1, 2025. The LRA does apply because the arrest for the first offense and charge for the second offense are based on separate conduct.

While the LRA may not apply in certain cases, as described above, the alien may nonetheless remain subject to detention under INA § 236(a) as a danger or flight risk or the detention provisions of INA § 236(c)(1)(A)-(D) may nonetheless subject the alien to mandatory detention.

Returning Lawful Permanent Residents (LPRs): Generally speaking, the LRA does not apply to returning LPRs, even if the LPR is seeking admission at a port of entry. However, an LPR who attempts to re-enter the United States without admission or parole may be subject to INA § 236(c)(1)(E) if he or she has a qualifying LRA offense. These individuals would generally be apprehended by U.S. Customs and Border Patrol (CBP) and charged with inadmissibility under INA § 212(a)(6)(A) (present without admission or parole). Officers should consult with their supervisors or Office of the Principal Legal Advisor (OPLA) on questions involving INA § 236(c)(1)(E).

(b)(6), (b)(7)(C), (b)(7)(F)

Acting Assistant Director
Field Operations
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

This message expires one year from the date it was sent, pursuant to ERO Policy.

Serving with Integrity.
Integrity • Courage • Excellence

