



JUDICIAL VS ADMINISTRATIVE WARRANT

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MOVEMENT

DISCLAIMER: THIS MATERIAL IS DESIGNED TO PROVIDE EDUCATIONAL INFORMATION ABOUT THE RIGHTS YOU HAVE UNDER THE U.S. CONSTITUTION AND IMMIGRATION LAW. THIS IS NOT LEGAL ADVICE, AND NOTHING IN THIS MATERIAL IS MEANT TO SUPPORT OR ENCOURAGE BREAKING THE LAW. THE INTENT OF THIS MATERIAL IS TO HELP INDIVIDUALS TO FULLY UNDERSTAND THEIR RIGHTS -- ESPECIALLY IN INTERACTIONS WITH IMMIGRATION AUTHORITIES AND LOCAL LAW ENFORCEMENT.

WHAT'S THE DIFFERENCE?

Administrative warrants or immigration warrants are issued by a federal agency such as DHS and can be signed by an "immigration judge" or an "immigration officer." **Unlike a judicial warrant, an administrative warrant does not authorize a search.** See below for examples of both types of warrants.

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JUDICIAL WARRANTS v. IMMIGRATION WARRANTS

The image shows two warrant forms side-by-side. The left form is a 'SEARCH AND SEIZURE WARRANT' from the 'UNITED STATES DISTRICT COURT' for the 'Eastern District of California'. It is signed by a U.S. Magistrate Judge. The right form is a 'WARRANT OF REMOVAL/DEPORTATION' from the 'DEPARTMENT OF HOMELAND SECURITY, U.S. Immigration and Customs Enforcement', signed by an immigration officer. Red circles and arrows highlight key differences: the judicial warrant has a specific address and is signed by a judge, while the immigration warrant is for removal/deportation and signed by an officer. A large 'SAMPLE' watermark is visible across the right form.

Judicial Warrant Annotations:

- Is this the right address?
- Note: only the person, property, & areas specified may be searched
- Is it still current?
- Is it actually signed by a judge?
- IF THE ANSWER TO ALL OF THESE IS YES, THEN IT IS LIKELY A VALID JUDICIAL WARRANT

Immigration Warrant Annotations:

- THESE ARE VISUAL CUES THAT THIS IS AN IMMIGRATION WARRANT





ORDEN JUDICIAL VS ÓRDENES ADMINISTRATIVAS

ÚNETE AL



MOVIMIENTO

DESCARGO DE RESPONSABILIDAD: ESTE MATERIAL ESTÁ DISEÑADO PARA PROPORCIONAR INFORMACIÓN EDUCATIVA SOBRE LOS DERECHOS QUE TIENES BAJO LA CONSTITUCIÓN DE LOS ESTADOS UNIDOS Y LA LEY DE INMIGRACIÓN. ESTO NO ES ASESORAMIENTO LEGAL, Y NADA EN ESTE MATERIAL TIENE LA INTENCIÓN DE APOYAR O FOMENTAR EL INCUMPLIMIENTO DE LA LEY. EL PROPÓSITO DE ESTE MATERIAL ES AYUDAR A LAS PERSONAS A COMPRENDER PLENAMENTE SUS DERECHOS, ESPECIALMENTE EN INTERACCIONES CON AUTORIDADES DE INMIGRACIÓN Y FUERZAS DEL ORDEN LOCALES.

¿CUÁL ES LA DIFERENCIA?

Las órdenes administrativas (o órdenes de inmigración) son emitidas por una agencia federal como el DHS (Departamento de Seguridad Nacional) y pueden estar firmadas por un “juez de inmigración” o un “funcionario de inmigración.” **A diferencia de una orden judicial, una orden administrativa no autoriza un registro.**

Abajo hay ejemplos de ambas.

ORDEN JUDICIAL VS. ORDEN ADMINISTRATIVA

UNITED STATES DISTRICT COURT
for the
Eastern District of California

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

5-9-2011

YOU ARE COMMANDED to execute this warrant on or before 5-9-2011

Is it actually signed by a judge?

¿Es la dirección correcta?

Note que solamente la persona, propiedad, o áreas especificadas pueden ser registradas.

SI LA RESPUESTA A TODAS ESTAS PREGUNTAS ES SI, ENTONCES ES PROBABLE QUE SEA UNA ORDEN JUDICIAL VALIDA.

NATIONAL IMMIGRATION LAW CENTER

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

To any immigration officer of the United States Department of Homeland Security:

Subject to removal/deportation from the United States based upon a final order by:

☐ an immigration judge in exclusion, deportation, or removal proceedings

☐ a designated official

☐ the Board of Immigration Appeals

☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

Signature of immigration officer

¿La orden está vigente?

ESTAS SON SEÑALES VISUALES QUE MUESTRAN QUE EL DOCUMENTO ES UNA ORDEN ADMINISTRATIVA

