

# TRIBAL LEADERS BRIEFING PAPER

## ***Understanding Cooperative Agreements with Federal Immigration: 287(g) Agreements<sup>1</sup>***

The Trump Administration has taken steps to urge or require states, Tribal Nations, and others to assist with its federal immigration enforcement efforts. This has included encouraging state and local law enforcement agencies (LEAs) to partner with U.S. Immigration and Customs Enforcement (ICE) using “287(g) agreements”—so named because their authority stems from Section 287(g) of the Immigration and Nationality Act (codified at 8 U.S.C. § 1357(g)). Under 287(g) agreements, state and local LEA officers are delegated authority to perform certain federal immigration enforcement functions under ICE’s direction and oversight.

Although Section 287(g) applies only to states and their political subdivisions, ICE has promoted the idea of entering into similar cooperative agreements with Tribal Nations, appearing to claim authority for such agreements under the Indian Law Enforcement Reform Act (25 U.S.C. § 2804(e)) rather than Section 287(g). This briefing paper explains the existing uses of 287(g) agreements, how they work, and the implications similar agreements may have for Tribal Nations.

### **Existing Use of 287(g) Agreements**

While 287(g) agreements were also employed during the Trump Administration’s first term, the current Administration has been focused on expanding their use, including by instructing the Secretary of Homeland Security to use them as a primary tool for immigration enforcement<sup>2</sup> and securing increased funding to support their implementation.<sup>3</sup> As of February 20, 2026, ICE reports 1,427 existing 287(g) agreements in place across 40 states, none of which are with a Tribal Nation.<sup>4</sup> ICE also provides a list of participating LEAs.<sup>5</sup>

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<sup>1</sup> Sources cited or referenced in this document are provided for informational purposes only and have not been independently researched or verified by CTS.

<sup>2</sup> See Executive Order 14159, *Protecting the American People Against Invasion* (Jan. 20, 2025).

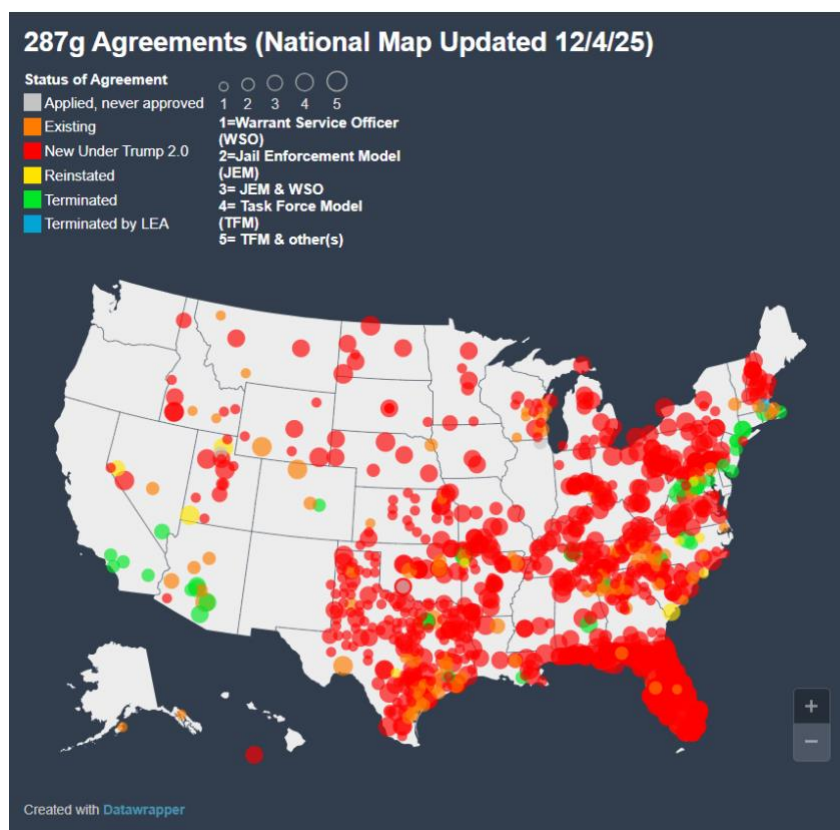
<sup>3</sup> A portion of the \$30 million ICE received in President Trump’s “One Big Beautiful Bill Act” was dedicated to supporting 287(g) agreements.

<sup>4</sup> ICE, *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act*, <https://www.ice.gov/identify-and-arrest/287g>. ICE also reports that several states, including Georgia and Florida, have passed or are considering state legislation mandating LEAs seek out or enter into 287(g) agreements. *Id.*

<sup>5</sup> *Id.*

## How 287(g) Works

There are currently four types of 287(g) agreements, two of which we will discuss here: the Task Force Model (TFM) and the Tribal Task Force Model (TTFM).<sup>6</sup> These broad task force models authorize partner LEAs to exercise specified federal immigration enforcement authority, with ICE oversight, during their routine policing activities.



To participate in the 287(g) program, an LEA must enter into a standardized memorandum of agreement (MOA) with ICE. Authorization is extended only to individual law enforcement officers designated and trained under the MOA. This authorization lasts for two years, but not all 287(g) agreements include a specific expiration date. While ICE covers the cost of initial training, LEAs bear all other costs of carrying out 287(g) agreements.<sup>7</sup>

<sup>6</sup> The other two models do not have direct Tribal analogs and they are narrower in scope, with their authorities seemingly incorporated into the broader task force models. They are the **Jail Enforcement Model (JEM)**, which authorizes LEAs to identify and process removable individuals with pending or active criminal charges, and the **Warrant Service Officer (WSO)** model, which authorizes LEAs to serve and execute administrative warrants on removable individuals in their own jails. See *id.*

<sup>7</sup> ICE has reportedly been using its recently enlarged budget to offer financial incentives like partial salary reimbursement to participating LEAs, but it remains to be seen the extent to which such reimbursement will cover the significant costs of carrying out these agreements.



The Immigrant Legal Resource Center has created an annotated version of a template Task Force Model MOA that explains the provisions of these agreements in some detail.<sup>8</sup> Generally, officers deputized under the Task Force Model may conduct the following immigration activities:

- Question anyone about their immigration status.
- Access ICE databases to review and enter information.
- Arrest people for civil immigration violations, including without a warrant.
- Serve and execute administrative warrants, meaning they can arrest someone for whom an ICE warrant already exists.
- Draft charging documents to initiate deportation proceedings, including expedited removal, and collect evidence for deportation cases.
- Detain people for immigration purposes and transport or transfer individuals to ICE custody, including to ICE detention centers.<sup>9</sup>

Tribal Task Force Model agreements appear to be a new model that ICE is seeking to implement specifically for Indian Country. As of February 25, 2026, ICE has not yet provided a template Tribal Task Force Model MOA on its website like it has for the other 287(g) models.<sup>10</sup> Similarly, ICE has not yet reported on any existing or pending 287(g) agreements with Tribal LEAs, stating that such data “will be provided soon.”<sup>11</sup> It is likely that Tribal Task Force Model agreements will bear a strong resemblance to the existing Task Force Model agreements ICE uses for state and local LEAs, though again it is notable that ICE seems to point to a source of authority other than Section 287(g)—namely, the Indian Law Enforcement Reform Act—for entering into immigration enforcement agreements with Tribal Nations. Tribal Task Force Model MOAs could also incorporate elements of existing types of agreements between Tribal and federal LEAs, such as those discussed below.

### Existing Legal Authority for Tribal Law Enforcement Cooperative Agreements

While there is ample modern precedent for Tribal law enforcement cooperation with other state, federal, and Tribal entities—and even some precedent for working with ICE—the idea of direct Tribal engagement in an immigration enforcement seems to be a new one. Tribal Nations have, for example, entered into deputization agreements via Special Law Enforcement Commissions (SLECs) through the Bureau of Indian Affairs (BIA) under the

<sup>8</sup> Immigrant Legal Res. Ctr., *Annotated 287(g) Task Force Model Agreement* (2025), <https://www.ilrc.org/sites/default/files/2025-12/Annotated%20287%28g%29%20Task%20Force%20Model.pdf>.

<sup>9</sup> See Am. Immigration Council, *The 287(g) Program: An Overview* (July 2021, updated 2025), <https://www.americanimmigrationcouncil.org/fact-sheet/287g-program-immigration/>; Immigrant Legal Res. Ctr., *Annotated 287(g) Task Force Model Agreement* (2025), <https://www.ilrc.org/sites/default/files/2025-12/Annotated%20287%28g%29%20Task%20Force%20Model.pdf>.

<sup>10</sup> ICE, *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act*, <https://www.ice.gov/identify-and-arrest/287g>.

<sup>11</sup> *Id.*



Indian Law Enforcement Reform Act (25 U.S.C. § 2804)<sup>12</sup> (i.e., the same authority ICE suggests allows it to enter into 287(g)-like agreements with Tribal Nations). Tribal Nations have also assumed the administration of federal public safety services under the Indian Self-Determination and Education Assistance Act (ISDEAA, 25 U.S.C. § 5301 *et seq.*) and have entered into cross-deputization agreements with other state, federal, or Tribal LEAs pursuant to the relevant governing law.<sup>13</sup>

There is even some precedent for Tribal coordination with ICE, albeit in an investigatory rather than immigration enforcement capacity. A notable example is the statutorily authorized Shadow Wolves unit that has operated since 1974 on the Tohono O’odham Nation Reservation. Working under ICE Homeland Security Investigations (HSI)—rather than ICE Enforcement and Removal Operations (ERO), the department responsible for immigration enforcement, including via 287(g) agreements—the Shadow Wolves address illegal smuggling and trafficking at the U.S.–Mexico border. Even as ICE has ramped up activity throughout the country, however, there are indications that it has neglected this program dedicated to Tribal lands. A recent report by the Government Accountability Office (GAO) states that ICE has not implemented some of GAO’s prior recommendations, including repeatedly failing to obtain input from the Tohono O’odham Nation in recent years on the implementation of the Shadow Wolves program and allowing the unit’s numbers to dwindle dramatically without a succession plan in place.<sup>14</sup> Regarding the failure to obtain the Nation’s input, the GAO report indicates that, as recently as December 2025, ICE believes it should not have to seek input directly from the Nation because “input from the Tohono O’odham Nation would not alter the program’s mission or goals” and because ICE maintains regular communication with the Tribal police department.<sup>15</sup>

## Concerns With 287(g)-Like Agreements

***Tribal and Data Sovereignty.*** ICE’s template Task Force Model MOA provides that ICE controls all information created or obtained as a result of a 287(g) agreement, and it requires partner LEAs to coordinate with ICE before releasing any information related to the agreement to the public or to third parties. Additionally, LEAs must cooperate with any federal investigation related to a 287(g) agreement, including by providing access to databases, documents, personnel, and individuals in custody. All immigration enforcement activities are supervised and directed by ICE, and ICE may assign participating LEA officers to assist with specific ICE task forces or criminal investigations. While Tribal Nations entering

<sup>12</sup> See, e.g., Leslie A. Hagen, *Special Law Enforcement Commissions: Increasing Options in Indian Country*, Nat’l Indigenous Women’s Res. Ctr., *Restoration Magazine* (Nov. 2023), <https://www.niwrc.org/restoration-magazine/november-2023/special-law-enforcement-commissions-increasing-options-indian>.

<sup>13</sup> See Cong. Rsch. Serv., IF12569, *Law Enforcement on Tribal Lands* (Jan. 12, 2024), <https://www.congress.gov/crs-product/IF12569>.

<sup>14</sup> Gov’t Accountability Off., GAO-26-108546, *U.S. Immigration and Customs Enforcement: Actions Still Needed to Improve Planning and Management of Its Native American Law Enforcement Unit* (Jan. 27, 2026), <https://www.gao.gov/products/gao-26-108546>.

<sup>15</sup> *Id.*



into an MOA may gain better access to ICE data, these and other MOA provisions implicate concerns over Tribal Nations' ability to protect and control their own data and law enforcement operations. Additionally, the resulting reduction in Tribal control and oversight risks undermining community trust in Tribal policing, particularly when combined with the other concerns outlined in this document.

**Burdensome Expenses.** While ICE covers the cost of training deputized officers and is responsible for technology support associated with implementing 287(g) agreements, participating LEAs bear all other costs, including for personnel, administrative supplies, and detention. Immigration advocacy groups have gathered numerous accounts of 287(g) costs for participating LEAs that rise into the millions.<sup>16</sup> As law enforcement resources are already scarce in Indian Country, partnering with ICE could redirect valuable and much-needed resources away from their intended goals.

**Questionable Impact on Public Safety.** Studies collected by immigration advocacy groups indicate that 287(g) enforcement tends to prioritize targeting individuals charged with low-level misdemeanors or traffic offenses, or with no criminal history at all, over those with violent records who pose a threat to the community.<sup>17</sup> Further, as noted above, there can be an associated reduction in community trust in Tribal policing that could impact non-participating officers' ability to carry out their regular duties.

**Civil Rights Violations.** Immigration advocates warn of endemic racial profiling, excessive use of force, and inhumane detention conditions associated with the 287(g) program.<sup>18</sup> These issues have been particularly prevalent with ICE's Task Force Model, on which the Tribal Task Force Model is seemingly based, and which was discontinued following a 2012 policy memo until the current Administration brought it back in 2025.<sup>19</sup>

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<sup>16</sup> *E.g.*, Immigration Legal Res. Ctr., Immigration Dragnet: The New Era of 287(g), at 12 (July 2025), <https://www.ilrc.org/sites/default/files/2025-08/Immigration%20Dragnet%20-%20The%20New%20Era%20of%20287%28g%29.pdf>.

<sup>17</sup> *See, e.g.*, Am. Immigration Council, The 287(g) Program: An Overview (July 2021, updated 2025), <https://www.americanimmigrationcouncil.org/fact-sheet/287g-program-immigration/>.

<sup>18</sup> *See* Immigration Legal Res. Ctr., Immigration Dragnet: The New Era of 287(g), at 9–10 (July 2025), <https://www.ilrc.org/sites/default/files/2025-08/Immigration%20Dragnet%20-%20The%20New%20Era%20of%20287%28g%29.pdf>; Am. Immigration Council, The 287(g) Program: An Overview (July 2021, updated 2025), <https://www.americanimmigrationcouncil.org/fact-sheet/287g-program-immigration/>.

<sup>19</sup> *See* Am. Immigration Council, The 287(g) Program: An Overview (July 2021, updated 2025), <https://www.americanimmigrationcouncil.org/fact-sheet/287g-program-immigration/>.

