



To: Interested Parties

From: Janelle Medeiros, Special Counsel for Civil Rights

Date: January 15, 2025

Re: ***The Connecticut Trust Act (Conn. Gen. Stat. § 54-192h)***

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Many of Connecticut's immigrant families are understandably concerned about how anticipated changes in federal immigration policy might affect them. It is the policy of the State of Connecticut to value, honor, and respect our immigrants and refugees: they are our neighbors, family members, and friends. They are coworkers, bosses, parents, caretakers, and business owners. The entire State of Connecticut benefits when our immigrant community feels safe. After all, fostering trust between immigrant communities and law enforcement was a main reason why the Connecticut legislature enacted the Trust Act.

This preliminary guidance memorandum, which is not intended to be exhaustive, attempts to provide guidance to Connecticut's immigrant community as to the Connecticut Trust Act and to reaffirm the Connecticut Office of the Attorney General's deep commitment to respecting, honoring, and protecting Connecticut's immigrants.

**1. The Trust Act maintains Connecticut's sovereignty by preventing deputization of local and state law enforcement for immigration enforcement.**

The United States of America is a republic with a limited federal government, reserving many powers to the sovereign states. As one of those sovereign states, Connecticut retains the right to decide how and when it will assist the federal government in carrying out federal functions, including, but not limited to, immigration law.<sup>1</sup>

The Connecticut Trust Act codifies this fundamental principle of our federal system. It establishes the State's policy that local and state law enforcement resources should be focused on and allocated to local and state issues, rather than deputizing them to serve and carry out immigration enforcement for the federal government. When residents feel safe interacting with law enforcement, they are more likely to make reports when they are witnesses to crimes in our communities or are personally victimized by harassment, intimidation, violence, or otherwise illegal conduct.

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<sup>1</sup> A state's right to refuse to enforce federal immigration policies stems from the Tenth Amendment's "anti-commandeering doctrine," which bars the federal government from requiring states and municipalities to adopt or enforce federal policies. See *New York v. United States*, 505 U.S. 144 (1992); *Printz v. United States*, 521 U.S. 898 (1997); *Murphy v. National Collegiate Athletic Association*, 138 S.Ct. 1461 (2018).

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## A. What does the Connecticut Trust Act do?

The Connecticut Trust Act was enacted in 2013, during the Obama Administration, to establish clear guidance about when state and local law enforcement would respond to requests from federal Immigration and Customs Enforcement (“ICE”) for information or assistance with an ICE detainer.<sup>2</sup> ICE detainer requests are just that: requests. They do not carry the weight of a warrant, and they impose no legal obligation for local law enforcement to detain, arrest, or jail someone.

Violations of federal immigration law may be criminal or civil in nature. Removal proceedings are civil, although some conduct that makes a person removable may also warrant criminal prosecution under federal law. *See Padilla v. Kentucky*, 559 U.S. 356, 365 (2010); *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1038-39 (1984). Detailed explanations about the differences between detainers and warrants, or administrative and judicial warrants, or criminal and civil violations, should be directed to a qualified immigration attorney.

In 2019, the Trust Act was expanded to close loopholes and further limit the expenditure of state resources on federal immigration enforcement. It also encourages effective and appropriate communication between law enforcement and immigration authorities. Today, the Trust Act provides the following, in pertinent part:<sup>3</sup>

- Prohibits law enforcement,<sup>4</sup> bail commissioner or intake, assessment or referral specialists, or employees of a school police or security department, from unnecessarily sharing certain information with ICE unless required to do so by law;<sup>5</sup>

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<sup>2</sup> ICE uses civil immigration detainers to enlist state and local law enforcement to detain individuals before ICE transfers them into the federal deportation system. Detainers are written requests from ICE that can request state or local law enforcement: (1) notify ICE before they release an individual from custody; or (2) detain an individual for an additional 48 business hours after his or her release from custody. *See, generally*, <https://www.ice.gov/immigration-detainers>. When state and local officials arrest based upon an administrative warrant or enforce detainer hold requests, they arrest or hold people solely based on these civil immigration documents.

<sup>3</sup> The General Statutes should be consulted directly for legal guidance on their scope.

<sup>4</sup> “Law Enforcement” as used in Conn. Gen. Stat. § 54-192h means Department of Correction officials, municipal and state police, judicial marshals, and probation officers. C.G.S. § 54-192h(a)(9). Also covered by certain sections are bail commissioner or intake, assessment or referral specialists, and school police and security officers. The latter includes police and security departments of any public school, local or regional school district, and the University of Connecticut and all campuses thereof, and Connecticut State Colleges and Universities. C.G.S. § 54-192h(a)(11); C.G.S. § 10a-1.

<sup>5</sup> Conn. Gen. Stat. § 54-192h(b)(1)(B), (c), (d).

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- Clarifies that local and state law enforcement are not required by law to arrest, transport, or detain people for ICE;<sup>6</sup>
- Prevents local and state agencies with detention facilities – like jails, courthouses, and prisons – from allowing ICE to roam their facilities;<sup>7</sup>
- Prevents law enforcement, bail commissioner or intake, assessment or referral specialists, or employees of a school police or security department from performing the functions of a federal immigration authority, regardless of whether pursuant to any agreement, contract, or policy, whether formal or informal<sup>8</sup>;
- Prohibits law enforcement from arresting or detaining an individual based solely on an administrative warrant or a civil immigration detainer, *unless* it is accompanied by a valid **judicial warrant**, the individual has been convicted of an A or B felony,<sup>9</sup> or the individual is on a terrorist watch list. A civil immigration detainer is an **administrative request, not a criminal or judicial warrant**, even if signed by an immigration judge;<sup>10</sup>
- Limits communication between Connecticut law enforcement and ICE to the disclosure of non-confidential information<sup>11</sup> of any person that interacts with law enforcement to ICE without consent (*except* if required by law, such as to assist with a terrorism investigation);<sup>12</sup>

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<sup>6</sup> Conn. Gen. Stat. § 54-192h(b)(1)(A), (C).

<sup>7</sup> Conn. Gen. Stat. § 54-192h(b)(1)(D).

<sup>8</sup> This includes agreements pursuant to Section 287 (g) of the Immigration and Nationality Act (“INA”). Conn. Gen. Stat. § 54-192h(b)(1)(E).

<sup>9</sup> Class A and B felonies are the most serious and dangerous crimes. These types of felonies include murder, manslaughter, assault, kidnapping, and crimes against pregnant people, children, elderly adults and people with disabilities.

<sup>10</sup> Conn. Gen. Stat. § 54-192h(b)(1)(A), (C).

<sup>11</sup> “Confidential Information” as used in Conn. Gen. Stat. § 54-129h means: any information obtained and maintained by a law enforcement agency relating to (A) an individual's (i) sexual orientation, or (ii) status as a victim of domestic violence or sexual assault, (B) whether such individual is a (i) crime witness, or (ii) recipient of public assistance, or (C) an individual's income tax or other financial records.

<sup>12</sup> Conn. Gen. Stat. § 54-192h(d).

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- Restricts federal authorities' access to interview an individual in custody unless they have a valid judicial order (*except* if person has been convicted of an A or B felony, or is on a terrorist watch list);<sup>13</sup>
- Requires local governments to report to the Office of Policy and Management, on a biannual basis, when they grant ICE access to an individual to track such conduct and provide accountability for law enforcement;<sup>14</sup>
- Requires law enforcement to inform individuals that ICE has requested their detention and provide them a copy of the detainer, if they receive a civil immigration detainer.<sup>15</sup>

Many of Connecticut's towns, cities, and municipalities have similar ordinances and provisions expanding on the protections of the Trust Act.<sup>16</sup> It is important that residents have access to accurate information about their rights and prerogatives. Attached to this memorandum are helpful resources aimed at providing clear, straightforward guidance for anyone who may be concerned about immigrant rights in Connecticut. The Office of the Attorney General is committed to disseminating this information wherever possible, in partnership with government, advocates, and service providers.

## **B. What the Trust Act does NOT do:**

Residents should be careful about misinformation and false narratives concerning the breadth of the Trust Act and similar statutes, ordinances, or provisions. The Connecticut Trust Act does not, and cannot, protect residents from all actions directed at them by the federal government. The Trust Act:

- Does **not** protect individuals who have been convicted of A and B felonies—Connecticut's most serious criminal offenses. The Trust Act does not restrict law enforcement from arresting or detaining such individuals based on a civil immigration detainer, regardless of whether it is accompanied by a judicial warrant.<sup>17</sup>
- Does **not** entirely prohibit law enforcement from complying with an ICE detainer by communicating with ICE about individuals who are in custody. If a person is otherwise in custody, law enforcement may communicate with ICE about their release so long as

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<sup>13</sup> Conn. Gen. Stat. § 54-192h(b)(1)(D).

<sup>14</sup> Conn. Gen. Stat. § 54-192h(e)(3).

<sup>15</sup> Conn. Gen. Stat. § 54-192h(e)(1).

<sup>16</sup> See generally, <https://www.ilrc.org/resources/national-map-local-entanglement-ice>.

<sup>17</sup> Conn. Gen. Stat. § 54-192h(b)(1)(A), (C).

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they show a detainer to the person prior to communicating with federal immigration authorities.<sup>18</sup> The Trust Act strikes a balance between limiting communication with ICE officials and protecting essential trust between law enforcement and our communities.

- Does **not** restrict federal immigration authorities from enforcing federal immigration law within Connecticut.

While the Trust Act provides essential protections, federal immigration authorities always retain their authority to enforce federal immigration law in Connecticut. Immigration enforcement is a federal prerogative. Though Connecticut is a sovereign state, Connecticut does not and cannot restrict the activities of federal immigration officials.

Community partners and competent, trained immigration attorneys can assist Connecticut residents in understanding their rights and assess individual circumstances.<sup>19</sup> At the conclusion of this document, a list of various helpful resources, including legal resources and community partner information, is provided.

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<sup>18</sup> Conn. Gen. Stat. § 54-192h(c), (e).

<sup>19</sup> To practice immigration law, an attorney can be licensed in any state but must have a valid license and be “in good standing.” Attorneys can give legal advice, help file immigration petitions and requests, and represent individuals in court proceedings before an immigration judge.

A directory of national immigration legal services providers by state is available here: <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>

**It is, however, important to protect yourself from fraud. Be wary of scams or attorneys who may not be able to practice law.**

You can verify an attorney’s credentials with the Connecticut Bar at: <https://www.jud.ct.gov/attorneyfirminquiry/attorneyfirminquiry.aspx>.

The Department of Justice also keeps a list of attorneys who are not to practice: <https://www.justice.gov/eoir/list-of-currently-disciplined-practitioners>, and a list of accredited organizations by state and city: <https://www.justice.gov/eoir/page/file/942306/dl#CONNECTICUT>

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## **APPENDIX: HELPFUL RESOURCES**

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## **HELPFUL RESOURCES:**

### **State of Connecticut Family Preparedness Plan:**

A comprehensive guide to preparing your family for immigration enforcement:

[https://portal.ct.gov/governor/immigration-resources-family-preparedness-plan?language=en\\_US](https://portal.ct.gov/governor/immigration-resources-family-preparedness-plan?language=en_US)

### **Know Your Rights Materials:**

Informed Immigrant: <https://www.informedimmigrant.com/resources/detention-deportation/know-your-rights/>

IRIS, Integrated Refugee & Immigrant Services: <https://irisct.org/know-your-rights/>

Immigration Legal Resource Center: <https://www.ilrc.org/resources/step-step-family-preparedness-plan#item-4325>

National Immigration Law Center: <https://www.nilc.org/resources/know-your-rights-what-to-do-if-arrested-detained-immigration/>

National Immigration Project of the National Lawyers Guild:  
[https://nipnlg.org/sites/default/files/2024-12/2024\\_Trump-what-to-expect.pdf](https://nipnlg.org/sites/default/files/2024-12/2024_Trump-what-to-expect.pdf)

### **Legal Services Resources:**

United Coalition for Immigrant Services: <https://www.united-coalition.org/>

Immigration Advocates Network Legal Services Directory:  
<https://www.immigrationadvocates.org/nonprofit/legaldirectory/>

DOJ list of accredited immigration attorneys by State/City:  
<https://www.justice.gov/eoir/page/file/942306/dl#CONNECTICUT>

IRIS, Integrated Refugee & Immigrant Services: <https://irisct.org/our-services/>

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CIRI, Connecticut Institute for Refugees and Immigrants: <https://cirict.org/immigration-legal-services/>

Connecticut Legal Services Immigration: [www.ctlegal.org/contact](http://www.ctlegal.org/contact)

Greater Hartford Legal Aid: 860-541-5000

New Haven Legal Assistance: 203-946-4811

American Immigration Lawyers Association: 203-946-4811 [www.aila.org](http://www.aila.org)

### **Community Partners with Resources for Immigrants:**

Building One Community: <https://b1c.org/>

Integrated Refugee & Immigrant Services: <https://irisct.org/>

The Neighbor Fund: <https://www.theneighborfund.org/>

CT Students for a Dream: <https://www.ct4adream.org/>

Connecticut Institute for Refugees and Immigrants: <https://cirict.org/>

Connecticut Immigrant & Refugee Coalition: <https://www.coalitionct.org/>

Catholic Charities: <https://www.ccaoh.org/>

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