

CHICAGO POLICE DEPARTMENT CAPS PROJECT OFFICE

CAPS Special Bulletin



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Immigration Issues

The purpose of this bulletin is to provide an overview of the Vienna Convention and its applicability to police encounters involving foreign nationals.

What is the Vienna Convention?

The Vienna Convention is an international treaty recognized by the United States that establishes minimum standards with respect to the treatment of foreign nationals.

Who is a foreign national?

A foreign national is any person who is not a United States citizen including permanent residents and undocumented aliens.

What happens when a foreign national from a signatory country to the Vienna Convention is arrested or detained?

Under the Vienna Convention, when a foreign national from a signatory country to the Vienna Convention is arrested or detained, they must be advised of their right to have their foreign consular office notified. In some cases, a mandatory notification to a foreign consular office is required, regardless of the foreign national's wishes.

When may a Chicago Police Officer seek information on an individual's residency status?

A Chicago Police Officer may only seek information on an individual's residency status when the individual is in custody and: 1) declares foreign national status; or 2) does not have an entry visa, but is in possession of documentation that indicates that the individual may be a foreign national; or 3) is identified by a reliable source as being a foreign national.

What type of services may a foreign consular office provide an arrested or detained foreign national?

A foreign consular office may provide a foreign national with legal representation, assistance with contacting family members and well-being visits during detention. The Chicago Police Department will provide foreign consular officials with reasonable access to arrested or detained foreign nationals.

What law enforcement agency is responsible for enforcing Immigration laws?

The responsibility of enforcing the United States' immigration laws is the responsibility of the U.S. Immigration and Customs Enforcement, commonly referred to as ICE. Chicago Police Officers are only trained to investigate and enforce violations of Illinois laws and the Municipal Code of Chicago.

The Chicago Police Department will provide police service to all persons within the City of Chicago regardless of one's citizenship status. Chicago Police Officers will not stop-and-question, detain or arrest a person based solely on being a foreign national. However, Chicago Police Officers may render assistance to federal law enforcement officials when required by law.

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