



U.S. Department of Justice
Civil Division

Office of the Assistant Attorney General

Washington, DC 20044

June 25, 2025

Mayor Craig Greenberg
Mayor of Louisville
527 West Jefferson Street
Louisville, KY 40202

Dear Mayor Greenberg,

The United States has a long history of cooperation with state and local law enforcement agencies, including for immigration enforcement. Such cooperation is vital to enforce federal law and protect national security. Unfortunately, that cooperation is under threat by so called “Sanctuary City” policies. Cooperation between state, city, and federal agencies in immigration enforcement is a top priority in President Trump’s administration. To ensure such cooperation, the President has directed that the Attorney General of the United States identify Sanctuary jurisdictions in states and localities, notify those jurisdictions of their unlawful Sanctuary status, and recommend those jurisdictions to the Office of Management and Budget for termination of grants, contracts, and federal funds as appropriate. *See* Executive Order 14,287, *Protecting American Communities from Criminal Aliens*, 90 Fed. Reg. 18761 (April 28, 2025).

Additionally, Attorney General Bondi has directed the Civil Division to “identify state and local laws, policies, and practices that facilitate violations of federal immigration laws or impede lawful federal immigration operations,” and to “take legal action to challenge such laws, policies, or practices.” The Civil Division has already filed numerous lawsuits across the country against Sanctuary jurisdictions that violate federal immigration law. *See, e.g., United States v. City of Newark, et al.*, 2:25-cv-05081 (D.N.J., May 22, 2025); *United States v. State of Colorado, et al.*, 1:25-cv-01391 (D. Colo. May 2, 2025). The Civil Division has determined that Louisville Metro Ordinance No. 201, Series 2017 (the “Ordinance”), “impede[s] lawful federal immigration operations” and, therefore, violates the U.S. Constitution. For example, the Louisville Department of Corrections is releasing criminal aliens, and aliens charged with crimes, back into the public despite the fact that they are subject to federal immigration detainers. Enforcement of the Ordinance must cease for Louisville to enter compliance with federal law.

The Supremacy Clause of the U.S. Constitution prohibits states from obstructing the federal government’s ability to enforce laws that Congress has enacted. In exercising its powers, Congress established through the Immigration and Nationality Act (“INA”) a cooperative system where state and local governments play a role in enforcing the federal immigration laws. *See, e.g., 8 U.S.C. § 1101 et seq.* The detainer request scheme is a prime example of the kind of cooperation Congress has legislated.

The INA permits state and local law enforcement officers to cooperate with the federal government by responding to requests for assistance contained in federal “immigration detainers,” including requests issued by U.S. Customs and Border Protection (“CBP”) and U.S.

Immigration and Customs Enforcement (“ICE”), the components of the Department of Homeland Security (“DHS”) that are primarily responsible for immigration enforcement at the border and in the interior of the country, respectively. *See* 8 U.S.C. §§ 1226, 1357. An immigration detainer provides notice of DHS’s intent to assume custody of a removable alien detained in the custody of another law enforcement agency and seeks state or local cooperation in that effort. *See* 8 U.S.C. §§ 1226, 1357(d); 8 C.F.R. § 287.7(a), (d).

An immigration detainer asks a law enforcement agency, state, or locality to: (1) notify DHS of the alien’s release date from local custody; and (2) detain the alien for up to 48 hours beyond when the individual would otherwise be released on state charges. 8 C.F.R. § 287.7(a), (d). DHS issues detainers based on its determination that it has probable cause to believe that the individual is removable. Immigration detainer requests ensure the safe transfer of criminals, and those charged with crimes, from state to federal custody in a secure environment, rather than requiring federal officials to make more dangerous arrests in public or private places. 8 C.F.R. § 287.7(a), (d).

When an alien is ordered removed, the Attorney General must remove the alien from the United States within 90 days, and must detain the alien during the removal period. 8 U.S.C. § 1231. Moreover, with the recent enactment of the Laken Riley Act, the Attorney General is required to immediately detain certain categories of aliens who are charged with or arrested for certain crimes. 8 U.S.C. § 1226(c)(1)(E). Congress has authorized states and localities to cooperate with the Secretary of DHS in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States. 8 U.S.C. § 1357(g)(10)(B).

However, Louisville’s Ordinance provides that “[p]ublic safety officials may not question, arrest or detain any person for violations of federal civil immigration laws” (Ordinance § I(B)(1)(b)) and “[p]ublic safety officials may provide support to ICE only when a judicially authorized warrant exists.” *Id.* § I(B)(1)(c). These provisions conflict with, and are preempted by, 8 U.S.C. §§ 1226, 1357(d). By refusing to honor civil detainers expressly authorized by Congress and creating a *de facto* requirement that federal immigration authorities obtain a criminal warrant to arrest or take custody of a detained alien, Louisville has unlawfully created “an obstacle to the accomplishment and execution of the full purposes and objectives” of the federal immigration laws. *Arizona v. United States*, 567 U.S. 387, 399 (2012) (quoting *Hines v. Davidowitz*, 312 U.S. 52, 67(1941)).

Furthermore, the Ordinance explicitly prohibits the Louisville Department of Corrections (“LMDC”) from holding aliens to allow the Attorney General to take custody of them. This interferes with the INA’s explicit mandate that the Attorney General detain aliens, especially those who fall within the Laken Riley Act’s expanded mandatory detention provisions. 8 U.S.C. § 1226(c)(1). It also interferes with federal regulations, which requires local law enforcement agencies to maintain custody of an alien for up to 48 hours when a detainer is issued. 8 C.F.R. § 287.7(d). To comply with federal law, LMDC must maintain custody of aliens subject to immigration detainers and allow for the safe and orderly transfer of the alien into federal custody.

By July 14, 2025, please submit a response to this letter that confirms your administration's commitment to complying with federal law by respecting detainer requests from federal immigration authorities, including but not limited to, ensuring that LMDC (i) will notify ICE as early as possible before it releases a removable alien and (ii) will maintain custody of the alien for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays, in order to permit assumption of custody by DHS. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,



Brett A. Shumate
Assistant Attorney General
Civil Division

Cc: David Kaplan, Chief of Staff & General Counsel to Louisville Mayor Greenberg