

The Immigration Warrant Reform Act of 2026

Section-by-Section

Sec. 1. Short Title. Cites the Act as “The Immigration Warrant Reform Act of 2026.”

Sec. 2. Inspection of Noncitizens

Amends section 235(b)(2)(A) of the Immigration and Nationality Act (INA), (8 U.S.C. 1225(b)(2)(A)) to replace the term “alien” with “noncitizen” and to clarify that the provision, which requires detention during immigration court proceedings for arriving noncitizens, applies to noncitizens arriving at the border who are not authorized by the Secretary of Homeland Security to enter the United States.

Sec. 3. Arrest, Detention, and Release of Noncitizens

Amends INA section 236 (8 U.S.C. 1226) to replace the term “alien” with “noncitizen” throughout and establishes a procedure for arresting and detaining noncitizens for civil immigration purposes upon issuance of an administrative warrant.

- Codifies procedures for an administrative warrant to arrest a noncitizen for civil immigration purposes, requiring that the warrant—
 - Accurately document individualized probable cause of the noncitizen’s removability under section 212 or section 237;
 - Be signed by a supervising officer of the Department of Homeland Security at least 24 hours in advance of its execution;
 - Be issued concurrently with, or based on, a previously existing notice to appear in immigration court; and
 - Be served on the noncitizen with such notice to appear at the time of arrest;
- Allows the Secretary of Homeland Security to release a detained noncitizen (who is not subject to mandatory detention based on their criminal history) on his or her own recognizance or subject to such conditions as may be necessary to facilitate the noncitizen’s attendance with future immigration proceedings and to prevent any danger to the community;
- Requires a custody review of every noncitizen in immigration detention every 60 days by an immigration judge or an appropriate district judge of the United States, with an opportunity for release on his or her own recognizance or subject to such conditions as may be necessary to facilitate the noncitizen’s attendance with future proceedings and to prevent any danger to the community, and places the burden on the Department to establish the noncitizen is a flight risk or a danger to the community; and
- Ensures that immigration officials can detain a previously released noncitizen where there is probable cause to find that the noncitizen presents a danger to the community and immigration officials obtain an administrative warrant.

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Sec. 4. Powers of Immigration Officers and Employees Without A Warrant

Amends INA section 287 (8 U.S.C. 1375(a)).

- Maintains arrest authority at the border, allowing an officer or employee of the Department of Homeland Security to arrest without a warrant any noncitizen who is attempting to enter the United States in the presence or view of the officer or employee; and
- Clarifies requirements for the interior of the United States by—
 - Establishing that prior to conducting a warrantless arrest for anyone physically present in the United States, the officer or employee must have probable cause to believe that the person is—
 - Not a U.S. citizen;
 - Subject to removal under the immigration laws;
 - Presents an imminent danger to the community, which requires immediate arrest; and
 - is likely to escape before a warrant can be obtained for such arrest; and
 - Providing protection after a warrantless arrest, ensuring that not later than 12 hours after each warrantless arrest, an officer or employee has to submit a sworn, written statement under penalty of perjury to their supervisory officer; and
 - Providing for judicial review, specifically requiring—
 - Judicial review of any warrantless request by an immigration judge or a federal judge, with a consideration of the sworn declaration of the arresting officer and in person testimony from the individual arrested; and
 - The court to order the prompt release of the individual if the Department has not established such probable cause and the individual arrested does not present an imminent danger to the community.

Sec. 5 Conforming Amendments

Makes conforming amendments to INA section 287(a) (8 U.S.C. 1357(a)), including replacing references to alien with noncitizen, and inserting Secretary of Homeland Security and replaces a reference to “reasonable grounds to believe” with probable cause to ensure consistency throughout the section.