

Verificación de si un documento es una "Orden Judicial Válida"

Esta guía fue extraída de la [Orientación para Escuelas K-12 del Fiscal General de California](#), Rob Bonta, diciembre de 2024:



Promoting a Safe and Secure Learning Environment for All:

Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues

Si un oficial de la policía o de inmigración afirma tener una orden judicial, pida ver el documento: Si alguien presenta un documento como una "orden", usted tiene derecho a revisarlo para ver si realmente está firmado por un juez. En última instancia, una **orden judicial válida** (a diferencia de un documento administrativo de ICE) habrá sido revisada y firmada por un juez imparcial que encontró causa probable de que el individuo cometió un delito (o en algunos asuntos civiles, que existen motivos legales para ciertas acciones ordenadas por la corte). Si el documento carece de la firma del juez o magistrado y de la información judicial, no se trata de una orden judicial.

1. Revisa la firma y el título

- Una orden judicial válida debe estar firmada por un **juez o magistrado** (o, a veces, por un comisionado de la corte estatal que esté autorizado a emitir órdenes de arresto).
- Por lo general, el bloque de firma dirá algo como "Juez de [Nombre del tribunal]" o "Juez magistrado".

2. Busque la información de la corte

- Una orden judicial debe contener el nombre del **tribunal** que la emite. Esto podría ser un Tribunal de Distrito de los EE. UU., Tribunal Superior u otro organismo judicial reconocido.
- La orden a menudo incluye un sello de la corte u otro identificador oficial de la corte.

3. Verifique el tipo y el número de orden

- Las órdenes judiciales a menudo vienen con un número de **caso** específico o un **número de expediente**, que refleja un caso penal o civil presentado en un tribunal.

- Las "órdenes administrativas" de ICE generalmente están etiquetadas como formularios **I-200** (Orden de arresto) o **I-205** (Orden de expulsión/deportación). Estas son emitidas por oficiales de ICE (no jueces), por lo que **no son** órdenes judiciales.

4. Verifique el alcance de la orden

Una orden judicial válida generalmente establece **la causa probable**, la persona específica nombrada y los **cargos** o el motivo del arresto.

- Las órdenes administrativas de ICE generalmente solo establecen que el individuo es removible bajo las leyes de inmigración, sin un hallazgo de causa probable por parte de un juez.

5. Examinar las fechas y el período de validez

- Una orden judicial adecuada indicará claramente la fecha en que se emitió y, en muchos casos, indica cuánto tiempo es válida (especialmente para las órdenes de registro).
- Si se trata de una orden de detención o una orden de arresto, es posible que no tenga una fecha de vencimiento, pero aún debe tener la fecha original de emisión y un sello o timbre oficial

6. Busca una autoridad judicial neutral

- Una distinción crucial es si la orden fue emitida por un funcionario judicial neutral e imparcial.
- Si la entidad emisora es parte de una agencia de aplicación de la ley (como ICE) y no se menciona a un juez o magistrado, lo más probable es que no sea una orden judicial.

7. Si no estás seguro

- Póngase en contacto con un abogado: Si tiene preguntas sobre la validez de una orden específica, consulte a un abogado de inmigración o de defensa penal calificado.

Los siguientes documentos pueden constituir órdenes judiciales válidas

Federal Arrest Warrant (Form AO 442)

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

United States of America

v.

_____)

_____) Case No.

_____)

_____)

_____)

_____)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(*name of person to be arrested*) _____,

who is accused of an offense or violation based on the following document filed with the court:

Indictment
 Superseding Indictment
 Information
 Superseding Information
 Complaint
 Probation Violation Petition
 Supervised Release Violation Petition
 Violation Notice
 Order of the Court

This offense is briefly described as follows:

Date: _____

Issuing officer's signature

City and state: _____

Printed name and title

Return	
This warrant was received on (<i>date</i>) _____,	and the person was arrested on (<i>date</i>) _____
at (<i>city and state</i>) _____.	
Date: _____	_____
	<i>Arresting officer's signature</i>

	<i>Printed name and title</i>

Puede constituir una orden judicial válida
Orden Federal de Búsqueda e Incautación (Formulario AO 93)

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of _____)
 (Briefly describe the property to be searched)
 or identify the person by name and address) Case No. _____
)
)
)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
 (Identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establishes probable cause to search and seize the person or property described above, and that such search will reveal (Identify the person or describe the property to be seized):

YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 14 days)
 in the daytime 6:00 a.m. to 10:00 p.m. _____ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____
 (United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)
 * for _____ days (not to exceed 30) _____ until, the facts justifying, the later specific date of _____.

Date and time issued: _____

 Judge's signature

City and state: _____

 Printed name and title

No es una orden judicial válida

"Orden de detención" Formulario I 200

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

File No: _____

Date: _____

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
- a designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

(Signature of immigration officer)

(Title of immigration officer)

(Date and office location)

No es una orden judicial válida
"Orden de Deportación" Formulario I 205

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____
(Location)

on _____ on _____, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

No es una orden judicial válida

DHS Immigration Enforcement Subpoena (Form I-138)

1. To (Name, Address, City, State, Zip Code)	DEPARTMENT OF HOMELAND SECURITY IMMIGRATION ENFORCEMENT SUBPOENA to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To	
(Title of Proceeding) (File Number, if Applicable)	

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

- (A) **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.
- (B) **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear	(B) Date
Name	
Title	
Address	(C) Time <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Telephone Number	

4. Records required to be produced for inspection



If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

5. Authorized Official

(Signature)
(Printed Name)
(Title)
(Date)

Appendix A: Verifying if a document is a “Valid Judicial Warrant”

This guidance was taken from California Attorney General, Rob Bonta December 2024 [Guidance for K12 Schools](#):



Promoting a Safe and Secure Learning Environment for All:

Guidance and Model Policies to Assist California’s K-12 Schools in Responding to Immigration Issues

If a law enforcement or immigration official claim to have a warrant, ask to see the document: If someone presents a document as a “warrant,” you have the right to review it to see if it’s actually signed by a judge. Ultimately, a valid **judicial warrant** (as opposed to an administrative ICE document) will have been reviewed and signed by an impartial judge who found probable cause that the individual committed a crime (or in some civil matters, that legal grounds exist for certain court-ordered actions). If the document lacks a judge’s or magistrate’s signature and court information, it is not a judicial warrant.

1. Check the Signature and Title

- A valid judicial warrant should be signed by a **judge** or **magistrate** (or sometimes a state court commissioner who is authorized to issue warrants).
- The signature block will typically read something like “Judge of the [Name of Court]” or “Magistrate Judge.”

2. Look for the Court’s Information

- A judicial warrant should contain the name of the **court** issuing it. This might be a U.S. District Court, Superior Court, or other recognized judicial body.
- The warrant often includes a court seal or other official court identifier.

3. Verify the Warrant Type and Number

- Judicial warrants often come with a specific **case number** or **docket number**, reflecting a criminal or civil case filed in a court.

- ICE “administrative warrants” are typically labeled as forms **I-200** (Warrant of Arrest) or **I-205** (Warrant of Removal/Deportation). These are issued by ICE officers (not judges), and so they are **not** judicial warrants.

4. Check the Scope of the Warrant

A valid judicial warrant typically sets out **probable cause**, the specific individual named, and the **charges** or reason for the arrest.

- Administrative warrants from ICE usually just state that the individual is removable under immigration laws, without a finding of probable cause by a judge.

5. Examine Dates and Validity Period

- A proper judicial warrant will clearly state the date it was issued, and in many cases, it indicates how long it is valid (especially for search warrants).
- If it’s a bench warrant or arrest warrant, it may not have an expiration date, but it should still have the original date of issuance and an official seal or stamp.

6. Look for Neutral, Judicial Authority

- A crucial distinction is whether the warrant was issued by a neutral and detached judicial officer.
- If the issuing entity is part of a law enforcement agency (like ICE) and there’s no mention of a judge or magistrate, it’s most likely not a judicial warrant.

7. If You’re Unsure

- **Contact an Attorney:** If you have questions about a specific warrant’s validity, consult a qualified immigration or criminal defense attorney

The Following Documents may constitute Valid Judicial Warrants

Federal Arrest Warrant (Form AO 442)

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT
for the

United States of America)
v.) Case No.
)
)
)
)
)
)
)
)
)
)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) _____,
who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Date: _____ Issuing officer's signature _____
City and state: _____ Printed name and title _____

Return	
This warrant was received on (date) _____, and the person was arrested on (date) _____ at (city and state) _____.	
Date: _____	Arresting officer's signature _____
	Printed name and title _____

May constitute a Valid Judicial Warrant
Federal Search and Seizure Warrant {Form AO 93}

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of _____)
(Briefly describe the property to be searched))
 or identify the person by name and address) Case No. _____)
)
)
)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(Identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establishes probable cause to search and seize the person or property described above, and that such search will reveal *(Identify the person or describe the property to be seized):*

YOU ARE COMMANDED to execute this warrant on or before _____ *(not to exceed 14 days)*
 in the daytime 6:00 a.m. to 10:00 p.m. _____ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____
(United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*
 * for _____ days *(not to exceed 30)* until, the facts justifying, the later specific date of _____.

Date and time issued: _____

Judge's signature

City and state: _____

Printed name and title

Not a Valid Judicial Warrant

“Arrest Warrant” Form I 200

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

File No: _____

Date: _____

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
- a designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

(Signature of immigration officer)

(Title of immigration officer)

(Date and office location)

Not a Valid Judicial Warrant
“Removal Warrant” Form I 205

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject’s identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

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(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____
(Location)

on _____ on _____, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)


Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

Not a Valid Judicial Warrant

DHS Immigration Enforcement Subpoena (Form I-138)

1. To (Name, Address, City, State, Zip Code)		DEPARTMENT OF HOMELAND SECURITY	
		IMMIGRATION ENFORCEMENT SUBPOENA to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4	
Subpoena Number			
2. In Reference To			
		(File Number, if Applicable)	
(Title of Proceeding)			
By the service of this subpoena upon you, YOU ARE HEREBY SUMMONED AND REQUIRED TO:			
(A) <input type="checkbox"/> APPEAR before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.			
(B) <input checked="" type="checkbox"/> PRODUCE the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.			
Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).			
3. (A) CBP, ICE or USCIS Official before whom you are required to appear		(B) Date	
Name			
Title			
Address		(C) Time	<input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Telephone Number			
4. Records required to be produced for inspection			
		5. Authorized Official	
If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.		_____ (Signature)	
		_____ (Printed Name)	
		_____ (Title)	
		_____ (Date)	
DHS Form I-138 (6/09)			