

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS45500-NJa-53

Short Title: MELT Act: Support Immigrant Legal Defense. (Public)

Sponsors: Senators Theodros, Mohammed, and Chitlik (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL SESSION LAW 2025-85 (HOUSE BILL 318), TO REQUIRE A
3 JUDICIAL WARRANT FOR FEDERAL IMMIGRATION ENFORCEMENT ACTIONS,
4 AND TO APPROPRIATE FUNDS FOR COMMUNITY-BASED IMMIGRATION LEGAL
5 SERVICES.

6 The General Assembly of North Carolina enacts:

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8 **PART I. LEGISLATIVE FINDINGS**

9 **SECTION 1.1.** The General Assembly makes the following findings:

- 10 (1) Session Law 2025-85 (House Bill 318) expanded cooperation between local
11 jails and federal immigration enforcement in ways that chilled community
12 trust in law enforcement.
13 (2) Session Law 2025-85 created additional pretrial detention based on
14 immigration status rather than risk or flight, undermining due process.
15 (3) Warrantless civil immigration arrests based solely on administrative warrants
16 raise serious constitutional and civil liberty concerns.
17 (4) North Carolina benefits when immigrant residents have access to competent
18 legal counsel in removal proceedings, asylum claims, and status stabilization
19 matters.
20 (5) Investing in trusted, community-based legal service providers is a more
21 effective and humane approach than prolonging detention based on federal
22 immigration detainees.

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24 **PART II. TITLE**

25 **SECTION 2.1.** This act shall be known as "Repeal Session Law 2025-85 and
26 Support Immigrant Legal Defense Act."

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28 **PART III. REPEAL SESSION LAW 2025-85**

29 **SECTION 3.1.** S.L. 2025-85 is repealed.

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31 **PART IV. REQUIREMENT OF JUDICIAL WARRANT FOR FEDERAL**
32 **IMMIGRATION ENFORCEMENT ACTIONS WITHIN NORTH CAROLINA**

33 **SECTION 4.1.** Article 20 of Chapter 15A of the General Statutes is amended by
34 adding two new sections to read:

35 **"§ 15A-407. Judicial warrants required.**

- 36 (a) Definitions. – For the purposes of this section, the following definitions apply:



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1 (1) Administrative warrant. – Any warrant, detainer, or notice issued by a federal
2 executive branch immigration agency without prior judicial approval.

3 (2) Judicial warrant. – A warrant issued by a judge or magistrate based on a
4 finding of probable cause.

5 (b) Judicial Warrant Requirement. – Notwithstanding any other provision of law, no
6 officer, agent, or employee of U.S. Customs and Border Protection (CBP) or U.S. Immigration
7 and Customs Enforcement (ICE) may take a person into custody, search a person, search
8 property, enter a residence, or otherwise conduct an immigration enforcement action within the
9 territorial jurisdiction of North Carolina unless the officer is acting pursuant to a valid judicial
10 warrant issued by a federal or State court based on probable cause.

11 (c) Administrative Warrants are Insufficient. – For the purposes of this section, an
12 administrative warrant, immigration detainer, notice of action, or other civil immigration
13 document issued solely by the United States Department of Homeland Security, CBP, or ICE
14 shall not constitute a judicial warrant. The aforementioned documents are insufficient for all of
15 the following actions:

16 (1) The detention, arrest, or search of any person or that person's domicile.

17 (2) The continued custody of any individual beyond their lawful release.

18 (3) Access to, disclosure of, or use of State or local government records,
19 databases, or systems, including, but not limited to, Division of Motor Vehicle
20 records, unless a warrant has been issued by a neutral judicial officer based on
21 probable cause.

22 (d) Limits on State and Local Assistance. – A State or local law enforcement agency,
23 officer, or employee shall not:

24 (1) Detain or continue to detain a person solely based on a CBP or ICE
25 administrative warrant or detainer.

26 (2) Transfer custody of a person to CBP or ICE in the absence of a judicial
27 warrant.

28 (3) Provide access to nonpublic areas of a detention facility to CBP or ICE for the
29 purpose of questioning, interviewing, or arresting a person without a judicial
30 warrant.

31 (e) Right to Not Cooperate. – Counties, municipalities, sheriffs, and local law
32 enforcement agencies retain the right to decline cooperation with federal immigration
33 enforcement in the absence of a judicial warrant.

34 (f) Exemption for Criminal Warrants. – Nothing in this section prohibits cooperation
35 with CBP or ICE when they are acting pursuant to a valid criminal warrant issued by a federal
36 court based on probable cause for a violation of federal criminal law.

37 (g) Remedies. – A person aggrieved by a violation of this section may seek declaratory
38 or injunctive relief in State court, and any evidence obtained in violation of this section shall be
39 inadmissible in any State proceeding.

40 **"§ 15A-408. Limitation on State and local roles in immigration detention.**

41 Notwithstanding any other provision of law:

42 (1) No county jail, local confinement facility, district confinement facility,
43 satellite jail, or work release unit shall hold a person solely on the basis of a
44 federal immigration detainer or administrative warrant beyond the time the
45 person would otherwise be eligible for release under State law.

46 (2) State and local law enforcement may, but are not required to, communicate
47 with federal authorities regarding immigration status, except where required
48 by federal court order.

49 (3) Nothing in this section prohibits compliance with valid criminal warrants or
50 judicial orders unrelated to civil immigration enforcement."

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1 **PART V. APPROPRIATION FOR COMMUNITY-BASED IMMIGRATION LEGAL**
2 **SERVICES**

3 **SECTION 5.1.** Appropriation. – There is appropriated from the General Fund to the
4 Department of Administration the sum of four million dollars (\$4,000,000) in nonrecurring funds
5 for the 2026-2027 fiscal year to be transferred to the Office of State Budget and Management for
6 grants to the following entities and shall remain available until expended:

- 7 (1) One million dollars (\$1,000,000) to Carolina Migrant Network, Inc., a
8 nonprofit corporation.
9 (2) One million dollars (\$1,000,000) to Charlotte Center for Legal Advocacy,
10 Inc., a nonprofit corporation.
11 (3) One million dollars (\$1,000,000) to Legal Aid of North Carolina, Inc., a
12 nonprofit corporation, for the Immigration Pathways for Victims project.
13 (4) One million dollars (\$1,000,000) to North Carolina Justice Center, a nonprofit
14 corporation, for the Immigrant & Refugee Rights project.

15 **SECTION 5.2.** Allowable Uses of Funds. – The grants appropriated in Section 5.1
16 of this act may be used for any of the following:

- 17 (1) Direct representation in removal proceedings and immigration court.
18 (2) Preparation and filing of asylum applications and related relief.
19 (3) Community legal education and "Know Your Rights" training.
20 (4) Outreach, intake, case management, and client navigation.
21 (5) Staffing, attorneys' fees, accredited representative costs, and reasonable
22 administrative expenses directly tied to service delivery.
23 (6) Assistance with stabilization of immigration status, including:
24 a. Special Immigrant Juvenile Status.
25 b. U-visas and T-visas.
26 c. Violence Against Women Act (VAWA) self-petitions.
27 d. Adjustment of status.
28 e. Temporary Protected Status.
29 f. Deferred action applications.

30 **SECTION 5.3.** Reporting. – Each grantee shall submit an annual report to the
31 Department of Administration and the Joint Legislative Oversight Committee on Justice and
32 Public Safety that includes all of the following:

- 33 (1) Number of clients served.
34 (2) Types of cases handled.
35 (3) Case outcomes when permitted by confidentiality rules.
36 (4) Geographic distribution of services.
37 (5) Itemized use of funds.

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39 **PART VI. SEVERABILITY**

40 **SECTION 6.1.** If any provision of this act or its application is held invalid, the
41 invalidity does not affect other provisions or applications of this act that can be given effect
42 without the invalid provisions or application and, to this end, the provisions of this act are
43 severable.
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45 **PART VII. EFFECTIVE DATE**

46 **SECTION 7.1.** This act becomes effective July 1, 2026, and applies to any person
47 detained or arrested by the United States Immigration and Customs Enforcement or United States
48 Customs and Border Protection on or after that date.