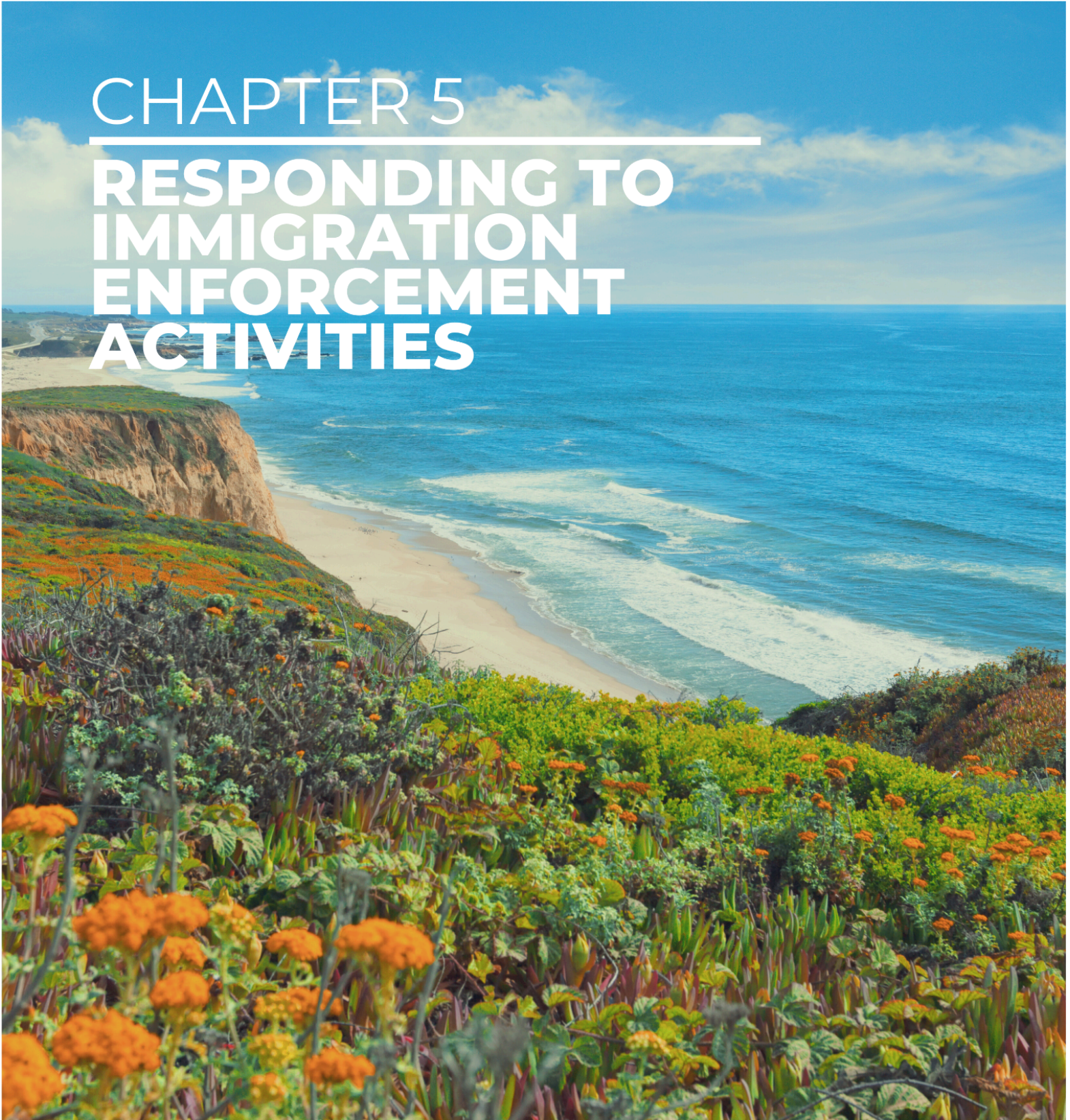


HEALTHY HARBORS FOR ALL CALIFORNIANS

CHAPTER 5

RESPONDING TO IMMIGRATION ENFORCEMENT ACTIVITIES



CHAPTER 5: Responding to Immigration Enforcement Activities

SUMMARY: While immigration enforcement at health care facilities remains rare, clinics and offices must prepare. This chapter outlines how to designate a point person to handle ICE encounters, distinguish public vs. private areas, and respond appropriately to judicial vs. administrative warrants. It also provides information on staff training, patient education, documenting enforcement actions, and maintaining compliance with employment authorization laws. Ensuring preparedness protects both patients and staff, while reinforcing your clinic/office's commitment to safe and confidential care.

While an encounter with Immigration and Customs Enforcement (ICE) at health care facilities may seem improbable to some, clinics and offices should prepare staff, especially front desk personnel, to respond appropriately. Designate a person (e.g., yourself, or an office manager or supervisor) to handle all ICE contacts, including reviewing warrants and authorizing or denying consent for searches or seizures. Clearly mark areas as “public”, such as the waiting room/area, or “private” (exam rooms, offices, and medical records areas), since private areas may only be entered with a judicial warrant or your consent.

Key Resources:

California Attorney General, Promoting Safe and Secure Healthcare Access for All: Guidance and Model Policies to Assist California's Healthcare Facilities in Responding to Immigration Issues

<https://oag.ca.gov/sites/all/files/agweb/pdfs/immigration/healthcare-guidance.pdf>

National Immigration Law Center, Healthcare Providers and Immigration Enforcement: Know Your Rights, Know Your Patients' Rights

<https://www.nilc.org/wp-content/uploads/2025/01/Health-Care-Providers-and-Immigration-Enforcement.pdf>

Note: This information is provided for general educational purposes and does not constitute legal advice. Consult an attorney for questions about how federal immigration or privacy law applies in your clinic/office.

Judicial vs. Administrative Warrants

- ICE must have a judicial warrant (signed by a federal judge or magistrate) to enter private areas or seize records. Warrants must name the individuals or items sought; general terms such as “any immigrants” or “all medical records” are not valid.
- Without a judicial warrant, ICE requires voluntary consent to enter. Agents may attempt intimidation (demanding entry, showing weapons, or presenting “administrative warrants” issued by the Department of Homeland Security (DHS). Compliance with administrative warrants is voluntary.
- You may ask ICE agents to leave an administrative warrant with you, and respond after consulting an attorney. Judicial warrants will state “United States District Court”; administrative warrants will reference U.S. Department of Homeland Security DHS or ICE. Examples appear in the California Attorney General’s publication, “Promoting Safe and Secure Healthcare Access for All: Guidance and Model Policies to Assist California’s Healthcare Facilities in Responding to Immigration Issues.”³³

Changes in Enforcement Policy

Until 2025, ICE generally avoided “sensitive locations,” such as schools, places of worship, and health care facilities. That policy has been revoked; ICE is now explicitly authorized to conduct enforcement anywhere. Although only a handful of actions at health care facilities have occurred (e.g., the parking lot of a community health center in Los Angeles), clinics, offices and hospitals are no longer “off limits.”

Impact on Patients

The threat of enforcement activity may discourage patients from seeking care. Family Physicians and staff can mitigate this by:

1. Preparing the facility and staff to respond to enforcement.
2. Informing patients of their rights.

³³ <https://oag.ca.gov/sites/all/files/agweb/pdfs/immigration/healthcare-guidance.pdf>

3. Documenting enforcement activities and following up with patients or families affected.

Clinic/Office Preparation and Response

- Designate specific staff authorized to interact with ICE and review warrants. Train others to defer to those staff.
- Review any warrant for validity (judge's signature, correct address, specific names/items).
- State explicitly that you do not consent to entry without a valid judicial warrant. If agents indicate they will seek one, contact a lawyer and try to have that person present for the search.
- Remind patients and other people present they are not required to answer questions (assuming agents have a valid judicial warrant).
- Train staff through role-play exercises to increase confidence.
- Provide "Know Your Rights" materials and encourage completion of caregiver authorization affidavits for minor children.
- Build relationships with immigrant rights groups, (i.e., the California Immigrant Policy Center), immigration attorneys, and legal aid organizations. These groups can help create trainings for your staff and patients.
- Maintain contact information for rapid response networks and ICE detention facilities (<https://www.ice.gov/detention-facilities>).

Resource:

The California Department of Social Services funds non-profit immigration legal services organizations throughout California:

<https://www.cdss.ca.gov/inforesources/immigration/contractor-contact-information>

Patient Rights Education

- Remain silent.
- Request a lawyer.
- Refuse to sign documents before legal consultation.
- Decline to show false documents.

- Carry a rights card, an attorney's contact information, and their "A number" ("alien registration number", or case number, assigned to immigrants by the Department of Homeland Security).
- Designate another adult to care for their children.
- Avoid approaching places where raids or detentions are occurring.

Documenting Enforcement Activities

If an ICE raid occurs, collect information including:

- Date, time, and location of the raid.
- Number and identity of person/s detained.
- Initial detention location.
- Names and badge numbers of ICE agents.
- Any potentially unlawful actions by agents.
- Whether humanitarian release was considered.
- Contact numbers for family members to locate detained relatives.
- Arrangements for children or vulnerable dependents.

Hospitals and Health Care Facilities

Hospitals should follow the same procedures: request judicial warrants, deny voluntary consent to private areas, and protect patient information.

If ICE agents accompany a patient in custody:

- Treat the patient as you would any patient in law enforcement custody.
- Ask agents to respect privacy and refrain from questioning staff or other patients.
- Intervene if ICE agents begin questioning others: request to see a judicial warrant and reiterate your refusal to consent without one.
- Remind staff and patients that they need not answer ICE questions.

Employment Authorization Compliance

ICE also enforces federal employer sanctions laws requiring completion and retention of Form I-9 for all employees (<https://www.uscis.gov/i-9>). Failure to have completed I-9 Forms can result in employer sanctions, including civil and, ultimately, criminal penalties.

- For confidentiality and privacy reasons, keep I-9s in a locked file, separate from personnel records.
- During an “audit” or inspection of documents, employers have three business days to produce documents. Immediate compliance is not required unless ICE presents a judicial warrant naming specific individuals.
- Administrative warrants or demand letters do not override the three-day time period to produce documents.
- Ask ICE to list the documents requested, state that you (or your attorney) will respond within three business days, and request that the agents leave.

Resource:

NILC, A Guide for Employers: What If Immigration Comes to Your Workplace
<https://www.nilc.org/resources/a-guide-for-employers-what-to-do-if-immigration-comes-to-your-workplace/>