

## GUIDANCE FOR HEALTH CENTERS

# IMMIGRATION ENFORCEMENT

*This is not legal advice and does not substitute for a consultation with an attorney.*



## What To Know

### If ICE Arrives at Your Health Center

#### Public vs. Private Spaces



In general, health centers must allow ICE agents in any areas where they would allow general members of the public. ICE agents may be excluded from private areas that are clearly posted and enforced for patients and family.

Public areas of health centers include lobbies, waiting areas, and any other places open to the public. Non-public areas include treatment rooms, inpatient units, offices, etc. - essentially anything not open to the public.

#### Handling ICE's Presence



If there are ICE agents outside or near your establishment, you can send a designated, well-trained staff member outside to ascertain the identity of the individuals. If they are able to confirm that they are immigration agents, that person can reenter to prepare and remind people of their rights should the agents attempt to gain entry.

#### Protected Health Information

- Patient's name, date of birth, and other demographic information.
- Patient's immigration status (if the hospital has this information).
- When a patient is supposed to be seen or discharged.

### KNOW THE DIFFERENCE:

#### Judicial Warrants vs. Deportation/Arrest Orders

ICE can only access a non-public area if they have a valid judicial warrant, which should be reviewed and validated by legal counsel before decisions about access are made.

A judicial warrant must be signed by a judge, name the location where the agent is permitted to enter, and name the patient.



**A deportation order or arrest order is not the same as a judicial warrant and does not permit an agent to enter.**

#### Hospital Liaison



Health centers should designate an "authorized person" or "hospital liaison" who is trained to interact with immigration agents.

If you don't have a liaison, ask the agent for identification and a business card. Ask the agent to step into a room away from the reception area/lobby. The purpose is not to grant consent to the agent to access the facility, but to get them into a private location. Once there, you can have a conversation about what the agent wants and whether he or she has any legal documents.