

## POLICY FOR RESPONDING TO IMMIGRATION AND CUSTOMS ENFORCEMENT AT COMMUNITY BASED ORGANIZATIONS

**Overview.** It is [ORGANIZATION'S] general policy not to cooperate with Immigration and Customs Enforcement (ICE). This policy provides guidance on what staff members should do if ICE officers attempt to contact [ORGANIZATION].

**Privacy.** [ORGANIZATION] does not discriminate on the basis of race, ethnic or national origin, religion, gender or gender identity, sexual orientation, or immigration status. [ORGANIZATION] does not release any information about clients to any federal agency tasked with the enforcement of immigration laws unless required to by state or federal law or court order.

**Responding to ICE Requests for Information.** If [ORGANIZATION] is contacted by ICE through phone about any client, the responding staff member is instructed to tell the agent, "We do not disclose any information about our clients." If [ORGANIZATION] receives a judicial subpoena from ICE that requests records relating to a client, the responding staff member must inform his or her supervisor immediately. The supervisor will then immediately inform the Executive Director. Staff members are not permitted to respond to a subpoena without authorization from their Executive Director.

**Responding to ICE on Premises.** In the event that ICE officers come onto the premises of [ORGANIZATION], staff members must take the following steps:

1. **Deny entry.** Staff members must try to keep a locked door between ICE agents and the facility to keep agents away from clients. Staff are instructed to tell the agents, "You are not allowed on our premises," or "We do not consent to your searching the premises."
2. **Warrant.** In the instance where the ICE agents have a warrant, the staff member must ask for a copy of the warrant. When possible, staff members will immediately inform their supervisor, who will inform the Executive Director and attorneys for the organization.
  - a. **ICE administrative warrant.** An ICE administrative warrant is a document that is signed by a deportation officer and seeks to arrest a person for a civil immigration violation. **An ICE administrative warrant is not a judicial warrant.**
    - i. Accordingly, if a staff member determines the document is an ICE administrative warrant, he or she must tell the agents, "You are not allowed on our premises," or "We do not disclose information about our clients."
    - ii. Common ICE administrative warrants are Forms I-200 and I-205.
  - b. **Arrest warrant.** An arrest warrant must name a *specific* individual and must be signed by a *judge*, not by a deportation officer. ICE very rarely has an arrest warrant signed by a judge.
    - i. If a staff member determines the document is an **arrest warrant** (not an ICE administrative warrant), he or she should comply with the arrest warrant. The staff member must inform his or her supervisor or other director of the warrant as soon as possible.

- ii. If the ICE agents take anyone into custody, staff members may remind the person that they have the following rights:
    - 1. To remain silent.
    - 2. To ask for an attorney.
    - 3. To not sign anything.
    - 4. To not reveal any information about their immigration status or place of birth.
  - iii. An arrest warrant does *not* permit an ICE officer access to the individual's records or to search the premises.
- c. **Search warrant.** A search warrant must name a specific date, time, address, what and where the agents can search, and must be signed by a *judge*, not a deportation officer. ICE very rarely has a search warrant.
- i. If any of these elements are missing, the warrant is *not* valid.
  - ii. If a staff member examines the document and determines it is a **search warrant**, he or she must allow the ICE officers entry. The staff member must inform his or her supervisor or other director of the warrant as soon as possible.
  - iii. In the course of the search, if the ICE agents take anyone into custody, staff members may remind the person that they have the following rights:
    - 1. To remain silent.
    - 2. To ask for an attorney.
    - 3. To not sign anything.
    - 4. To not reveal any information about their immigration status or place of birth.

**3. Document.** After any interaction with ICE, staff members must document the interaction in detail, including the:

- a. Date and time of the encounter
- b. Mode of interaction (e.g. mail, phone, in person)
- c. Staff member who received the contact
- d. Name(s) and badge number(s) of the ICE officer(s)
- e. Contact information of the ICE officers
- f. Who they were seeking information about
- g. Purpose of the contact
- h. Steps taken by the staff member to inform their supervisor of the contact

Staff members must report the contact as soon as possible to their supervisor. Supervisors will report the contact to one of the following lines for trained staff to respond and investigate:

Alameda County Rapid Response Hotline:	(510) 241-4011
Centro Legal de la Raza (Oakland):	(510) 437-1554
ICE Out of California Message Line:	(844) 878-7801