



KNOW YOUR RIGHTS

FOR IMMIGRATION LEGAL SERVICES PROVIDERS

What To Do if ICE Comes to Your Office

On Jan. 20, 2025, DHS issued a directive rescinding the protected areas policy that had previously provided relative safety from immigration enforcement in certain places providing essential services or activities. This included areas such as schools, places of worship and religious study, domestic violence shelters, places where disaster or emergency relief is being provided, and many other locations.

Rights of Immigrants

- Right to remain silent (Fifth Amendment)
 - Do not tell the officer your country of nationality.
 - Talk to a local advocate about whether you must produce identification.
- Reasonable expectation of privacy (Fourth Amendment)
- ICE must have a judicial warrant or specific consent of a person to enter non-public areas.
- Right to refuse a search.
- Right to speak to an attorney.
- Right to refuse to sign documents.

**Please note that one must actively state that they are exercising these rights to ensure they are preserved (even if immigration enforcement does not adhere to them).*

Who Is This Guide For?

This is aimed at organizational leaders in the position to make decisions for their organizations and prepare their teams for a potential ICE encounter at the office. However, all staff members at organizations providing immigration legal services, or who interact with clients or the public, should be informed and trained on internal policies and best practices.

Key Preparations for Organizational Leadership:

It is important not only for staff, but for your community, for senior leadership to proactively take steps to best prepare staff on how to manage law enforcement presence at the office and how to communicate to clients what protocols are practiced at the organization.

- Train all staff on [Know Your Rights](#) information and ensure easy access to up-to-date resources. This will help create clear and effective communication between staff and clients. It is recommended for staff to have easy access to accurate and up-to-date versions of this information.
- Educate staff on their own rights, organizational policies, and organizational expectations in possible scenarios.
- Establish clear office protocols for responding to ICE actions.
- **Data Security:** Review and update policies regarding:
 - Data collection and file retention—minimize collection where possible. Some things to consider:
 - Is it possible to minimize the collection of data?
 - Should specific details be in writing for initial intakes?
 - Is it necessary to collect information at workshops?
- Secure storage of client files (e.g., locked cabinets, designated private areas).
 - Are client files in designated private areas and in locked cabinets?
 - Do closed files need to be on premises?
- Digital security — consider heightened protection for sensitive information.
- Staff understanding of privilege and confidentiality protections.

- Staff must understand where they can assert privilege and its limits. Much of the information stored on electronic devices may be privileged and/or confidential, meriting special protection.

Best Practices for an Immigration Legal Services Provider During an ICE Raid or Encounter

- You DO NOT have to let ICE or any law enforcement officers in the building.
 - Keep calm and respectful.
 - If officers are at the door, ask them to wait and then close the door while you contact the designated Point of Contact (POC).
 - If officers have entered and are in the reception area, ask them to wait there while you contact the designated POC.
- Officers MUST have a legally valid judicial warrant to enter the private areas of the office. DO NOT consent to ICE officers entering the premises without a valid judicial warrant.
- The designated POC should review the warrant and determine if it is a valid warrant.
 - If the warrant is valid: staff should provide access to specified areas in the warrant and follow organizational protocols.
 - If the warrant is NOT valid: staff should indicate it is their policy to not allow ICE to enter without a valid judicial warrant.
- A valid subpoena or search warrant is required BEFORE responding to data requests.
 - If a seizure of documents occurs despite a lack of appropriate documents, do not interfere. Stay calm and document everything.
- POC should request name, badge number, and contact information of ICE officers.
- For staff at the office, a stay-in-place protocol should be initiated as soon as officers arrive and until they leave the office.
- Staff can advise clients of their rights to remain silent, decline to answer questions, and to request to speak to their attorney.
- Staff should not assist clients in hiding or escaping. Doing so could violate the law and subject staff members to criminal charges, including obstruction of justice, harboring, or aiding and abetting a crime.
- Have a set of written protocols around private and public areas. If possible, ensure that your waiting area is marked as private so that clients can feel safe and staff can avoid having to react in the moment of an immigration enforcement action. If ICE is present, it is good to have a staff member stay with all clients.
- DO NOT have any staff member answer questions asked by officers, but instead direct them to the designated point of contact.
- If arrests occur, request names and detention locations. If information is withheld, document missing individuals and follow organizational procedures.