

# **Preparing for and Responding to Immigration Enforcement Actions**

## ***Purpose***

To help HCP members prepare for, respond to, and recover from immigration enforcement actions or audits in a way that protects workers, patients, and organizational integrity.

Importantly, *this compilation is not legal advice or directives from HCP*. Rather, it is intended as an aggregation of existing guidance to help providers evaluate issues, consider risks, and craft their own policies and practices in consultation with legal counsel.

## ***Core Principles***

- Everyone has rights regardless of immigration status.
- Healthcare information is private and protected by law– medical records are not to be shared with immigration enforcement personnel.
- Immigration and Customs Enforcement (ICE) access is limited – they may only enter private areas (including private homes) with a judicial warrant. See below for more details.
- Calm, professional responses may help reduce harm, escalation, and liability.

## ***Things to Consider***

As always, you must have policies and procedures for any practices you plan to adopt at your organization.

## ***Preparation***

Some steps you could take to prepare your organization:

- Provide Know Your Rights materials to patients and staff in multiple languages.
- Monitor policy updates; HCP will continue to share resources to help home care providers reduce disruption in the workforce.
- Designate trained “ICE Response Leads” who are the sole points of contact at each of your offices.
- Educate lead staff members on the difference between judicial warrants and administrative warrants \*see below.
- Create scripts for front-facing staff: “I am not authorized to speak with you. Please wait while I contact our designated representative.”
- Mark public vs. private spaces with signage. Lock or restrict access to private areas.
- Do not record immigration status in patient records unless legally required.
- Consider practice drills or exercises.
- Maintain up to date I-9 forms (3 years after hire or 1 year after termination, whichever is later).
- Check all I-9s for ongoing validity (see [Insider article](#)).
- Conduct internal I-9 audits with counsel to identify and fix errors.

## **Response**

- Remain calm and professional. No running, yelling, or confrontation.
- Ask for ID and confirm the agent's agency.
- Request and examine any warrant or other documentation:
  - **Judicial warrant:** (signed by judge, "U.S. District Court" or state court at top): Must comply within its scope.
  - **Administrative warrant (I-200/I-205):** Does not require compliance. Staff may decline access.
  - **Subpoena:** Consult legal counsel before responding.
- Protect Patient Privacy
  - Do not disclose patient information unless required by a valid judicial warrant.
  - Cover screens and secure documents ("plain view" can be searched).
- Document the encounter
  - Video or audio record if safe to do so.
  - Record names, badge numbers, warrant details, and actions taken.
  - Encourage all involved personnel to jot down notes about the experience

## **Recovery**

- Contact legal counsel immediately.
- Write a detailed incident report (agents' actions, warrant type, treatment of staff/patients). DO NOT DISCARD extemporaneous notes.
- Notify employees' union if applicable.
- Consider offering leave for workers resolving documentation issues; pay any outstanding wages and benefits as soon as practicable.

## **Resources**

NYS Bar Association: [Guidance to Nonprofits Regarding Immigration Enforcement](#)

Polsinelli: [When Ice Knocks](#)

Husch Blackwell: [ICE at Healthcare Facilities: What Should You Do?](#)

CA Attorney General: [Promoting Safe and Secure Access for All](#)

National Employment Law Project (NILC): [What to Do if Immigration Comes to Your Workplace](#)

NILC: [Privacy Protections in Selected Federal Benefits Programs](#)

[Red Cards/Tarjetas Rojas](#) can be printed to help people assert their rights in many situations, such as when approached by ICE agents. Available from the Immigrant Legal Resource Center in 16 languages.

[Know Your Rights Handout](#) includes information for immigrants and citizens on how to make a childcare and family preparedness plan, which documents to carry, and what immigrants and allies can do if approached by ICE agents. Available from the Immigrant Legal Resource Center in eight languages.