

Information for Clinics in the Event of an Immigration (ICE) Raid: The Rights of Clinics, Clinic Staff and Their Patients

This document provides information and resources for clinics, and their patients, in regards to Immigration and Customs Enforcement (ICE) actions, commonly known as ICE raids. The information in this document is not meant to provide legal advice or to substitute for the guidance, counsel or advice of legal counsel on any matters particular to a specific primary care clinic.

**Be
Prepared:
What
You
Should
Know
BEFORE a
Raid**

Preparing Patients and Advocates

Source: National Immigrant Law Center – [“How to be Prepared for an Immigration Raid”](#)

- **Prepare individuals in the community so they know they should . . .**
 - REMAIN SILENT, or tell the ICE agent that they want to remain silent.
 - Ask to speak with a lawyer.
 - NOT carry false documents.
 - Carry a [“know your rights” card](#).
 - Find out the name and phone number of a reliable immigration attorney and keep this information with them at all times.
 - Know their “alien registration number” (“A” number) if they have one, and write it down someplace at home where their family members know where to find it.
 - Prepare a form or document that authorizes another adult to care for their minor children.
 - Advise family members who do not want to be questioned by ICE to stay away from the place where the raid occurred or where a detained person is being held.
 - NOT sign any documents without first speaking with a lawyer.

- **Prepare immigrant rights advocates and community groups.**
 - Distribute to unions, workers, and community groups “know-your-rights” materials about what to do if raids occur or individuals are detained. (Some materials are available [here](#).)
 - Help individuals who could be detained to practice, through role-playing, the best ways of responding to questioning by ICE agents.
 - Advise individuals not to sign any documents or allow ICE agents to coerce them into signing “stipulated orders of removal” or voluntary departure.
 - Be prepared to document all the facts about a raid, including any and all actions taken by ICE agents that may be unlawful, the names and badge numbers of ICE agents, and the names and dates of birth of detained immigrants.
 - Obtain contact information (e.g., phone numbers) for foreign consulates in your area.
 - Obtain contact information, including the phone number, of the local ICE detention center.
 - Find out where to obtain contact information for other detention centers in case detained people are transferred out of your local area. (A list of ICE detention centers is available [here](#). Detention Watch Network has compiled a more complete mapped list of places where immigrants may be detained, available [here](#).)

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cont.**

- Obtain the name of the local ICE Special Agent in Charge (SAC).
- Establish contact or strengthen your relationship with the local (1) Executive Office for Immigration Review (EOIR) chief counsel and (2) Office of the Federal Public Defender.
- With respect to the media:
 - Establish relationships with the local media in advance to increase the likelihood that the public will be alerted immediately when a raid is happening.
 - If you develop such relationships, in the event of a raid on a workplace you may be able to accompany a reporter into the workplace or detention center to observe, for example, whether ICE is turning away attorneys, to deny detainees access to them.
 - Conduct “know your rights” presentations on community radio programs.
 - Consider writing “know your rights” articles in local community newspapers.
- With respect to local community leaders and law enforcement officials:
 - Establish relationships with local law enforcement officials and community leaders, so you can be in communication with them during a raid and the community can mobilize to support affected workers and their families.
- With respect to the local ICE office:
 - Establish relationships with local ICE officials.
 - Meet with ICE (1) to ensure that agents who work out of the local office are aware of ICE internal guidance regarding (a) engaging in enforcement activities at workplaces where there are ongoing labor disputes, and (b) releasing detained parents with minor children if there is no other parent to care for the children; and (2) to ask about the local office’s raid protocol and how decisions are made to proceed with a raid.

■ **Develop a rapid response team comprised of attorneys, media personnel, and community leaders.**

- The rapid response legal team should include attorneys who specialize in immigration, criminal, and family law who will gather facts about the raid, help locate and represent individuals whom ICE has detained, and assist with caring for minor children whose parents are detained.
 - When creating this team, advocates should also establish relationships with other attorneys who have constitutional, criminal, and family law experience — in case ICE violates individuals’ civil liberties during the raids, or the government files criminal charges against detainees, or detainees have minor children.
 - Advocates should also identify local immigration lawyers who would be available to represent detained individuals.
 - A well-organized team that includes members from the media, the community’s leadership, and attorneys can provide a coordinated response to any immigration raid.
 - If ICE denies detainees access to attorneys, members of the rapid response team can call the Executive Office for Immigration Review’s chief counsel to facilitate attorneys’ access to clients.
 - If the federal government files criminal charges against detainees, members of the rapid response team can work with the Office of the Federal Public Defender to help ensure that they obtain adequate legal representation.
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Preparing your Clinic or Health Center

Source: National Immigrant Law Center – [“Immigration Enforcement – Know Your Patients’ and Your Rights”](#)

ICE’s ability to enforce the immigration law is limited by the protection against unreasonable search and seizure provided by the Fourth Amendment to the U.S. Constitution. Whether a search is reasonable under the Fourth Amendment depends on whether you have a reasonable expectation of privacy in the area to be searched. As a result, your patients may be more exposed in areas of your clinic that are open to the general public than in areas that are private.

Immigration agents may enter into a public area of your clinic, without a warrant or your consent, to question people they believe to be undocumented. In order to enter into a private area (not open to the general public), the agents must have a warrant or consent from an authorized person.

Recommendations:

- Establish a written policy identifying areas of the clinic as not open to the general public. For example, your waiting room may be open to the public, but individuals must be invited to enter into examining rooms, offices and records areas. Alternatively, the waiting room may be open only to patients and persons accompanying them, while the public must remain in areas outside the building.
- Provide posters and educational materials advising patients that they have the right to refuse to answer questions from immigration agents and to ask that a lawyer be present if they are questioned. Also advise patients never to run from immigration officials — since this can cause them to be arrested.
- Establish a relationship with a lawyer, such as a board member who is an attorney, who can be available if an agent comes into the clinic.
- Designate a specific person or persons as responsible for handling contacts with law enforcement officials. Train all other staff to inform immigration or other law enforcement officials that only the designated individuals are authorized to review a warrant or to consent to their entry into private areas, and to decline to answer any questions.
- If immigration agents ask permission or attempt to enter a private area, the designated person should state explicitly that he/she does not consent to entry without a warrant. If the agents indicate that they will get a warrant, contact a lawyer and try to have that person present for the search.
- When presented with a warrant, the designated law enforcement contacts should review the warrant for validity. A warrant is not valid unless it is signed by a judge and states the address of the specific premises to be searched. If the immigration agents have a valid warrant, they can enter into the private areas and question anyone present. Remind all patients and other persons present that they have the right not to answer any questions.
- Have staff role-play their responses to an immigration raid on the clinic, so they are prepared to respond confidently to a stressful situation.

Preparing your Patients

Source: American Civil Liberties Union - "[Bust Card](#)"

If you are stopped for questioning:

- Stay calm. Don't run. Don't argue, resist or obstruct the police, even if you are innocent or police are violating your rights. Keep your hands where police can see them.
- Ask if you are free to leave. If the officer says yes, calmly and silently walk away. If you are under arrest, you have a right to know why.
- You have the right to remain silent and cannot be punished for refusing to answer questions. If you wish to remain silent, tell the officer out loud. In California, you're not required to give your name unless arrested.
- You do not have to consent to a search of yourself or your belongings, but police may "pat down" your clothing if they suspect a weapon. You should not physically resist, but you have the right to refuse consent for any further search. If you do consent, it can affect you later in court.

Your Rights

- You have the right to remain silent. If you wish to exercise that right, say so out loud.
- You have the right to refuse to consent to a search of yourself, your car or your home.
- If you are not under arrest, you have the right to calmly leave.
- You have the right to a lawyer if you are arrested. Ask for one immediately.
- Regardless of your immigration or citizenship status, you have constitutional rights.

Your Responsibilities

- Do stay calm and be polite.
- Do not interfere with or obstruct the police.
- Do not lie or give false documents.
- Do prepare yourself and your family in case you are arrested.
- Do remember the details of the encounter.
- Do file a written complaint or call your local ACLU if you feel your rights have been violated.

Understanding an ICE Raid

Source: "[THE DYNAMICS OF AN ICE RAID](#)" By Josie Gonzalez, Gonzalez & Harris

What makes a raid one of the most effective tools employed by ICE?

The elements of surprise, intimidation and shock are successfully employed by ICE to catch a company off guard and to create chaos. Companies are unprepared for the hostile and intrusive entry of ICE agents on their premises and are unaware that they have rights that they can assert.

What steps do ICE agents take when they raid a company?

- Armed ICE agents surround the premises, effectively sealing all exits and routes of escape.
- The supervising agent serves the search warrant on either a receptionist or other company representative and alerts other agents via radio transmitters that entry has been made, thus allowing their entry.

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cont.**

- ICE may demand that all machinery be shut down, that no one leaves the premises without their permission, and that employees be corralled into contained areas such as the cafeteria room for questioning.
- While some ICE agents are questioning employees; others are going through drawers and file cabinets seizing documents and computer-related equipment. Once an employee admits alienage, i.e. admits to not being a U.S. citizen, the burden shifts to the employee to demonstrate legal status in the U.S.
- Sometimes employees do not have their immigration documents with them. Human Resources personnel can retrieve copies of the documents from the I-9 files, or family can be contacted to bring the original documents to the company.
- ICE agents not only interrogate employees, they also attempt to interrogate company representatives regarding immigration policies and practices.
- ICE agents leave an inventory of property seized and people that have been arrested. A copy of this inventory is archived with the court that issued the warrant.
- ICE agents arrest employees who cannot prove legal status and take them to various detention centers.

What rights and responsibilities does a company have during a raid?

- Examine the search warrant to ensure that it is signed by the court, that it is being served within the permitted time frame, and note the scope of the warrant – the area to be searched and the items to be seized. Normally, the scope is quite expansive. Immediately fax it to your attorney.
- Contact your attorney and see if he can go to the facility while the raid is occurring as the raid usually takes several hours or more to complete. The raid will not be postponed to await the arrival of an attorney.
- Obtain the name of the supervising agent and the name of a U.S. attorney assigned to the case. In larger operations, the U.S. attorney may be present on site.
- Sometimes ICE is accompanied by members of the press. There is no obligation to admit press representatives on the premises. Statements to the press should only be made by your attorney.
- Assign one or two company representatives to each agent to follow the agent around the facility. You may record on a note pad all actions and/or videotape the officer. Note any items seized and ask if copies can be made before they are taken. ICE doesn't have to agree, and if they don't, you will be entitled to secure a copy from the government property lockers. Do not block or interfere ICE activities. Remain calm and composed and do not engage in any hostilities toward the agents.
- Company representatives should not give any statements to ICE agents or allow themselves to be interrogated.
- The company may inform employees that they have a right to talk with agents if they like, or not talk with them, but don't direct them not to speak to agents when questioned.
- Do not engage in any activities that could support a harboring charge such as hiding employees, aiding in their escape from the premises, providing false or misleading information, denying the presence of specific named employees, or shredding documents.
- If agents want access to locked facilities, unlock them – otherwise, agents will forcibly gain entry into locked closets or cabinets.

Getting Information about a Raid

Source: American Immigration Lawyers Association - "[A Workplace Raids Action Plan](#)"

Barring such advance notice, once you receive initial information about a raid, you should strive to get a more complete picture, even as details continue to emerge. Since these raids are sources of panic in immigrant communities, many rumors and inaccurate/incomplete information circulate quickly. The initial information to try to verify includes:

- confirming whether the raid(s) occurred;
- whether the raid was centered on a workplace(s) and which locations;
- approximate number of persons apprehended;
- identities of persons apprehended;
- location of the initial detention (frequently a local facility is used for temporary holding and processing);
- whether ICE is screening persons for humanitarian releases (single parents/caregivers, people with health issues, etc.);
- whether ICE has created an 800# for family members to learn if their relatives have been apprehended and where they are detained; and
- what arrangements are being made for minor children and other involvement by state social services agencies.

If possible, obtain the names of all individuals ICE will detain.

Determine if any detained individuals have minor children with them, and what ICE intends to do with the children. (ICE Policies have several potential scenarios on how to handle minor children)

Depending on how extensive clinic staff want to remain involved, they could contact any or all of the following to provide information on the raid:

- Local immigration NGOs;
- Groups that work with immigrant communities, such as local community-based organizations (CBOs), churches, unions, community-based media (radio and newspaper);
- Mainstream and ethnic media;
- Local elected officials and county/state social service agencies; and
- Consular officials.

Resources Documents:

- National Immigrant Law Center – [“How to be Prepared for an Immigration Raid”](#)
- National Immigrant Law Center – [“Immigration Enforcement – Know Your Patients’ and Your Rights”](#)
- National Immigrant Law Center – [“Immigration Enforcement – Know Your Rights in California”](#)
- Detention Watch Network – [“ICE Enforcement, Detention and Deportation”](#)
- American Civil Liberties Union - [“Bust Card”](#)
- [“THE DYNAMICS OF AN ICE RAID”](#) By Josie Gonzalez, Gonzalez & Harris
- American Immigration Lawyers Association - [“Workplace Raids Action Plan”](#)
- Detention Watch Network- [Community Resource Kit](#)
- Immigration, Customs, and Enforcement - [Internal Policy memo on juveniles encountered during fugitive operations](#)

Websites:

- [American Civil Liberties Union](#)
- [American Immigration Lawyers Association](#)
- [Detention Watch Network \(DWN\)](#)
- Detention Watch Network [map of places where immigrants may be detained](#)
- [National Immigrant Law Center \(NILC\)](#)

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