SAMPLE POLICY REGARDING INTERACTIONS WITH IMMIGRATION AGENCIES

[CONGREGATION/MINISTRY] will work to ensure that our [friends] are safe and protected.
We will take steps to the greatest extent possible to protect them and their information.

It is the policy of [congregation/ministry] **not** to allow agents or employees of the U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) access to our facilities, records, or information unless this is required by law or a ***valid judicial warrant***. The same policies and procedures apply to police officers who may act with ICE to enforce immigration laws.

PROCEDURES

A. Procedures regarding access to [congregation/ministry] building:

If ICE/CBP or any law enforcement officer approaches the building, under NO circumstances should members let ICE/CBP or any law enforcement official in the building before speaking with a member of the leadership team.

1. Inform ICE/CBP agents that they do NOT have consent to enter the building
2. If the agents claim to have a warrant to enter, ask for a copy of the warrant, tell the agents to wait outside, shut the door.



3. Review the warrant to see that it is valid:
    a. It is signed by a judge or magistrate.
    b. It specifically describes [ministry's] building as the place to be searched.
    c. The date on the warrant is current (issued within the last 14 days).

a. The scope of the warrant matches what the agents are seeking to search.
NOTE: Administrative warrants signed only by an immigration officer (not a judge) do not require us to allow ICE to enter.

4. The person at the door should remain firm in requiring a ***judicial warrant*** for entry into the building. Be aware of ICE tactics to gain entry without a warrant. ICE agents may say: "We are investigating a crime. Can you help us identify this person?" or "Is [name] here? We just need them to step outside to talk to

them."

5. If ICE agents do not have a valid judicial warrant:
    a. Do not answer questions from the agents without consulting the leadership. Do not answer questions about whether a particular person is currently in the building. State instead that they are not authorized to answer questions.
    b. Document the name/contact information of the agents. This can be done by asking for business cards or asking the agents directly.
    c. Inform the agents that they do not have consent to enter the facility without a valid judicial warrant and politely ask them to leave.

Regardless of whether they have a warrant, members who are not interacting with the ICE/CBP agents should, to the extent possible, record any interactions with the agents. They should announce that they are making a recording and remain a reasonable distance from the interaction.

REMEMBER: at any point during an encounter with immigration agents, someone can ask the agents if they are free to go. If the agent says yes, they are of course free to leave. If the agent says the person is not free to go, the person has the right to ask to talk to a lawyer and to remain silent otherwise. Anyone present should know that they have the right to remain silent and do not have to answer any questions posed by immigration agents but should not direct residents not to answer questions.

B. Procedures regarding ICE requests for access to [congregation/ministry's] records/files:

1. A member of the leadership team should inform the agents that [ministry] does not release information without a client's written consent unless required by judicial order/subpoena or otherwise mandated by law.
2. If agents present a valid judicial warrant or subpoena:
    a. Do not immediately release any information or allow them into the building.
    b. Request a copy of the warrant/subpoena.
    c. Ask for the agents' contact information.
    d. Consult with the leadership who will consult with legal counsel before releasing any records.

C. **Documenting an interaction:** As soon as an interaction with an agent concludes, the leader will complete a report documenting details of the incident. The report will be shared with relevant persons.

SAMPLE PROTOCOL FOR RESPONDING TO REPORTS THAT A MEMBER MAY HAVE BEEN PICKED UP OR QUESTIONED BY ICE

1. **Gather and document key details**
    a. A member of the Leadership Team should collect and record the following information using the internal incident report form below.
        i. **Person's full name**
        ii. **Date, time, and location** of the reported ICE pick-up
        iii. **Source of the information** (name, relationship to client, and contact info)
        iv. **Any relevant context** (e.g., did ICE present a warrant, did a family member witness the detention, etc.?)
    b. They should provide a copy of the report via secure link to leader

2. **Confirming the member's status**
    a. Attempt to confirm whether the client is indeed in ICE custody:
        i. Check ICE's Online Detainee Locator System (https://locator.ice.gov/odls/#/search)
        ii. Contact any known attorney or legal representative of the client (if on file)
        iii. Coordinate with immigration legal services program if there is a need for direct inquiries or immediate legal guidance.

3. **Internal follow-up and documentation:** Maintain a secure record of all communications and actions taken in response to the reported detention using the incident report form (which should be treated as a living document). They should continue to record:
        iv. Date and time of each contact or attempted contact.
        v. Names and roles of residents/volunteers involved in gathering information.
        vi. Notes from conversations with family or the client's attorney.

5. **Client and family support**: If the client is confirmed to be in detention, seek to provide support to the client and/or family.

6. **Media or external inquiries**: Identify a person who will handle all media inquiries

7. **Confidentiality and privacy**: Throughout the process, adhere strictly to client confidentiality standards. Share client information only with authorized individuals on a need-to-know basis (such as the client's attorney or the client's designated emergency contact)

SAMPLE MEMBER INTERACTIONS WITH ICE INCIDENT FORM

Date and time report made: _____

Name of person making report: _____

Name of Member: _____

1. Date, time and place of enforcement action:
2. Who were the witnesses?
3. Describe the enforcement action answering the following questions:

a. How many agents?

b. What agency conducted the action (ICE, local police, state police)?
    a. Names and/or badge numbers of the agents:
    b. How did their uniforms identify them?

c. Why did they say they were there?

d. Did you ask to see a warrant?
    a. Did the agents present a warrant?
    b. If not, did you deny them consent to enter? What did you say?
    c. How did they react if you denied consent?
    d. If the agents presented a warrant, was a Leader alerted? Who?
    e. Was the warrant an administrative warrant (signed by an immigration official only)?
    f. If it was an administrative warrant, did you explain the policy of denying access without a judicial warrant? What was said?
    g. How did the agents react if you denied them consent based on an administrative warrant?

e. Did the agents present a judicial warrant (signed by a judge)? If so, please describe the warrant:
    - Date of the warrant?
    - Items or persons who were the subject of the search?
    - Areas identified to be searched?
    - Which judge signed the warrant?

f. Did you allow agents entry based on a judicial warrant?

g. If so, did you or another resident/volunteer accompany them during the search? Who?

h. Did the agents remain within the areas authorized by the warrant? If not, what additional areas did they enter?

i. Did they look in closed closets, cabinets? Did they ask permission first?

j. Did they restrict anyone's movement? Who?

k. Did they arrest anyone? Who?

l. Did they seize any items? What?

m. Did they take pictures of documents? If so, whose? How did they get the documents?

n. Did they take fingerprints? If so, whose?

o. Were there children present? If so, whose? How many?

p. Did the agents yell at anyone? Who? Why? Which agents (if known)

q. Is there anything else to add about the enforcement action

What steps have been taken? What additional steps need to be taken?