



Guide for Health Centers: Responding to ICE Encounters

Disclaimer: this guide is for informational purposes only and does not constitute legal advice. Each Terra Firma site should consult with qualified legal counsel to ensure compliance with all applicable laws and ethical obligations.

Purpose: This guide provides protocols for healthcare facilities to follow when encountering U.S. Immigration and Customs Enforcement (ICE) agents, ensuring patient safety, staff preparedness, and legal compliance.



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Q&A: Common Questions About ICE Encounters

Q: What should I do if ICE agents show up at my facility?

A: Stay calm and follow protocol. Ask for a judicial warrant, direct agents to wait in a public area, notify a supervisor, and contact legal counsel before taking any action.

Q: Can staff refuse to answer ICE's questions?

A: Yes. Staff are not obligated to answer questions about patients, staff, or facility operations. They should refer agents to the designated point of contact.

Q: Are we required to provide patient records if ICE requests them?

A: No, unless they present a valid judicial subpoena or court order. Always consult legal counsel before releasing any information.

Q: Can patients refuse to speak with ICE?

A: Yes. Patients have the right to remain silent and request legal representation before answering any questions.

Q: Should staff inform patients if ICE is outside the facility?

A: Yes. Simply relaying publicly available information is permissible. However, do not advise patients to take any action to evade ICE. See this [guide](#) for further details.

Q: What should we do after an ICE visit?

A: Immediately document the encounter, including agent names, badge numbers, and the details of the interaction. Share this information with legal counsel and relevant stakeholders.

Guidelines for ICE Encounters

1. General Policy

- Patient Safety & Privacy First: No patient information or records should be shared without a valid judicial warrant or legal requirement.
- Restricted Access: ICE agents may not enter private areas of the facility without a judicial warrant signed by a judge.
- Designate a Point of Contact: Assign a staff member or legal liaison to manage ICE interactions and ensure compliance with facility policy.

2. Responding to ICE at the Facility

- Stay Calm & Professional: Do not engage without following proper protocol.
- Verify the Warrant: If ICE presents a warrant, request a copy and ensure it is signed by a judge, specifies your facility, and is current (issued within the past 14 days). Administrative warrants signed by an immigration officer do not grant entry.
- Direct ICE to Wait: Ask agents to wait in a designated public area while a supervisor reviews their request.
- Contact Legal Counsel: Immediately notify the designated supervisor and legal team for further instructions.
- Do Not Provide Information: Staff should not confirm patient presence, answer questions, or provide any documentation without supervisor and legal approval.
- Be Aware of "Harboring" Concerns: While providing medical care is not considered harboring, staff should avoid taking actions that could be interpreted as obstructing law enforcement, such as hiding individuals or providing misleading information to ICE agents. See TFN's related guide [here](#).

3. Handling Requests for Patient Records

- Verify Legal Authority: ICE must present a judicial subpoena or court order to access records.
- Consult Legal Counsel: Do not release any information without supervisor and legal approval.
- Document the Request: Record details, including agent names and contact information, and file an internal report.

4. Staff & Patient Rights

- **Right to Remain Silent:** Individuals do not have to speak to ICE agents or answer questions about their immigration status.
- **Right to Refuse Entry:** If ICE does not have a judicial warrant, staff can deny them entry to non-public areas.
- **Right to an Attorney:** Any individual approached by ICE should be informed that they have the right to seek legal representation before answering any questions.
- **Ask If They Are Free to Leave:** Staff and clients should know (or be informed) that if they are engaged in questioning by immigration agents, they can ask if they are free to go. If the agent says yes, they may leave. If the agent says no, they should request an attorney and remain silent.

5. Reporting & Documentation

- **After an ICE Encounter:** Complete an incident report detailing the time, agent interactions, any warrants presented, and facility response.
- **Collect Key Information:** Include agent names, badge numbers, reason for presence, and any documents reviewed.
- **Maintain Transparency:** Share reports with legal counsel and relevant stakeholders to ensure proper documentation and policy enforcement.

6. Proactive Steps for Healthcare Facilities

- **Train Staff Regularly:** Conduct trainings on patient rights, institutional policies, and response protocols.
- **Develop a Facility Protocol:** Ensure all employees know what to do if ICE arrives.
- **Partner with Legal & Advocacy Organizations:** Build relationships with immigrant rights groups and legal aid organizations for emergency support.

Sources

[NIJC](#)

[NILC](#)

For additional resources or training on how to handle immigration enforcement at healthcare facilities, please email: info@terrafirma.nyc.