



Developing Internal Protocols for Health Center Interactions with Immigration Officials

UPDATED on January 23, 2025

As immigration policies and enforcement practices evolve, clinics must proactively prepare staff for potential interactions with federal immigration agents or law enforcement. Establishing clear protocols ensures that staff understand their roles and responsibilities, especially in the event of an immigration enforcement activity at the facility. The following list and policy template are provided as resources to help health centers develop their own policies.

Please note that this document will be updated periodically to reflect new information as it becomes available from the Administration or as policies change. This document is intended for general guidance only and should not be considered legal advice.

(NEW) *Understanding the Legal Landscape:*

Sensitive Locations:

The Department of Homeland Security (DHS) had a policy in effect since 2011 that prohibited Immigration and Customs Enforcement (ICE) from taking enforcement actions in sensitive locations. In 2021, the Biden administration expanded this policy to include areas like schools, healthcare facilities, places of worship, and social services establishments. **On January 20, 2025, the Trump Administration rescinded the policy that safeguarded these locations.** This means that immigration officials have more authority to conduct enforcement actions at clinics now, potentially creating a chilling effect on patients in need of medical care.

Given the ongoing shifts in immigration laws, clinics must remain vigilant and prepared for changes in enforcement priorities, which may include an increase in immigration raids or changes in policy. To address this, clinics should establish procedures for contacting legal counsel immediately if immigration agents or law enforcement enter without a valid court order. Staff should also be prepared to request that officials leave the premises and ensure all actions are documented to protect patients and staff.

(NEW) *Other Legal Protections:*

All individuals in the US, regardless of immigration status, possess inherent rights protected by the Constitution. Although the sensitive locations policy has been rescinded, these constitutional protections remain in place. The Fourth Amendment protects against unreasonable searches and seizures, and the Fifth Amendment guarantees the right to remain silent when interacting with law enforcement.

Public and Private areas:

ICE still requires a warrant to enter private areas within formerly protected locations, such as interior areas or those marked "private." However, public areas like lobbies, waiting areas, and parking lots do



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not require a warrant. A valid judicial warrant is required for ICE to search for or enter private areas, unless staff consent to the search.

ICE can arrest individuals inside formerly protected areas if they have a valid administrative warrant or probable cause to believe the person is "removable" from the US, meaning they lack current lawful immigration status. Probable cause can be established if the individual attempts to flee, discloses their immigration status through questioning, or documentation. Remaining silent and calm is crucial in these situations to avoid providing probable cause.

SB 54:

In California, [Senate Bill 54 \(SB 54\)](#), or the California Values Act, limits state and local law enforcement agencies' cooperation with federal immigration enforcement. The law prohibits agencies from using resources for immigration enforcement, sharing personal information with federal authorities, or transferring individuals to federal custody, except in cases involving serious or violent felonies. Additionally, SB 54 requires health facilities and other entities to **limit** assistance to federal immigration authorities, protect patient confidentiality, and restrict access to facilities and patient records for immigration enforcement purposes. Furthermore, SB 54 mandated that the Attorney General issue guidance for public facilities, including healthcare facilities, on responding to immigration enforcement actions. This law remains unchanged.

Pursuant to SB 54, the Attorney General developed [guidance](#) documents to advise public facilities, including healthcare facilities, on how to appropriately respond to immigration enforcement actions and requests for information at those facilities. Health centers should refer to the Attorney General's [guidance](#) when developing and implementing policies for responding to such actions.

Protecting Patient Information:

The scope of private health information protected from disclosure is very broad. The Health Insurance Portability and Accountability Act (HIPAA) protects personal health information (PHI) by restricting its use and disclosure, except in certain situations such as for treatment or payment, with patient consent, or when the minimum necessary disclosure is required. Clinics must ensure HIPAA compliance to safeguard patient PHI.

While immigration status and evidence of foreign birth are not expressly listed as protected PHI, both federal and state rules allow for protection for any characteristics that could uniquely identify the individual. The California Department of Health Care Services (DHCS) is required by federal law to verify citizenship or immigration status for Medi-Cal applicants, but California law mandates that this information be kept confidential and not retained by healthcare facilities.

When immigration officials request HIPAA-protected patient information, clinics are **not** required to provide it, even if the officials cite a regulatory exception (45 CFR 164.512(k)(5)(i)). This exception only



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UPDATED on January 23, 2025

applies if the patient is in "lawful custody" and disclosure is necessary for healthcare or specific institutional purposes. Without evidence of lawful custody, HIPAA-protected information should not be released. However, if a clinic must disclose patient information to immigration enforcement without patient authorization, due to a court order or warrant, it should document the disclosure according to clinic policies, including the reasoning behind the disclosure, and comply with HIPAA's accounting-of-disclosures requirement.

Clinics should limit collecting information about immigration status, citizenship, and national origin to only what is necessary and required by law. They should avoid including this information in medical and billing records, limit collection to the individual seeking care, and promptly respond to requests to remove such information from medical records, as permitted by law. Clinics are required to protect patient confidentiality by securely storing records and personal health information (PHI), restricting access, and training staff on disclosure protocols, with clear policies in place for releasing patient information and handling sensitive documents.

Designating Enforcement Liaisons:

Clinics should designate two to three staff members as enforcement liaisons, who will undergo specialized training. These liaisons should be equipped to handle inquiries from immigration agents or law enforcement, validate court orders or warrants, and ensure proper interaction with officials. It is crucial to have at least one trained enforcement liaison available during business hours to address any problems. Ongoing training will ensure liaisons are well-prepared to manage the complex legal landscape.

Creating a Code and Protocols for Staff:

In preparation for the possibility of a raid, clinics should establish a procedure to alert staff when immigration officials are present. This should be part of a broader protocol that includes:

- Immediate notification of staff regarding the presence of immigration officials (via phone calls, emails, etc.).
- Direct contact with the enforcement liaison(s) or designated personnel to handle the situation.
- Clear steps for contacting legal counsel, forming a response team, and notifying leadership, as needed.
- Procedures for documenting the interaction, particularly if agents enter without permission or a valid warrant.
- Patient notifications regarding their rights and the clinic's efforts to protect confidential information.

Staff should be trained to adhere to these procedures calmly and without panic to minimize the risk of mistakes that could be construed as legal violations. Clinics must emphasize that escorting patients out of the clinic or restricting staff from interacting with immigration officials (if they present a valid court order) is illegal and could jeopardize the clinic's ability to operate.



Developing Internal Protocols for Health Center Interactions with Immigration Officials

UPDATED on January 23, 2025

Resources:

- CPCA's immigration resources [webpage](#).
- Attorney General's [Guidance and Model Policies](#) to Assist California's Healthcare Facilities in Responding to Immigration Issues.
- A list of California organizations accredited by the Board of Immigration Appeals (BIA) to represent immigrants before the DHS and Executive Office of Immigration Review (EOIR) can be found here: <https://www.justice.gov/eoir/page/file/942306/download#CALIFORNIA>.
- California courts operate Self-Help Centers that may also be able to provide family-law assistance of relevance. A list of these centers across the State is available at <https://selfhelp.courts.ca.gov/self-help/find-self-help>.
- A patient or their family member may be able to find legal assistance from legal-aid offices and lawyer-referral services at the California Department of Social Services website, <https://www.cdss.ca.gov/benefits-services/more-services/immigration-services/immigrationservices-contractors> or at the California Courts website, <http://www.courts.ca.gov/1001.htm>.
- Nonprofit organizations that provide free or low-cost legal help can be found using the National Immigration Legal Services Directory here: <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>.
- A list of rapid response networks across California and Know Your Rights resources can be found here: <https://caimmigrant.org/what-we-do/policy/fighting-mass-detention-deportation/resources-for-immigration-legal-protection/>.
- Fisher Phillips' Employers' Rapid Response Team for DHS (877-483-7781), which can provide immediate legal counsel when a raid occurs, assist with documentation and compliance review, and provide post-raid support and strategy assistance: <https://www.fisherphillips.com/en/services/practices/immigration/employers-rapid-response-team-for-dhs-raids.html?tab=overview>.



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UPDATED on January 23, 2025

POLICY TEMPLATE:

(ORGANIZATION) Protocol for Immigration-Related Inquiries and Enforcement Actions

NOTE: The following is a policy template that clinics can use to incorporate protocols at their health centers. 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.

I. POLICY: Given the national climate surrounding immigration and the increased presence of immigration officials in communities, **(ORGANIZATION)** has established procedures for staff to follow during possible interactions with immigration enforcement agents or law enforcement if Immigration and Customs Enforcement (ICE), law enforcement, or Customs and Border Patrol (CBP) agents present themselves on **(ORGANIZATION)** premises.

(ORGANIZATION) is committed to serving all patients, regardless of their background or circumstances, and creating a safe environment for staff, patients, and anyone seeking health services.

II. PURPOSE: The purpose of these procedures is to ensure that **(ORGANIZATION)** staff are informed of protocols when law enforcement, including immigration officials, present themselves on **(ORGANIZATION)** premises. These guidelines protect patients' rights and confidential information in the presence of law enforcement agents.

III. SCOPE: This policy applies to all **(ORGANIZATION)** locations.

IV. PROCEDURE:

1. **Preparing for Encounters with Law Enforcement or Immigration Agents**

a. **Designated Enforcement Liaison(s):**

- **(ORGANIZATION)** will designate at least (number) staff members (Job Titles) as enforcement liaisons. One enforcement liaison must be onsite during business hours to handle inquiries from immigration agents or law enforcement officials.
- **Liaisons will:**
 - Learn to validate court orders, warrants, and subpoenas and differentiate between administrative and court-ordered requests.
 - De-escalate situations to prevent a raid, especially when agents lack authority to enter **(ORGANIZATION)** premises.



Developing Internal Protocols for Health Center Interactions with Immigration Officials

UPDATED on January 23, 2025

- Implement procedures during an immigration raid, including notifying team members.
- Immediately inform patients in close proximity to agents, reminding them of their right to remain silent.
- Document all raid-related actions, including agent details and detainee information.

b. Contacts with Law Enforcement:

- **The enforcement liaison(s) and (IDENTIFY) staff at (ORGANIZATION) will handle ALL contacts with law enforcement or immigration agents.**
 - Only designated staff (enforcement liaison(s) and/or (Identify)) should engage with immigration or law enforcement agents.
 - If staff encounter agents, they will contact the enforcement liaison(s) and inform agents that only designated personnel can answer questions or approve entry.
 - For phone or email contacts, staff will direct agents to the enforcement liaison(s).

c. Alerting Staff of Law Enforcement Presence:

- **(ORGANIZATION) will implement a Code (Color/Number) system to alert staff of an immigration presence or potential raid. All staff will be notified of the Code (Color/Number) via (EMAIL, PHONE CALL) by (IDENTIFY) staff and/or enforcement liaison.**
- Only designated staff or the enforcement liaison can initiate a Code (Color/Number). When triggered, staff will:
 - Secure patient files and shut down all computers with patient information.
 - Calmly inform patients of agents' presence and remind them of their rights.
 - Document all facts related to the raid and document the names and badge numbers of agents, the names and dates of birth of detained immigrants, and contact information for witnesses.

2. Protocol if Law Enforcement or Immigration Agents Attempt to Enter Premises

a. Staff Interaction with Agents:

- (ORGANIZATION) staff that encounter immigration agents or law enforcement, especially those located at the main entrances of the clinic, will immediately notify the enforcement liaison on duty and (IDENTIFY) staff of the presence of immigration officials or law enforcement.



Developing Internal Protocols for Health Center Interactions with Immigration Officials

UPDATED on January 23, 2025

- If staff encounter immigration or law enforcement agents, they should:
 - Remain calm and assert their right to remain silent.
 - Inform agents that they will contact the enforcement liaison for further communication.
 - Never allow unauthorized staff to permit entry or disclose patient information. Only enforcement liaison(s) or authorized staff can verify warrants and permit entry.
- b. **Enforcement liaison meeting with immigration officials or law enforcement will:**
 - Direct agents away from patients and confidential areas.
 - Ask the agent(s) why they are there and request to see the agent's badge and write down identifying information. If possible, the enforcement liaison may instruct another staff member to make a photocopy.
 - Prevent agents from entering private areas unless they have a valid, court-issued warrant or subpoena.
 - Confirm that all legal documentation is properly presented before permitting entry and disclosure of information.
 - Document all actions taken, including photocopying legal documents and noting any affected patients accordingly.
 - Complete an incident report.
- 3. **Without expressing consent, clinics must respond according to the requirements of the agent's documentation. If the agent has:**
 - An ICE administrative "warrant": Immediate compliance is not required. Inform the agent that (ORGANIZATION) cannot respond to the warrant until after it has been reviewed by a designated administrator. Provide a copy of the warrant to the designated administrator as soon as possible.
 - A federal judicial warrant (either a search-and-seizure warrant or an arrest warrant): Prompt compliance usually is required, but, where feasible, staff should consult with legal counsel before responding.
 - A subpoena for production of documents or other evidence: Immediate compliance is not required. Inform the officer that (ORGANIZATION) cannot respond to the subpoena until after it has been reviewed by a designated administrator. Give your copy of the subpoena to the designated administrator or legal counsel as soon as possible.



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UPDATED on January 23, 2025

- A notice to appear: This document is not directed at the clinic and clinic staff is under no obligation to deliver or facilitate service of this document to the person named in the document. If you get a copy of the document, give it to the designated healthcare facility administrator as soon as possible.
4. **If law enforcement agents attempt to enter the premises without valid legal documentation, the enforcement liaison or designated staff will take the following steps:**
1. **Activate Emergency Protocol:** Call a Code (COLOR/NUMBER) to alert others.
 2. **Notify Relevant Parties:** Immediately contact legal counsel, local media outlets, and all members of the rapid response team to inform them of the illegal raid.
 3. **Document the Incident:** Ensure assigned staff record all facts about the raid, including actions taken, agent names and badge numbers, and detained immigrant names and dates of birth.
 4. **Report the Violation:** Contact federal departments and agencies to notify them in the case of a violation.
 5. **Protect Patient Rights:** Remind patients of their right to remain silent.
 6. **Contact Information:** For reporting and complaints:
 - I. ICE Enforcement and Removal Operations (ERO) through the Detention Reporting and Information Line at (888)351-4024 or through the ERO information email address at ERO.INFO@ice.dhs.gov, also available at <https://www.ice.gov/webform/ero-contact-form>.
 - II. The Civil Liberties Division of the ICE Office of Diversity and Civil Rights at (202) 732-0092 or EEO-ADR-ICE@ice.dhs.gov. Customs and Border Patrol (CBP) Information Center to file a complaint or concern via phone at 1 (877) 227-5511 or submit an email through the website at <https://help.cbp.gov>.