

Northwest Immigrant Rights Project

Advisory to Nonprofit Organizations and Social Services Providers Regarding Immigration Enforcement Rev. 01.28.2025

Basics: We have received a number of questions from nonprofit partners, social services providers, and other agencies about how they can protect their clients if immigration enforcement agents come to their building/facility or otherwise try to apprehend their clients or community members present at their building/facility. We hope the following information addresses those questions.

How likely is it that immigration enforcement agents might come to a nonprofit organization or social services provider? In our opinion, the risk that an immigration enforcement agent from either Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) would come to a nonprofit agency or social service provider is much higher than during the first Trump administration. Please note that it is also possible that other federal agencies (e.g. FBI, DEA, ATF, and the U.S. Marshals Service) have been deputized to act as immigration enforcement agents. If immigration enforcement agents come to your building/facility, it may be because an individual submitted the address of the nonprofit or social services provider as their residential or mailing address to ICE or U.S. Citizenship and Immigration Services (USCIS). Note that Section 384 of IIRIRA provides special confidentiality and non-disclosure provisions for survivors of violence and victims of other crimes, including related to addresses used. See NIWAP's advisory [here](#). Nonetheless, it is important for everyone to be prepared for this situation and to make it clear to the community you are serving that you will protect them to the greatest extent possible.

What should we do if immigration enforcement agents come to our building/facility? We believe that nonprofit organizations and social services providers should protect individuals in their building/ facility to the greatest extent possible. We recommend these agencies develop policies and protocols consistent with the following guidelines:

- Nonprofits should not allow immigration agents access to non-public areas of their building/facility unless the immigration enforcement agents have a judicial search warrant (signed by a judge or magistrate within the past fourteen days) granting them that access to search for the listed items. We suggest all agencies define their non-public areas using designated signage. Note that immigration enforcement agents often present “administrative” arrest warrants (signed by an immigration officer), but these do NOT grant them permission to enter areas that are not open to the public, even if the person named in the administrative warrant is inside of the building/facility.
- Nonprofits should not release any information to immigration enforcement agencies unless those agencies have a judicial warrant (or subpoena) specifically requiring the release of that information or unless the client has consented to such release in order to help them with an immigration matter. In many cases, nonprofit agencies may actually be prohibited from such release of information as a matter of law, policy or regulation. All individuals, including staff, have the right to remain silent and not answer questions asked by the agents.
- Nonprofits should train their staff (particularly those in reception/ front desk areas or who have initial contact with the public) on how to respond if immigration enforcement agents do come to their location and set up a protocol for such situations (a suggested template is attached as Appendix A).
- If an immigration enforcement agent does come to your building/facility, we recommend that your staff be trained to take the following actions:

- Staff should inform immigration enforcement agents that they do not have permission to enter non-public areas of the building/facility unless they have a judicial warrant (as opposed to an administrative arrest warrant issued by ICE or CBP). If the agents claim to have a warrant, staff should contact a supervisor who can review the documents and follow up with legal counsel if necessary.
- Staff should be trained that only valid judicial warrants are acceptable for entry and that they should not accept agents' claims of having a warrant as sufficient to grant access. We recommend that reception/ front desk staff be trained to consult with a supervisor and for supervisory staff to be trained to review the scope of any warrant and also that it is being executed within its permitted time frame.
- If the immigration agents do not have a judicial warrant to search the building/facility, staff should inform the agents that they are not authorized to consent to grant access to the building/facility.
- Staff should advise any individuals who are nearby that they have the right to remain silent and do not have to answer any questions posed by immigration enforcement agents. While staff are not required to assist in any manner, staff should be careful, however, not to *direct* individuals not to speak to the agents as this might be interpreted as interference or impeding civil immigration enforcement undertaken by federal authorities. If the ordinary course of business includes escorting clients to private areas of the worksite, we encourage you to do so. If agents interfere with this, you may ask if your client is "free to go" so you may continue with your services.
- Individuals should be informed that if they are engaged in questioning by immigration enforcement agents, they 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, they should explain that they would like the opportunity to consult with an attorney and otherwise remain silent.
- Individuals should know (or be informed) that running or otherwise fleeing before determining whether they are free to go, could give an agent probable cause to detain them, even without a valid judicial warrant.
- If staff members are asked questions by immigration enforcement agents, they should be advised to tell the agent that they are not authorized to answer those questions without consulting with a supervisor.
- Staff should not lie to immigration enforcement agents. For instance, if agents are asking about an individual who is actually in the building/facility, staff should not say the person is not there but should simply decline to answer questions about that individual and consult with a supervisor.
- Staff should document the name/badge/contact information of the agents and the supervisor of the agents (ask for their cards) and, if possible, record the interactions with immigration agents (but they should announce they are making a recording). After any interaction, staff should prepare a thorough report of the interaction.
- Staff should not take any action to hide or conceal any person, or aid in their escape from the premises. (See information below regarding congregations considering offering active "sanctuary" to community members).

Are there special protections for certain types of facilities? Since 2011, the Department of Homeland Security (DHS) had maintained "sensitive locations" or "protected areas" guidance that applied to certain locations including, but not limited to, schools, hospitals and institutions of worship (including churches,

mosques, and synagogues). This is not an exhaustive list; for example, under the previous guidance, ICE was also required to exercise caution at organizations assisting children, pregnant women, survivors of domestic abuse, or individuals with significant mental or physical disabilities. The guidance did not say that immigration agents could not enter these locations, only that enforcement actions at these locations were discouraged and that ICE agents had to go through a supervisory review process within ICE unless certain narrow exigent circumstances applied.

However, on January 20, 2025, the DHS, under the Trump administration, rescinded the policy that protected certain areas from immigration enforcement and will be replaced in accordance with a rule that gives ICE and CBP authority to take enforcement actions for expedited removal of certain noncitizens to the statutory maximum, which includes people who have not been continuously present in the U.S. for two years. On January 23, 2025, DHS issued a [memorandum](#) providing guidance on how to exercise enforcement discretion.

While current DHS guidance no longer takes into consideration favorable discretion around what we knew to be described as protected areas, your organization and all domestic violence shelters and survivors accessing your building/facility should be aware of certain non-disclosure and confidentiality protections that apply to them. See Asian Pacific Institute on Gender-Based Violence's [FAQs](#) on Immigration Enforcement and Victim Services Programs.

Can local law enforcement officers assist in immigration enforcement efforts solely for a civil immigration offense?

No. The 2019 Keep Washington Working (KWW) Act is a state law that prohibits law enforcement officials in Washington State from detaining or taking someone into custody solely to determine their immigration status or based solely on a civil immigration warrant, detainer, or hold request from a federal immigration agency. Because there is no local or state statute criminalizing a person's undocumented status, nor any federal law mandating immigration assistance from local law enforcement agencies, local law enforcement agencies are not required to enforce immigration law and KWW limits local law enforcement agencies from doing so. Arresting or detaining someone without a warrant signed by a judge or probable cause is unconstitutional. KWW also prohibits state and local law enforcement officers from participating in any contract, agreement, or arrangement that grants a state or local law enforcement officer federal civil immigration enforcement authority or powers. See Keep Washington Working Act [FAQ](#) for Law Enforcement, Office of the Attorney General.

What if immigration enforcement agents do not come into our building/facility but are seen outside? Our first recommendation is to verify that the situation involves immigration enforcement agents (a reminder that other federal agencies may be deputized for immigration enforcement). A supervisor can go outside and engage the individuals who are perceived to be immigration agents and attempt to ascertain their identity. It is possible that the report about immigration enforcement agents may have been the result of confusion, and it would be best to not create concern when it is not warranted. If the agents are indeed from ICE, CBP (or other deputized federal agency) or it is not possible to confirm they are not, then it is appropriate to inform individuals inside your building/facility of the situation and advise that they have the right to remain silent and not answer any questions that the agents might pose to them when they leave.

Could our organization be accused of breaking the law if we do not grant immigration authorities access to our building/facility? Nonprofit organizations and social services agencies can provide important protection to their clients and community members by following the recommendations in this advisory,

and **they are entirely within their legal rights to do so**. In other words, nonprofits are NOT violating federal law by refusing to provide immigration enforcement agents access to non-public areas of their facilities when they do not have a valid warrant or by refusing to turn over information absent a subpoena or judicial warrant. However, nonprofits and their staff should be aware that if they take affirmative steps to conceal the whereabouts of an individual being sought by immigration authorities or they aid in the person's escape from those authorities, they could be accused of violating federal laws against "harboring" undocumented individuals. We recognize that some faith congregations or other entities may consider engaging in such activities as a form of civil disobedience (this is often referred to as becoming a "sanctuary" congregation). We, of course, respect that decision, but we would simply urge that they do so understanding the potential risks involved.

We reiterate, however, that asserting the right not to answer questions about persons who may or may not be present in a building/facility or refusing to collect information regarding the immigration status of individuals served would not implicate federal prohibitions against the harboring of undocumented individuals.

What if a client/ individual is apprehended or detained in or near our building/facility? You have a right to observe the arrest from a reasonable distance, not interfere or impede, and record the incident (but we recommend that you announce that you are recording the incident). To the extent that it is possible to do so without interfering with the immigration agents carrying out the arrest, remind your client/ individual that they have the right to remain silent and ask them if they would like you to help them contact a family member or an attorney.

If the person gives you consent and has an attorney, you may contact them to let them know that the person has been detained. If they do not have an attorney and may not be able to hire a private attorney, you may contact NWIRP's Tacoma office at tacoma@nwirp.org or at 253-383-0519. You can leave a message with the name of the individual for them to be seen for an individual meeting. Note that individuals referred in this way are not guaranteed legal representation. Our resources allow us to provide direct representation in immigration court to only a portion of those in need of assistance.

Please Note: This advisory will be updated as new information becomes available. Please visit www.nwirp.org/resources/community-information/ for the latest version of this advisory.

NWIRP offices: Seattle– 206-587-4009

Granger– 509-854-2100

Tacoma– 253-235-9279

Wenatchee– 509-570-0054

For individuals detained at NW ICE Processing Center – 253-383-0519

www.nwirp.org

APPENDIX A

SAMPLE PROTOCOL REGARDING INTERACTIONS WITH IMMIGRATION AGENCIES

[Note: This template is a generic protocol that should be adapted to the particular circumstances of your agency. We encourage each agency to consult with an attorney whenever possible to evaluate and provide advice regarding your specific circumstances]

POLICY

It is the policy of [Agency] to ensure that our communities are safe and protected when they use our facilities and services. [Agency] will take steps to the greatest extent possible under the law to protect our clients and their information. It is the policy of [Agency] not to allow agents or employees of U.S. Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), or other federal agencies deputized to carry out immigration enforcement, access to our buildings/ facilities, records or information unless this is required by law or a valid federal court warrant.

PROCEDURES

Procedures regarding access to [Agency] facilities/buildings:

If any federal agents or employees should attempt to enter [Agency]'s buildings or facilities, staff will follow this protocol:

1. Reception/ front desk staff [*or insert front-line staff title*] will explicitly inform federal agents that they do NOT have consent to enter the building/facility unless they have a valid judicial warrant.
2. Staff should inform supervisors [*include information on which supervisor(s) should be contacted and how*] about the presence of federal agents in [Agency]'s building/facility as soon as possible.
3. Staff should advise any individuals who are nearby that they have the right to remain silent and do not have to answer any questions posed by immigration agents, but should not direct clients not to answer questions. If possible, individuals should be moved to a private location of the building/facility until the situation has been resolved, but individuals should not be assisted to escape nor hidden.
4. If the agents claim to have a warrant to enter the building/facility, staff should ask for a copy of the warrant, inform the agents to wait at a specified location, and contact a supervisor for assistance.
5. Supervisors reviewing claimed warrants should contact legal counsel if possible. Supervisors should at least review the warrant to ensure that a) it is signed by a federal court judicial officer (judge or magistrate), b) it describes [Agency]'s building as the place to be searched, c) it has the correct date and has not expired (was issued within the past 14 days), and d) the search is not exceeding the scope of the items authorized to be searched for. Administrative arrest or removal warrants that are signed by an immigration officer (rather than a federal court judge or magistrate) do not grant authority for ICE/CBP or other federal agents to enter non-public areas of the building/facility.
6. Besides informing the agents that they do not have consent to enter the building/facility without a valid judicial warrant, staff should not answer questions posed by the agents without consulting with a supervisor. In particular, staff should not answer questions about whether a particular person is currently in the building/facility, but instead state that they are not authorized to answer questions.
7. Staff should document the name/contact information of the agents seeking access to the

- building/facility. This can be done by asking for a business card or asking the agents directly.
8. To the extent possible, staff who are not interacting with the agents should record any interactions with the agents but they should announce that they are making a recording. Staff should remain a reasonable distance from such incidents so as not to interfere.
 9. Individuals should know (or be informed) that if they are engaged in questioning by immigration agents, they 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, they should explain that they would like the opportunity to consult with an attorney and otherwise remain silent.
 10. Individuals should know (or be informed) that running or otherwise fleeing before determining whether they are free to go could give an agent probable cause to detain someone, even without a valid judicial warrant.

Procedures regarding immigration agents' request for access to [Agency] records/files:

If any federal agents or employees should request access to records or documents regarding [Agency]'s clients or staff, staff will follow this protocol:

1. Staff should inform the agents that [Agency]'s policy is not to release information without an individual's consent unless disclosure is required by federal judicial order or subpoena specifically requiring the release of the information or otherwise required by law.
2. If federal agents claim to have a warrant or subpoena, staff should not release information without consulting with a supervisor. Staff should request a copy of the warrant or subpoena, ask for the agent's name/badge number/contact information, and consult a supervisor.

Appendix B - Sample Judicial Search Warrants

JUDICIAL WARRANTS v. IMMIGRATION WARRANTS

Left Form: SEARCH AND SEIZURE WARRANT

UNITED STATES DISTRICT COURT
for the Eastern District of California

In the Matter of the Search of)
(Briefly describe the property to be searched)
(or identify the person by name and address)) Case No.)
[Redacted])
Davis, California 95616)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer 211-SW-0161 EFB

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the EASTERN District of CALIFORNIA.
(Identify the person or describe the property to be searched and give its location.)
SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):
SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before 5-9-2011 (not to exceed 14 days)

in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge (name)

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) For _____ days (not to exceed 30) Until, the facts justifying, the later specific date of _____

Date and time issued: 4-25-2011 9:10:00 AM
[Signature]

City and state: SACRAMENTO, CALIFORNIA EDWARD F. BRENNAN, U.S. MAGISTRATE JUDGE

Right Form: WARRANT OF REMOVAL/DEPORTATION

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

File No: _____
Date: _____

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien) _____
who entered the United States at _____ on _____
(Place of entry) (Date of entry)

subject to removal/deportation from the United States based upon a final order by:

an immigration judge in exclusion, deportation, or removal proceedings
 a designated official
 the Board of Immigration Appeals
 a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

[Signature of immigration officer]
(Title of immigration officer)

Annotations:

- Is this the right address? (points to address in left form)
- Is it still current? (points to date in left form)
- Note: only the person, property, & areas specified may be searched (points to search description in left form)
- Is it actually signed by a judge? (points to signature in left form)
- IF THE ANSWER TO ALL OF THESE IS YES, THEN IT IS LIKELY A VALID JUDICIAL WARRANT (points to signature in left form)
- THESE ARE VISUAL CUES THAT THIS IS AN IMMIGRATION WARRANT (points to title and checkboxes in right form)

NATIONAL IMMIGRATION LAW CENTER (NILC)

National Immigration Law Center’s Warrants and Subpoenas: What to Look Out for and How to Respond (January 2025)

<https://nilc.org/wp-content/uploads/2020/09/2025-Subpoenas-Warrants.pdf>