

Protecting Immigrants: Guidance for Churches, Schools, and Hospitals

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On January 20, 2025, the Trump Administration replaced a policy that protected certain areas (churches, school, hospitals, etc.) from immigration enforcement with one that gives ICE the ability to enter these essential locations.

Limits of ICE authority

- **Public spaces (lobbies, most sanctuaries, waiting rooms)**
 - ICE must have an administrative warrant to arrest someone in public spaces.¹
 - ICE officers may issue an administrative warrant upon probable cause that someone does not have immigration status at that time. These are civil enforcement actions.² The validity of the administrative warrant is never reviewed by a judge.³
- **Private spaces (e.g., employee-only rooms, offices).** ICE must have a judicial warrant, signed by a federal magistrate judge, to search or arrest someone in private spaces.⁴
- **ICE administrative warrants only direct ICE agents what to do, no one else.** An ICE administrative warrant does not compel any local law enforcement officer, social services provider, or anyone else to take action of any kind; it is exclusively directed to ICE agents. 8 C.F.R. § 236.1. See also 8 C.F.R. § 287.8(c).

¹ 8 U.S.C. § 1226(a); 8 C.F.R. § 287.5(e).

² E.g., *Lopez-Lopez v. County of Allegan*, 321 F.Supp.3d 794 (W.D. Mich. 2017).

³ E.g., See *El-Badrawi v. Dep't of Homeland Security*, 579 F. Supp. 2d 249, 276 (D. Conn. 2008).

⁴ See *v. City of Seattle*, 387 U.S. 541 (1967) (holding that administrative entry and search of areas not open to the public may only be compelled through the judicial warrant procedure); *El-Badrawi v. Dep't of Homeland Security*, 579 F. Supp. 2d 249, 275 (D. Conn. 2008) (“[A]s a matter of federal constitutional law, search warrants issued exclusively by executive officials involved in an investigation are ignored for Fourth Amendment purposes.”).

Suggestions:

- **Have a plan.**
 - Identify which spaces are public vs. private in each building.
 - Create additional private spaces by adding “staff only” or “member only signs” and adding locks to doors.
 - Decide what happens if ICE shows up, what role will each person take.
- **Identify who will be the liaison with ICE.** This person should:
 - Ask ICE why they are present.
 - Review any ICE paperwork:
 - Review the administrative or judicial warrant for accuracy of data, location, and signature.
 - If no administrative warrant, ICE cannot arrest someone without additional evidence (answers by the individual or showing documentation, for example). Ask ICE to leave.
 - If there is no judicial warrant, ICE cannot enter private spaces. Ask ICE to leave.
 - If no warrant at all (or not signed, names impelled, wrong date, etc.), ask ICE officials to leave.
 - Make sure that ICE does not engage with any community members.
 - Document details of interaction—how many ICE agents, names and badge numbers, where they were (specify which officer arrested or questioned who), reason given, did they have a warrant, what happened.
- **Share Know Your Rights and emergency preparedness information.** Check out our website and those of other reliable organizations.

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