

Protecting Immigrant Community Members Community Spaces

Increased immigration enforcement activities by United States Immigration and Customs Enforcement (“ICE”) and United States Customs and Border Protection (“CBP”) agents in our communities has caused concern.

As a community center that offers a host of services and is open to the public, there are things that you can do to protect the people you serve from unwarranted searches and seizures if ICE or CBP agents show up on-site.

- Increase privacy at the center with policies, planning, and changes to your physical space.
- Train community members and staff to protect everyone’s rights.

PLANNING

Create an Expectation of Privacy in Common Areas

ICE, CBP, and other law enforcement officers cannot enter onto property without a warrant where there is a reasonable expectation of privacy in the space.

- Lock all entrances to the center at night and when the center is not open.
- Post signs at the entrance and in common areas making clear that the space is non-public and that a warrant is required for law enforcement to enter (see right for example).
- Enclose semi-public places (e.g., parking lot, shared community space) with a gate or fence.
- Restrict access to the center (e.g., outdoor key or key code for lobby access, concierge at the entrance for visitor check-in).
- Establish a written policy for who is allowed into the community center and when.
 - The written policy should state that the community center has the right to exclude people from entering the premises.

**THIS PAMPHLET
INCLUDES
INFORMATION ABOUT:**

PLANNING

Signage and physical barriers

Protocols and training

LEGAL BACKGROUND

Constitutional protections

Understanding warrants and subpoenas



ACLU
California

PROTECTING OUR COMMUNITY

- Make sure the policy is made available to members and to the general public.
- For communal spaces that are available by reservation for events, share policy and protocols as part of reservation process.

[Sample statement] It is the policy of this community center to ensure that community members are safe and protected. This community center will take steps to the greatest extent possible under the law to protect information shared with us by community members. It is the policy of this community center not to allow agents or employees of U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) access to our properties, records or information unless required to do so by a valid court order. Any law enforcement seeking to enter or to execute a warrant must contact the center director at [phone number/address].

.....

◀ Establish a **written policy** for who is allowed into the community center and when.

For spaces that need privacy, such as meeting rooms and areas where you provide services:

- Separate the center’s front entrance area from areas in which people receive individualized services, ideally with physical barriers. Post signs restricting access to these portions of the facility to staff and clients of the facility (see right for example).
- Require check-in and authorization by staff to enter restricted areas.



Protecting Private Information

- Do not collect information of members, volunteers, or visitors except as necessary to what you are doing with them, and avoid recording information related to citizenship or immigration status. Decline to provide any information to law enforcement absent a warrant or court order.
- Most administrative subpoenas for records issued by immigration authorities are not enforceable without a court order, despite having language that appears to be compulsory. See attached examples to better understand warrants and subpoenas.

TRAIN STAFF AND COMMUNITY MEMBERS ON POLICIES AND PROTOCOLS

Be Ready

- Train all staff to respond in a uniform fashion and in accordance with the center's adopted internal protocol on what to do if immigration officials appear on the premises.
- Inform staff members and volunteers that they are not authorized to consent to a search and to not let immigration officers on-site unless a valid search warrant is presented.
- Designate particular staff to engage with law enforcement officers, including ICE and CBP agents, and train those staff members to identify and review subpoenas and warrants.
- If approached by an immigration agent, instruct staff to:
 - Ask for and write down the agent's name, badge number, contact or other identifying information as well as the name of the agent's supervisor.
 - Immediately contact a supervisor and/or the designated person(s) to deal with law enforcement or immigration authorities.
 - Notify the immigration officers that staff is not authorized to answer any questions without consulting with a supervisor and immediately contact a supervisor.
- Staff should have a script to use with all law enforcement officers or agents, such as:

Hello, can I get your name and see your identification please?

This area is not open to the public. We do not allow law enforcement activities here without a valid, judicial warrant. Do you have a valid, executed warrant to enter or search this property?

[If they claim to have a warrant:] I'm going to call my [supervisor/our general counsel] to review the warrant. I cannot let you enter. Please give me just a minute to call them. [Direct agents to designated place to wait, apart from others]

[If no warrant:] Okay then, I'm going to have to ask you to leave. This community center does not consent to you being here/questioning our members/conducting a search.

[If requesting records:] I am not authorized to share any records with you. If you have a subpoena or court order, please send it to this address for our [director/manager/general counsel] to review.

◀ Prepare a **script** to respond to immigration officials

Host Community Know Your Rights Trainings

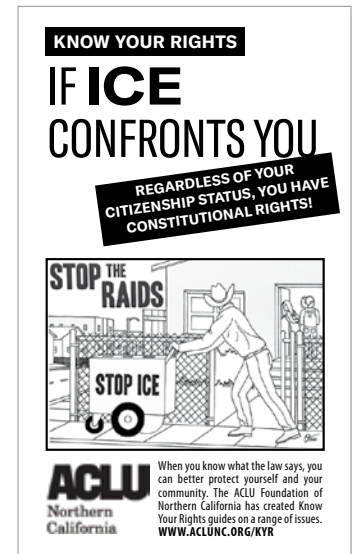
- Work with local immigrants' rights organizations to host trainings for community members to practice exercising their right to remain silent.
- Include community center staff and share privacy policies with the community.

LEGAL BACKGROUND: KNOW YOUR RIGHTS

The U.S. Constitution Places Important Limits on Immigration Enforcement in Community Spaces.

- The 4th Amendment of the U.S. Constitution protects against unauthorized governmental searches.
- You have a right to a reasonable expectation of privacy in non-public areas. ICE and CBP may not enter these areas without a warrant, consent, or an emergency.
- ICE and CBP may enter areas open to the general public without a warrant.
- ICE, CBP, or other law enforcement authorities cannot search a facility without a valid warrant signed by a judge, unless: (A) you consent or (B) there is an emergency.

Provide **Know-Your-Rights** materials. ▼



An example of an **arrest warrant**. This document only permits an arrest of the indicated person, not entry into or a search of private property. ✓

U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

IMPORTANT: An arrest warrant only permits an arrest of the indicated person, NOT a search of any of private property. If an officer attempts to search your house with only an arrest warrant, you may refuse

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

This warrant is only valid to arrest the person indicated here

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

Must be signed by an immigration officer to be valid

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)

on _____ (Name of Alien) on _____ (Date of Service), and the contents of this

notice were read to him or her in the _____ (Language) language.

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

An example of a **search warrant**. To authorize law enforcement entry into private spaces and searches and seizures of papers and things, a search warrant must be issued by a court and signed by a judge or magistrate. ▼

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*

Case No.

Make sure the warrant has your correct name and address

To search the premises, officials must have a search warrant. If officials only have an arrest warrant, they do not have authority to search or enter your property

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

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 _____ District of _____
(identify the person or describe the property to be searched and give its location):

Officers are typically only allowed to search the person or property described here, nothing more

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(identify the person or describe the property to be seized):*

The search can only be executed at the time indicated here

YOU ARE COMMANDED to execute this warrant on or before _____ *(not to exceed 14 days)*
 in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good 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)

Pursuant to 18 U.S.C. § 3103a(b), 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: _____

Judge's signature

City and state: _____

Printed name and title

This warrant **MUST** be signed by a judge to be valid. If it is not signed, you are not required to permit a search

An example of an **immigration subpoena**. This is not binding without a court order. You can decline to produce the requested records. ▼

1. To (Name, Address, City, State, Zip Code) Make sure this lists your correct name and address before proceeding	DEPARTMENT OF HOMELAND SECURITY IMMIGRATION ENFORCEMENT SUBPOENA to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To This section must specify a case or action _____ (Title of Proceeding) (File Number, if Applicable)	

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

- (A) **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.
- (B) **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Misleading text. DHS needs a court order to enforce this subpoena

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear Name Title Immigration Officer Address USCIS 630 Sansome Street, Rm. 1220 San Francisco, California 94111 Telephone Number	(B) Date (C) Time 0900 <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
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4. Records required to be produced for inspection This must request specific records and may not be a general request (e.g. "all employment records"). Review the scope of the request and only provide what is specifically asked for and nothing more

Must be signed by an immigration officer to be valid



If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

5. Authorized Official

(Signature)
(Printed Name) Supervisory Immigration Officer
(Title)
(Date)