

SUGGESTIONS FOR [ORGANIZATION NAME] STAFF ENGAGING WITH IMMIGRATION AGENTS

[Organization name] offers the below as suggestions for any staff or volunteer in the event that immigration agents approach guests on the grounds of [organization name] in a [organization name] building. These are suggestions, not legal advice. [Organization name] is not a legal services organization. We have assembled these suggestions by consulting other public sources (listed below) and encourage you to contact these organizations if you would like additional information. We believe that in all cases, respect, care and compassion for all involved – as well as common sense – should guide any interaction with immigration authorities and encourage you to consider those fundamental values as you decide what role, if any, you wish to play should the situation arise.

[Organization name] intends to welcome all who come, regardless of their background. Guests may include immigrant members of the community. No one should inquire about a guest's immigration status. That is irrelevant to the service you are offering, and it is best for you not to know.

It is extremely unlikely that you will encounter law enforcement while serving at [organization name]. However, since immigrants are currently receiving increased scrutiny from law enforcement agencies, please review the following precautions and know your rights as well as the rights of your guests.

While knowing rights is helpful, a visit to [organization name] by immigration agents is not an occasion for conducting a legal defense, which requires the presence of a qualified lawyer. The main goal during an interaction with immigration agents at [organization name] should be to ensure the safety of all involved.

Immigration agents are employees of the federal office of Immigration and Customs Enforcement (ICE). ICE agents may work from marked or unmarked cars; in plainclothes or in some type of uniform, which may be marked "police." They are sometimes accompanied by local police.

If ICE agents are seen outside of the facility:

1. Notify [organization name] staff [phone number] follow their advice.
2. If [organization name] staff are not available, a responsible member may go outside to verify that the situation involves ICE agents.
3. If the agents do not leave or if their identity as agents cannot be determined, staff may inform guests of the situation and advise them of their right to remain silent if they choose to go outside and are questioned by agents.
4. Staff may invite guests to remain inside indefinitely, pending staff consultation with [organization name] staff.
5. Under no circumstances may staff assist guests in escaping or hiding.
6. In all circumstances, staff should encourage guests to remain calm and should model calm behavior.

If ICE agents enter the facility:

1. **Stay calm!** Encourage guests to stay calm, too, either by speaking to them directly or setting an example by your own behavior. Running to the exits will make things worse because ICE agents can say that people who are running are likely violating immigration laws.
2. Contact supervisors as soon as possible: **give phone numbers**

3. A responsible soup kitchen staff member may approach the agents, ask the nature of their business, and explain that under [organization name] policy, ICE agents do NOT have consent to enter [organization name] property unless they have a valid judicial warrant. If ICE agents claim to have a warrant, you may ask agents to wait in a specified location while you contact [organization name] staff for further direction.
4. If ICE agents demand immediate access despite these policies, do not resist. Staff may prepare to document the encounter, starting with a request for name/contact information of the ICE agents. This can be done by asking for a business card, or name and badge number.
5. If ICE agents ask about the presence of a particular individual, or present a warrant naming an individual, staff may state that they are not authorized to answer questions without consulting a supervisor. Staff should not lie to agents, for instance, by explicitly denying the presence of someone who is actually in the building.
6. Staff may record (on paper or on camera) any interactions with agents, but staff must announce that they are doing so. Staff should remain a reasonable distance from the interaction so as not to interfere.
7. If agents proceed to question guests, staff should not assist in questioning or in any attempt to sort guests by immigration status or country of origin. Staff may say, "You have a right to remain silent," but should not say, "Don't answer that question." In addition, the guest has the right to consult a lawyer and the right not to sign any documents before consulting a lawyer.
8. Guests who are engaged in questioning by an immigration agent can ask the agent if they are free to go. If the agent says yes, they may choose to leave.
9. If a guest is detained by an ICE agent, s/he should not resist, nor should staff encourage or assist in resistance.
10. Staff may ask ICE agents' permission to obtain from a detained guest the contact information of anyone who should be informed of the guest's detention (e.g., a family member, friend or lawyer). Staff may also ask where the guest will be detained. If the detained guest authorizes them to do so, staff—or preferably a supervisor-- may provide all information obtained from ICE agents to the friend or family member so identified.
11. After ICE agents leave the building, staff may check outside to see if any agents remain in the area. If they do, follow procedures given above: "If ICE agents are seen outside of the soup kitchen."
12. Staff may make an effort to comfort guests who remain in the building and who are likely to be upset by the intervention of ICE agents. Providing contact information for [organization name] can be helpful: **give phone numbers** Confidential information regarding anyone who has been detained should not be shared with other guests.
13. As soon as possible after the agents leave the building, a responsible staff member may write down a record of what occurred and submit it to supervisor. Helpful information includes:
 - a. Names and badge numbers of agents who were asked to identify themselves.
 - b. How many ICE agents were present (inside and outside)?
 - c. How were the agents dressed? How were they armed?
 - d. Did the agents make staff or guests believe they could not move or leave?
 - e. Did the agents mistreat anyone? If yes, how?

Sources for Protocol Regarding Immigration Enforcement:

“Advisory to Nonprofit Organization and Social Service Providers Regarding Immigration Enforcement.” Northwest Immigrant Rights Project.

“Guidance to Nonprofits Regarding Immigration Enforcement.” New York Lawyers for the Public Interest pamphlet.

“If Questioned About Immigration Status.” ACLU “Know Your Rights” video:
<https://www.aclu.org/know-your-rights>

“Know Your Rights When Encountering Law Enforcement.” ACLU.

“Sanctuary Congregations and Harboring FAQ.” ACLU.

“Welcome and the Law: When Offering Rides, Providing Safe-Haven, or Employment Could Be Prosecuted.” Office of Immigration Issues. Presbyterian Church (USA).

“What To Do If Immigration Comes to Your Workplace.” National Employment Law Project / National Immigration Law Center.