

If federal immigration agents visit
a Public Health site

Guidance
for Managers, Supervisors,
and other “Designated Leads”



Preface

All people should feel safe receiving the health services that they need. Unfortunately, the current levels of fear and stress among immigrant communities may be negatively impacting the willingness of some immigrant families to seek services. For many years, immigrants have arrived in King County looking for a better future: setting down roots, opening businesses, and helping with our vital economic growth. To remain that beacon of opportunity, we must ensure that immigrants have access to vital health, legal, and social services.

King County is providing tools to our employees, and to our health care clients, to ensure that immigrants can access health services without fear, while also remaining in compliance with federal laws.

The King County Office of Equity and Social Justice and Public Health—Seattle & King County worked together to create these materials.

Is it possible immigration agents might visit our clinics?

While there is a low likelihood that an enforcement action could occur at a health clinic – there have been reports nationally of immigration agents presence at health center parking lots and of agents arresting people near health clinics.

Federal Immigration & Customs Enforcement (ICE) agents have policies limiting when they may enter “sensitive locations” such as health facilities – but the rules do not forbid entry.

King County is training our employees to be prepared in case of a visit from immigration agents.

- The two keys to preparation: Designate “private areas,” and designate managers/supervisors to be leads

Overview

- Public Health department policy identifies Public Health Centers and clinics as “**private areas**” – only open to those who are authorized or seeking services provided at these facilities.
- Employees are **not** required to answer questions or provide information to immigration agents. Each site will identify “Designated Leads” to respond to agents, as described in the following pages.
- **Agents may not enter Public Health Centers and clinics (i.e. private areas) unless/until** the Designated Lead determines there is a valid warrant signed by a judge.
- All other employees should refer immigration agents to the Designated Leads.
- Front Desk/Reception staff are the most likely points of contact.
- Our employees are stewards & guardians of patient privacy.

What to say & do

- Once alerted by front desk or other staff, Designated Lead should say:
 - This is a sensitive health facility and King County does not permit unauthorized individuals, including law enforcement, to enter the facility without a signed judicial warrant.
- If the agents claim to have a warrant, Designated Lead must ask to see the warrant.
- The Designated Lead must determine if it is a signed judicial warrant, as opposed to an administrative arrest warrant issued by ICE or other agencies.

(see following slides for next steps)

What to say & do (continued)

If the immigration agents **do not have a judicial warrant** signed by a judge:

- Designated Lead should say:
 - Without a signed judicial warrant, I am not authorized to grant you access to the facility.
 - Please leave the facility and grounds so that there is minimal disruption to Public Health's mission to ensure access to health services.
- Ask for the agents' names and cards. Contact the Risk Manager in the Compliance Office to let them know, and immediately fax a copy of the warrant and/or business card to them.
[Risk Manager Terry McGuire: 206-263-8246; or Compliance hotline: 206-205-6191; full contact info on last page]

What to say & do (continued)

If the immigration agents have a valid judicial warrant signed by a judge:

- Designated Lead **must grant access** to the facility sufficient to detain the person identified in the warrant.
- **Work with agents to minimize disruption** and trauma for all patients and staff. Some examples for Designated Lead to consider:
 - May advise all to remain inside service delivery rooms with the doors closed before providing access to immigration agents.
 - May request all patients in waiting areas to temporarily leave the facility.
 - May arrange for the agents to meet with the person to be detained in a private area or room.
- Ask for agents' names and cards. Contact the Risk Manager in the Compliance Office to let them know, and immediately fax a copy of the warrant to Compliance. *[Risk Manager Terry McGuire: 206-263-8246, or Compliance hotline: 206-205-6191; full contact info on last page].*



What is a valid “judicial warrant”?

A judicial search warrant (if signed by a judge or magistrate within the past fourteen days) grants access to search for the listed items or persons.

Note that immigration agents sometimes have “administrative” arrest warrants (signed by an immigration agent, not a judge) -- 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.

- *see samples of warrants on next slide/page*

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))

540 Oak Avenue)
Davis, California 95616)

Case No.)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

2:11-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 ATTACHEMNT 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 justify, the later specific date of _____.

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



Judge's signature

City and state: SACRAMENTO, CALIFORNIA

EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE
Printed name and title

Sample Warrants

This is a signed Judicial Warrant.

- It is issued by a US District Court.
- It was signed by a Judge or Magistrate
- The "on or before" date (circled in red) should be current

Sample Warrants

This is an Administrative Warrant.

- It is issued by the US Dept of Justice – NOT by a Court.
- It also is NOT signed by a Judge or Magistrate

U.S. Department of Justice
Immigration and Naturalization Service

Warrant of Removal/Deportation

File No: _____

Date: _____

To any officer of the United States Immigration and Naturalization Service:

(Full name of alien)

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

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

- an immigration judge in exclusion, deportation, or removal proceedings
- a district director or a district director's 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:
Section 241(a)(5) of the Immigration and Nationality Act(Act), as amended.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General 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 the appropriation. "Salaries and Expenses Immigration and Naturalization Service 2002," including the expense of an attendant if necessary.

(Signature of INS official)

(Print name of official)

(Date and office location)

Additional ways to be prepared

- Post signs that designate private vs. public areas
- Train front-desk staff using the guidance document for staff
- Make sure staff have reference guide posted at front desk
- Make available “know your rights” pamphlets in waiting areas and service delivery rooms.
- Under HIPAA, all personal health information is protected. If agents want to view patient information, they should present a court order or subpoena directly to the PH Compliance Office.
- Two things you cannot do: (1) Interfere or in any way restrict employees from communicating with agents. (2) Hide or conceal any person, or aid in their escape from the premises.

Background

ADDITIONAL INFORMATION

TO UNDERSTAND HOW TO PROTECT YOUR CLIENTS
AND STAFF



Why we are concerned

Fear of Deportation Makes Communities Less Healthy



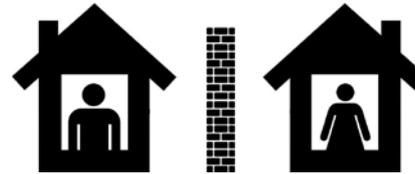
People are afraid to drive,



afraid to use parks and exercise outdoors,



afraid to use public services like clinics



and afraid to get involved in their communities.

This slide courtesy of



Why we are concerned

Fear of Deportation Makes Communities Less Safe

Deportation and the Threat of Deportation:

- **MAKE LAW ENFORCEMENT MORE DIFFICULT** - People who witness/are victims of a crime are less likely to report the crime or cooperate as witnesses if they fear deportation or questions about immigration status for themselves or someone they know.
- **MAKE VICTIMS OF VIOLENCE LESS LIKELY TO GO TO POLICE** - Domestic violence victims often remain with their abuser rather than risk being detained and/or deported when seeking protection from abuse
- **EXACERBATE MENTAL ILLNESS & INSTABILITY** - Documented and undocumented immigrants experience **exacerbated health conditions like stress, anxiety, and hopelessness** due to fears of deportation for themselves or members of their community.

Why we are concerned

UNDOCUMENTED PARENTS OF US-BORN CHILDREN ROUTINELY DEPORTED WHILE THEIR CHILDREN REMAIN IN U.S.



11,000,000

undocumented immigrants live in the US currently

4,500,000

US-citizen children live in families in which at least one person is undocumented

150,000+

US-citizen kids a year had a parent deported

This slide courtesy of



Why clinics are designated as “private areas”

- Immigration agents may freely enter into public areas without a warrant or consent to question people they believe to be undocumented. Your patients/clients are more exposed in public locations than in private areas.
- Public Health has adopted a policy establishing Public Health Centers and other Public Health facilities as private areas.
- Immigration agents’ ability to conduct a search is limited by the Fourth Amendment to the U.S. Constitution, which prohibits unreasonable searches and seizures. Whether a search is “reasonable” depends on whether there is a reasonable *expectation of privacy* for people in the area to be searched.
- In order to enter into Public Health’s designated private areas, immigration agents must have a signed judicial warrant.



The role of the Designated Lead

- Designate a specific person or persons as responsible for handling contacts with law enforcement officials. Train all other staff to inform immigration or other law enforcement officials that only a Designated Lead is authorized to review a warrant or to consent to their entry into Public Health facilities, and that they also may decline to answer any questions.
- Designated Lead will not allow immigration agents access to Public Health facilities unless the 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 or people. Note that immigration agents sometimes have “administrative” arrest warrants (signed by an immigration agent) 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.

See sample warrants and guidance on previous pages

Understand existing guidance

- Ensure availability of trained interpreters (*Public Health has phone interpreters available 24/7 at 206-535-2498*)
- Post ALL ARE WELCOME HERE signs in buildings and offices (posters available through King County ESJ office)
- Make available “know your rights” pamphlets. King County ESJ office will provide pamphlets (delivered to Public Health Centers via Kim Carmony).
- Train staff/partners to use language/narrative that supports undocumented populations and their families. Work to change a narrative that portrays undocumented people negatively (King County ESJ office can provide this).
- Learn about tools & resources on KC-ESJ webpage

<http://www.kingcounty.gov/elected/executive/equity-social-justice/Immigrant-and-Refugee/Tools-and-Resources.aspx>



Tips for encounters with immigration agents

- Don't give legal advice to clients.
- You may advise any clients who are nearby that they have the right to remain silent and do not have to answer any questions posed by immigration agents. Staff should be careful, however, not to *direct* clients not to speak to the agents as this might be interpreted as interference. If possible, clients should be moved to a private location of the facility until the situation has been resolved.
- Employees are not required to answer questions or provide information to immigration agents.
- Employees should not lie to immigration agents.
- Employees should not take any action to hide or conceal any person, or aid in their escape from the premises.



If you have further questions about King County's approach to immigrants, refugees and immigration enforcement, please contact:

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Public Health Compliance Office – Contact info

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