

Information for Clinics: The Rights of Clinics, Clinic Staff and Their Patients



This document provides information and resources for clinics, and their patients, in regards to Immigration and Customs Enforcement (ICE) actions, commonly known as ICE raids. The information in this document is not meant to provide legal advice or to substitute for the guidance, counsel or advice of legal counsel on any matters particular to a specific primary care clinic.

Preparing your Clinic or Health Center

Source: National Immigrant Law Center – [“Immigration Enforcement – Know Your Patients’ and Your Rights”](#)

ICE’s ability to enforce the immigration law is limited by the protection against unreasonable search and seizure provided by the Fourth Amendment to the U.S. Constitution. Whether a search is reasonable under the Fourth Amendment depends on whether you have a reasonable expectation of privacy in the area to be searched. As a result, your patients may be more exposed in areas of your clinic that are open to the general public than in areas that are private.

Immigration agents may enter into a public area of your clinic, without a warrant or your consent, to question people they believe to be undocumented. In order to enter into a private area (not open to the general public), the agents must have a warrant or consent from an authorized person.

Recommendations:

- Establish a written policy identifying areas of the clinic as private and not open to the general public. For example, your waiting room may be open to the public, but individuals must be invited to enter into examining rooms, offices and records areas. Alternatively, the waiting room may be open only to patients and persons accompanying them, while the public must remain in areas outside the building.
- Provide posters, Know Your Rights cards and educational materials advising patients that they have the right to refuse to answer questions from immigration agents and to ask that a lawyer be present if they are questioned. Also advise patients never to run from immigration officials – since this can cause them to be arrested (Some materials are available [here](#)).
- Reach out to immigrant rights groups, like the California Immigrant Policy Center, to help create trainings for your staff and patients.
- Establish a relationship with an immigration attorney when possible or a lawyer, such as a board member who is an attorney, who can be available if an agent comes into the clinic.
- Designate a specific person or persons as responsible for handling contacts with law enforcement officials. Train all other staffs to inform immigration or other law enforcement officials that only the designated individuals are authorized to review a warrant or to consent to their entry into private areas, and to decline to answer any questions.
- If immigration agents ask permission or attempt to enter a private area, the designated person should state explicitly that he/she does not consent to entry without a warrant. If the agents indicate

that they will get a warrant, contact a lawyer and try to have that person present for the search.

- When presented with a warrant, the designated law enforcement contacts should review the warrant for validity. A warrant is not valid unless it is signed by a judge and states the address of the specific premises to be searched. If the immigration agents have a valid warrant, they can enter into the private areas and question anyone present. Remind all patients and other persons present that they have the right not to answer any questions.
- Have staffs role-play their responses to an immigration raid on the clinic, so they are prepared to respond confidently in a stressful situation.
- Be prepared to document all the facts about a raid, including any and all actions taken by ICE agents that may be unlawful, the names and badge numbers of ICE agents, and the names and dates of birth of detained immigrants.
- Obtain contact information (e.g., phone numbers) for foreign consulates in your area and the phone number of the local ICE detention center to help the families of patients who may be detained (A list of ICE detention centers is available [here](#)).
- Establish relationships with the local media in advance to increase the likelihood that public will be alerted immediately when raid is happening.

Preparing Patients and Advocates

Source: National Immigrant Law Center – [“How to be Prepared for an Immigration Raid”](#)

Inform Patients of their rights so they know they should . . .

- REMAIN SILENT, or tell the ICE agent that they want to remain silent.
- Ask to speak with a lawyer.
- NOT carry false documents.
- Carry a [“know your rights card”](#)
- Find out the name and phone number of a reliable immigration attorney and keep his information with them at all times.
- Know their “alien registration number” (“A” number) if they have one, and write it down some place at home where their family members know where to find it.
- Prepare a form or document that authorizes another adult to care for their minor children.
- Advise family members who do not want to be questioned by ICE to stay away from the place where the raid occurred or where a detained person is being held.
- NOT sign any documents without first speaking with a lawyer.