

## ICE at Hospitals

Hospitals and medical facilities should be places where people feel safe to seek care and healing. Understanding legal boundaries is crucial to protecting patients and staff from ICE:

### PUBLIC vs PRIVATE SPACES

ICE can access public areas (main lobbies, public waiting rooms, cafeterias, public restrooms, parking garages/lots, public hallways designated for visitor access) without a warrant. However, they CANNOT enter private spaces (patient rooms, Emergency Department treatment areas, ICU, NICU, operating rooms, nurses' stations, medical records departments, staff-only hallways, pharmacies, security rooms, on-call rooms) without a judicial warrant or explicit consent from management.

### WHAT DOCUMENTS MATTER?

- Judicial warrant (judge-signed with specific location, person, and action) = Valid
- Administrative warrants or ICE detainers = NOT enough
- Hospitals can always verify documentation with legal counsel before allowing entry to protected areas.

### INDIVIDUAL RIGHTS:

- Right to remain silent and refuse to answer questions or discuss immigration status
- Right to ask, "Am I being detained?" If the answer is no, you can leave
- Decline to answer questions or be searched
- Not required to show ID, answer questions, or leave service unless legally ordered
- Right to remain silent and not answer questions without an attorney

### PATIENT RECORDS

Per HIPPA, hospitals must not disclose patient identity or location, medical records, appointment schedules, admission/discharge info, immigration status, security camera footage.

### EMPLOYEE RECORDS

ICE cannot demand immediate access to any employee records (such as personnel files, I-9 forms, copies of IDs, scheduled or timecards, payroll or tax records, security camera footage). Requests should be routed through the hospital's HR and Legal departments.

### STAFF RECOMMENDATIONS

ICE is not allowed to question or detain workers without a judicial warrant. Frontline staff encountering ICE may say, "I'm not authorized to provide access or information. Please speak with hospital administration or our legal/privacy office." Administrators should not allow ICE in private areas. Document ICE agents and actions. Call legal counsel immediately. Patients in care should be permitted to complete their medical care. Hospital staff may state, "This patient is receiving care and cannot be interviewed or removed at this time."

 **FOR ADMINISTRATORS**

Prepare now by designating a point person, training staff on valid documents, establishing clear protocols, and documenting all ICE interactions thoroughly.

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