



RESPONDING TO ICE IN THE EMERGENCY DEPARTMENT

Protect Patient Privacy. Verify Documentation. Contact Admin.

Know the Rules

- **Private Areas:** Know which areas of the hospital are public and which are closed to the public.
- **JUDICIAL WARRANT REQUIRED:** Must be signed by judge or magistrate. **Administrative warrants** (from Department of Homeland Security (DHS) / Immigration and Customs Enforcement (ICE) / Homeland Security Investigations (HSI)) **do not** authorize access to private areas.
- **“Plain View” Surveillance:** Even without a warrant, ICE can examine anything in plain view, including conversation in private areas that can be heard from public areas.
- **HIPAA Compliance: All patient information — including immigration status — is protected under federal law.** Never disclose it without the patient’s consent or a valid judicial warrant.

Step-By-Step Guide

- **Stay Calm:** Do not panic. Do not confront ICE agents directly.
- **Notify Hospital Designated Point of Contact.** Call _____
- **Request Documentation:** Politely ask for identification and a judicial warrant signed by a judge or magistrate. Review the warrant. Administrative warrants or subpoenas issued by DHS/ICE/HSI do not automatically grant permission, but the hospital may choose to comply.
- **Defer to Designated Representative:** Calmly tell agents that you are not authorized to provide information or access to private areas, but that, following protocol, a designated representative has been alerted.
- **Protect Patient Care:** Ensure medical care is not interrupted or delayed.
- **Advocate for Patients:** Inform patients of their rights, including the right to legal representation and the option to decline speaking to ICE. Advise patients not to run from or confront agents. You may offer contact information for local immigration legal aid organizations, if available.
- **Request Location of Detainees:** If agents remove any patients or employees, ask the agents where they are being taken.
- **Document the Incident:** Record agent names, departments, badge numbers, times, visit purpose, warrant details, how agents were dressed, actions taken and/or outcomes, and any deviations from the scope of the warrant or other possible misconduct by agents (eg, leading employees or patients to believe they could not move or leave) for hospital records.

Author: Nicole Exeni McAmis, MD | Legal review by KoKo Huang (partner) and Adam Weiner, Perkins Coie

**Always prioritize patient safety and care
in compliance with hospital policies and laws.**