

“Sensitive Locations”: where do immigration enforcement agents enforce immigration laws?

I. Who enforces immigration policies?

The two primary immigration enforcement agencies are [Immigration and Customs Enforcement](#) (ICE) and [Customs and Border Protection](#) (CBP). ICE and CBP officers have jurisdiction to enforce federal immigration law through conducting searches and making arrests.

The difference between the two agencies is that CBP is responsible for immigration enforcement at the border and at airports, whereas ICE is responsible for immigration enforcement in the remaining areas of the US.

II. Do immigration enforcement agencies conduct enforcement actions at hospitals or other health centers?

It is the policy of federal immigration authorities to avoid immigration enforcement actions at “sensitive locations.” Hospitals, doctors’ offices, accredited health clinics, and emergent or urgent care facilities are all examples of sensitive locations to which the policies apply.

Both ICE and CBP have established such policies in internal legal memoranda; the policies are independent but substantially similar. Click [here](#) for ICE’s 2011 sensitive locations policy, and [here](#) for CBP’s 2013 policy. The policies have been reiterated in frequently asked questions sections by both [ICE](#) and [CBP](#).

The “sensitive locations” policies do reserve the right of immigration agents to conduct enforcement actions at sensitive locations. Such actions are extremely rare and, unless there is an immediate threat to public safety, require approval from senior federal officials.

III. What are examples of locations immigration agencies generally avoid?

Immigration enforcement agencies generally avoid enforcement action at “sensitive locations.” The “sensitive locations” policies apply broadly to:

- hospitals, doctors' offices, accredited health clinics, and emergent or urgent care facilities,*
- schools, including daycares, pre-schools and other early learning programs, primary schools, secondary schools, colleges and universities, and scholastic or education-related activities or events such as school bus stops,
- places of worship, such as churches, synagogues, mosques, and temples,
- in the case of ICE's policy, the site of public demonstrations, such as a marches, rallies, or parades.

The list above is not exhaustive, and both ICE's and CBP's policies instruct personnel to consult with their supervisors when an enforcement action is being contemplated at or near a location that may be substantially similar to the above.

*Note that the sensitive locations memos themselves only lists hospitals as sensitive locations; however, the Frequently Asked Questions sections of both [ICE](#) and [CBP](#) regarding the memos includes these other providers.

IV. What actions will immigration agencies avoid and not avoid at sensitive locations?

The policies by ICE and CBP state that the agencies will avoid conducting immigration enforcement actions at sensitive locations unless either exigent circumstances exist or the immigration enforcement officers have obtained prior approval (see section V below for a discussion of when such circumstances may arise).

Some examples of immigration enforcement actions the agencies avoid conducting at sensitive locations include:

- arrests,
- apprehensions,
- interviews,
- searches,
- surveillance.

Actions that immigration enforcement agencies do not avoid include:

- serving subpoenas,
- providing notice to officials or employees,
- guarding or securing detainees,
- participating in official functions or community meetings.

V. Under what circumstances may immigration agencies go to a sensitive location?

Under the sensitive locations policies, ICE and CBP avoid conducting the above-mentioned immigration enforcement actions as a general rule. The policies are not absolute, however, and will not apply in exigent circumstances. Examples of exigent circumstances include:

- a suspect who poses an imminent threat, such as a national security risk
- the immediate pursuit of a felon or person who poses danger to the public
- there is a risk of destruction of property

Furthermore, ICE/CBP personnel may obtain prior approval to conduct an immigration enforcement action from agency leaders. The agencies will consider the potential disruption to the sensitive location's normal activities as well as the possibility of conducting the action elsewhere.

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