

Know Your Rights With ICE



The Office of the
Minnesota Attorney General
helping people afford their lives and live with dignity, safety, and respect

On January 31, 2025, U.S. Immigration and Customs Enforcement (ICE) issued a memo stating that previously off-limits sensitive locations, like houses of worship and public demonstrations and marches, were no longer protected from immigration enforcement arrests. Many organizations are concerned by the announcement and are unsure what rights and responsibilities they may have if ICE arrives at these places. The Attorney General's Office provides this FAQ for informational purposes so that Minnesota organizations—like hospitals, shelters, and houses of worship—can continue to provide safe and welcoming environments for everyone they serve. This Office previously issued [guidance regarding ICE's presence in schools](#). This FAQ is not legal advice and organizations should consult with their own attorney if they have specific legal questions about their rights and obligations.

Who Enforces Immigration Laws?

Immigration into the U.S. is regulated by federal law and enforced by the U.S. Department of Homeland Security (DHS). DHS enforces immigration laws by both preventing unlawful entry into the United States and apprehending and repatriating people back to their home countries if they do not have permission to be in the U.S. Primary responsibility for the enforcement of immigration law within DHS rests with U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services (USCIS). CBP enforces immigration laws at or near borders and ports of entry, ICE is responsible for interior enforcement and for detention and removal operations, and USCIS processes applications and petitions for immigration and naturalization benefits. References to ICE in this FAQ also include CBP.

Why Might ICE or CBP Visit a Sensitive Place?

ICE agents might show up at any organization or business for several immigration-enforcement reasons, including checking employee work authorization compliance (i.e., making sure that the organization is only employing people

who are authorized to work in the U.S.) and to apprehend people who are not in the country legally.

This FAQ does not address an entity's rights and responsibilities when ICE agents show up to conduct employee work-authorization compliance activities—it only addresses when ICE agents show up to investigate or apprehend people who are suspected of not being in the country legally.

Where Can ICE or CBP Enter Without Permission?

Most places that provide services have both public areas (like a lobby) and non-public or private areas (like a back office, patient care areas, or employee breakrooms), and different rules apply depending on where ICE agents go. In general, an area is considered non-public if people in that area have an expectation of privacy and it is not available to the public. ICE can enter public areas without permission from the organization for immigration enforcement purposes. For example, ICE generally does not need permission or a warrant to conduct law enforcement activities in a hospital waiting room, a church's worship area, or a library's reading room. ICE can also enter non-public areas if the organization gives its permission. **If an organization does not give permission to enter its non-public spaces, then ICE cannot enter without a court-issued warrant or subpoena.**

Organizations with both public and private spaces may want to clearly mark which areas are not for the public, like posting a "private" sign on the door to an employee break room, and ensure that access to those areas is restricted. Organizations should designate a specific staff person who is responsible for interacting with ICE and all staff should refer ICE agents to them.

What Can ICE or CBP Do in the Public Spaces of Organizations?

For the most part, ICE can conduct any type of otherwise-lawful activity in the public area of a building. This includes

speaking with the organization's clients who are in the public area, listening to conversations that can be heard while in the public area, and reading information that is in plain view from the public area. Organizations should ensure that their clients' sensitive information is not stored where the public can observe it nor discuss the information where it can be easily overheard from the public space.

What document does ICE or CBP need to enter a private space to conduct immigration enforcement activity?

In order to enter a non-public space without an organization's permission ICE must have a court-issued warrant (also called a "judicial warrant") or subpoena to conduct a search or investigation. A judicial warrant is a formal written order that gives ICE agents permission to arrest someone, search an area, or seize documents. To be valid, the judicial warrant must:

- be signed by a US district court or a state court judge;
- describe the location to be searched and/or the persons or items to be seized; and
- be dated and issued within the past 14 days.

ICE also issues its own forms, sometimes referred to as "administrative warrants" or "ICE warrants," which direct ICE agents to arrest a named individual for alleged violations of federal immigration law. **Administrative warrants are not from a court and do NOT allow ICE to enter non-public areas without permission.** Administrative warrants might state "Department of Homeland Security" or "Form I-200" or "Form I-205." Organizations have the right to read the warrant and check that it is a judicial warrant and that it authorizes the agent to enter private spaces for specific purposes.

A quick way to tell the difference between an administrative warrant and a judicial warrant is to examine the top of the document and who signed the document. The top of a judicial warrant will have the word "court" on it and will be signed by someone with the title of "judge." The top of an administrative warrant will have the words "Immigration and Customs Enforcement" and will not be signed by a judge but instead will be signed by an immigration "officer" or "official." Remember, an administrative warrant does not authorize ICE to enter a private space without permission. No one is required to consent to ICE entering non-public spaces.

If ICE has an administrative warrant, then it may be conducting an arrest of a person suspected of not being in the country legally. If an organization does not consent to an ICE agent with an administrative warrant entering a private area, then ICE is allowed to wait outside the private space (like in a public parking lot) to apprehend the person.

What areas in a shelter are public and what areas are private?

Organizations that provide shelter to people also have private spaces even if the shelter is open to the public for some purposes (like offering meals). Like in other organizations or a business, whether a space in a shelter is public or private depends on whether someone has a reasonable expectation of privacy when they are in the specific area. In general, private spaces include bedrooms and sleeping areas even if they are used by more than one shelter client. For example, a shelter client that shares a large sleeping area with other clients may still have an expectation of privacy and a judicial warrant is required for ICE to enter the area without permission. Shelter staff and residents are not required to consent to a warrantless entry into a bedroom or living quarters.

How Should Organizations Interact with ICE or CBP?

Organization staff should stay calm when interacting with an ICE or CBP agent. If an ICE agent requests access to a private area the staff person should document the agent's name, ID number, and the name of the agency and ask whether they have a warrant. If they have a warrant, request a copy and show it to the organization's designated point person to determine next steps.

Organization staff have the right to watch the agents to make sure they are complying with the judicial warrant and are only entering private areas that are designated in the warrant. Audio or video recording by organization staff of any interaction with ICE is also allowed. Staff should not interfere with the agents' lawful activities but they are also not required to answer questions or tell them if a certain person is on the premises or not. Providing false information to ICE agents is illegal and can result in severe penalties, including criminal charges.

If ICE shows up at an organization to arrest someone, that person is not required to answer questions about their immigration status, how they entered the country, where they were born, or other information. A person can also refuse to sign any paperwork before they have had the opportunity to speak with a lawyer. While a person being arrested can remain silent and has the right to consult with a lawyer, ICE is not required to wait for a lawyer to be contacted before taking the person into custody.

Can organizations refuse to serve people solely on the basis of their immigration status?

In general, it is a violation of both state and federal law to discriminate against someone on the basis of their immigration status. Under the Fifth and Fourteenth Amendment to the Constitution, all people in the country, not just U.S. citizens, have due process and equal protection rights. Additionally, hospital emergency departments are required to provide emergency screening and stabilization services regardless of the patient's immigration status.

Are Organizations Required to Verify a Client's Immigration Status?

In general, organizations are not required to ask for or store the immigration status of people they serve. An organization may request immigration data if the person chooses to apply for certain government benefits that require the information, like government-funded health insurance. If an organization does collect and hold citizenship information about its clients then it may be required to provide the information to ICE if it obtains a judicial warrant to collect the information. Destroying documents identified in a judicial warrant can result in criminal charges.

