

Immigration enforcement is a top priority of the current administration. The below information aims to help LeadingAge members understand current risks and prepare for potential enforcement actions.

Who Is ICE?

The U.S. Department of Homeland Security (DHS) is a federal agency responsible for safeguarding the nation's security, including enforcing immigration laws. Within DHS, U.S. Immigration and Customs Enforcement (ICE) is the agency primarily tasked with enforcing federal immigration regulations inside the United States. ICE's responsibilities include investigating immigration violations, conducting workplace audits, and carrying out detention and removal operations. While DHS oversees broader immigration policy and programs—such as asylum, parole, etc.—ICE plays a direct role in enforcement actions that can impact employers and their workers. Two of ICE's most important enforcement tools are employment authorization inspections and worksite enforcement actions.

Employment Authorization Inspections

One of ICE's key immigration enforcement tools is the Form I-9 inspection. During an I-9 inspection, ICE reviews an employer's Form I-9 documentation to ensure that all employees are properly authorized to work in the United States. These reviews are part of ICE's civil enforcement efforts and are typically initiated by a Notice of Inspection (NOI), which requires the employer to produce all I-9 forms and related documents within three business days. Employers can face substantial fines for paperwork violations or knowingly employing unauthorized workers. Maintaining accurate and compliant I-9 records is essential.

Workplace Raids

Workplace raids—also known as worksite enforcement actions—are in-person operations conducted by ICE agents to apprehend individuals suspected of being unauthorized to work in the U.S. Unlike I-9 audits, which are administrative in nature, raids are enforcement actions that may involve questioning employees, making arrests, and seizing records. These raids may be based on tips, investigations, or follow-up to prior I-9 audits.

Under a Department of Homeland Security (DHS) memo issued in 2021, ICE generally refrained from conducting enforcement actions in locations where certain essential services or activities occur (called “protected areas”), which included medical and mental health facilities and social services establishments. The current administration rescinded the 2021 guidance through [multiple directives](#) issued in January 2025, replacing it with a new policy that emphasizes case-by-case common sense discretion rather than categorical protections.

For aging services providers, an unannounced ICE enforcement action could cause operational disruption, create fear among staff and residents, and undermine trust in care settings. While these actions have been rare in the past, it is important to prepare given the administration's aggressive posture on immigration enforcement.

Understanding Access

- **Public vs. Private Areas:** ICE agents may enter public areas of a healthcare facility, but they cannot access private areas—such as resident rooms, offices, or records storage—without either a judicial warrant or the consent of an authorized representative. It is important to clearly designate nonpublic areas in writing and train staff to avoid inadvertently granting access.
- **Judicial vs. Administrative Warrants:** A **judicial warrant** (signed by a judge) authorizes ICE to enter and search only the specific nonpublic areas or apprehend the individuals named in the warrant. It does not permit unrestricted access to the entire facility. In contrast, an **administrative warrant** (issued by ICE but not signed by a judge) does not authorize entry into nonpublic areas. Staff have the legal right to deny entry based on an administrative warrant alone. If staff are unsure whether a warrant is judicial or administrative, they should contact legal counsel immediately, remain courteous, and avoid obstructing a valid investigation.
- **Protected Health Information (PHI):** The HIPAA Privacy Rule permits covered entities to disclose PHI to law enforcement officials, without the individual's written authorization, but under specific circumstances and only the necessary information "required by law." Disclosures must be narrowly tailored to meet legal requirements. Staff should be familiar with HIPAA guidance and know to consult legal counsel before releasing any information to ICE. [Guidance: When does the Privacy Rule allow covered entities to disclose protected health information to law enforcement officials?](#) (Source: U.S. Department of Health & Human Services).

How To Prepare

- **Organize Visa and Employment Documentation:** Maintain well-organized records for any sponsored employees, including visa paperwork, job descriptions, wage documentation, and employment terms. Ensure you are using the current version of Form I-9 and that all records are accurate and up to date.
- **Make a Plan:** Draft and distribute a step-by-step protocol for responding to ICE visits that is specific to your facility. It should include a detailed chain of communication. Keep it accessible and updated.
- **Designate a Point of Contact:** Assign a supervisory staff member to serve as the primary point of contact in the event of an ICE visit. This person should be well-versed in your facility's protocols and have immediate access to legal counsel's contact information.
- **Train Staff at Points of Entry:** Ensure staff—especially those at reception or security—understand how to recognize official ICE documentation and to avoid granting access or making statements before contacting the designated point of contact.

How To Respond

- **Review ICE Documents Carefully:** Only designated staff should review warrants or other ICE documentation. Confirm whether the document is a judicial or administrative warrant and limit access to nonpublic areas unless explicitly authorized.
- **Accompany and Monitor:** If entry is granted, staff should accompany ICE agents at all times, ensuring they remain within authorized areas and activities.
- **Document the Interaction:** Record names and badge numbers of ICE agents, note what documents are presented, and keep a detailed account of the visit for legal follow-up.
- **Cooperate:** Be courteous and helpful while understanding the limits of authority. Do not obstruct lawful actions but do protect residents' and employees' rights by adhering to your prepared protocol.

Additional Notes for Housing Providers

When responding to an unexpected visit from ICE, many of the same principles that apply in a worksite setting also apply to independent living communities serving older adults, including federally-assisted affordable housing communities through the Department of Housing and Urban Development. Housing communities, like workplaces, should clearly designate public and private areas; ensure staff are trained on how to respond; maintain a plan for routing ICE encounters to the appropriate point of contact; and scrutinize any documents presented while remaining courteous and cooperative within the limits of the law. Below are additional considerations and reminders specific to residential environments and enforcement actions targeting residents.

Resident Units Are Private Spaces

Residential units in affordable senior housing settings are private, nonpublic spaces. Residents have exclusive possession and control over their homes. While housing providers may enter for limited, lawful reasons – typically with proper advance written notice – providers may not consent to warrantless entries or searches by ICE or any law enforcement agency. Staff should be trained to understand a resident’s home is not a public area and access may only be given by the consent of the resident or if ICE presents a valid judicial warrant that includes the correct resident name and address. Providers can post signage clarifying that staff do not have the authority to grant consent to federal agents to access private areas without proper paperwork, particularly if doing so will enhance clarity, boost staff confidence, and instill a feeling of security in staff and residents.

If ICE seeks to enter a residential unit on the basis of a warrant, staff should ask to see it and review it carefully. A judicial warrant – signed by a judge – may authorize entry only to the specific unit of the person named in the warrant. An administrative warrant – issued by ICE and not signed by a judge – does not authorize entry into private areas. Staff have the right to decline access based on an administrative warrant alone. If the document is unclear, staff should immediately contact the designated supervisor or legal counsel while declining access.

Protecting Resident Information

Housing providers are not required to assist with the apprehension of individuals named in administrative warrants, nor are they required to provide resident information unless required by law. Residents and staff should be familiar with the housing provider’s privacy policy, including what personal information the provider maintains, how long it is retained and the types of information that cannot be shared without legal authorization. Providers should also consider designating one staff member as the sole person authorized to respond to requests for resident information – from ICE or others. Most importantly, providers should not disclose any documents or resident information unless a valid [subpoena](#) or judicial warrant is presented. If the validity of a document is unclear, staff should immediately contact a designated supervisor or legal counsel. If medical or health-related information is requested, providers must follow HIPAA rules and ensure that any disclosure is narrowly tailored to what the law requires.

If ICE Refuses To Leave

After staff have followed established protocol and made a good faith determination that ICE does not appear to have the authority to take further action on the premises, the following guidance applies if agents nonetheless refuse to depart. Staff should never physically interfere with ICE agents, even if they appear to exceed their authority.

Asserting legal rights and following established protocol do not constitute interference. If staff choose to do so, they may document the interaction through notes, photos, or video, keeping a safe distance. Information to document includes the date and time of any interaction, the number of agents and their names and badge numbers if available, how agents identified themselves, whether a judicial warrant was presented, areas accessed and actions taken, and the names of any other witness present.

Additional Resources

For Employers

- [Understanding Employer Rights and Obligations If ICE Knocks on Your Door: What You Need to Know](#) (Felhaber Larson)
- [Preparing for ICE Visits in Light of Executive Orders](#) (Ballard Spahr)
- [Rescission of the DHS Protected Areas Policy: Implications for Healthcare Systems](#) (Holland & Knight)
- [Immigration Enforcement and Rental Housing](#) (National Apartment Association)

For Individuals

- [Know Your Rights: If ICE Visits Your Home](#) (Source: American Immigration Lawyers Association)
- Attorney Directories
 - The American Immigration Lawyers Association (AILA) has an [online directory](#).
 - The Department of Justice maintains a [list of pro bono legal service providers by state](#).
- Information Relating to Detention
 - ICE maintains an Online Detainee Locator System (ODLS) a public, web-based system that allows family members, legal representatives, and members of the public to locate individuals who are detained by ICE. Information is [available here](#) and [here](#).
 - An [ICE National Detainee Handbook](#) provides further information.
 - Contacts for ICE Field Offices and an ICE Detention and Reporting Line are available [on this page](#).