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Joint Office of the Governor and Office of the New York State Attorney General Guidance to Private and Non-Profit Organizations and Entities

February 14, 2025

Introduction

This guidance document is intended to provide information to private and nonprofit entities like social services agencies and providers (including homeless shelters, domestic violence shelters, and other residential facilities as well as non-residential and drop-in sites for social services); houses of worship such as churches, synagogues, mosques, and temples; medical and healthcare facilities; and other entities that provide community services and spaces, in evaluating how to respond to requests from federal immigration authorities while protecting the rights of their residents, clients, patients, members, and staff.

This guidance does not constitute legal advice, nor does it cover every potential scenario in detail, or address variations in local law and policy. There may be laws, regulations, policies, contract terms, and other considerations that govern an entity's behavior. If you have additional questions or wish to establish policies tailored to your situation, we urge you to consult your organization's counsel. Please note that this guidance applies to private or nonprofit facilities and not to city or state-owned or leased buildings. State properties are subject to Executive Order 170.1. There is also separate guidance for school districts, which is linked with other resources at the end of this document in addition to the Executive Order.

This brief guidance has been prepared following a sharp increase in the number of questions and requests our offices have received following the Department of Homeland Security directive rescinding prior guidance protecting "sensitive places" from federal civil immigration enforcement activity. The purpose of this guidance is to prepare and educate organizations and institutions so they can focus on the people and communities they serve, their mission, and their essential work.

Q: Will immigration enforcement actions occur at my location?

Previously, U.S. Department of Homeland Security policy generally prohibited immigration enforcement authorities, such as agents from Immigrations and Customs Enforcement (ICE), from conducting arrests for civil immigration violations or engaging in other civil immigration enforcement activity at "sensitive locations" including but not limited to schools (from daycares through colleges and universities); medical treatment and healthcare facilities; places of worship such as churches, synagogues, mosques, and temples; places where children gather like childcare centers or foster care facilities; "social services establishments such as a crisis center, domestic violence shelter, victims services center, child advocacy center, supervised visitation center, family justice center, community-based organization, facility that serves disabled persons, homeless shelter, drug or alcohol counseling and treatment facility, or food bank or pantry or other establishment distributing food or other essentials of life to people in need;" and others. These areas were protected to allow all community members—including individuals without legal authorization to be in the United States—to safely access services and spaces that they rely on, and these policies supported the health and well-being of a community.

The Department of Homeland Security recently rescinded these policies and has stated that it has entrusted the decisions on enforcement to individual officers.

This means that immigration officials may seek to conduct arrests in or near sensitive locations. It remains to be seen how frequently and aggressively these officials will use this authority in our communities. Keep in mind that immigration officials may also seek information in your institution's possession through various means (e.g., requests by phone or email, subpoenas, or warrants) to assist with enforcement.

Q: Does my organization or entity now have to comply with immigration enforcement?

The rescission of the "sensitive locations" policy does not affect otherwise existing limits on immigration enforcement authority, and does not mean that you must necessarily allow immigration agents into your facility or comply with requests related to immigration enforcement. Private and nonprofit entities retain the ability to decline to cooperate under certain circumstances, as is explained further in this guidance. As a general matter, private property remains protected under the Fourth Amendment, which limits immigration agents' conduct and protects against "unreasonable searches and seizures." Individuals also have the right to remain silent under the Fifth Amendment. Additionally, your clients, patients, residents, etc. may have rights under local, state and federal law that apply specifically to your situation. For example, even when immigration officials could generally obtain information, the specific information they seek from you may be protected by HIPAA, FERPA, or attorney-client privilege.

Q: Does my organization or entity have to permit entry to an immigration official seeking access to an individual in the facility?

It is important to distinguish between public and private areas of your facility. If your location has areas open to the general public (like a reception area or lobby, or a parking lot), immigration agents may enter those areas to the same extent as the general public. The same rules that apply to the general public in those areas would apply to such officials—if immigration agents are being disruptive or intimidating people who are present, agency staff can document that conduct, including officers' names and badge numbers, and the impacts on your agency's ability to do its work. Agency staff can also inform the agents that they are disrupting the work at the site and ask them to leave.

If your location has private areas that are closed to the general public (like offices, patient exam rooms, dormitory space, residents' rooms, caseworkers' offices, client meeting rooms, or any areas kept closed or marked "private" and maintained as private), staff members do not have to permit immigration officials to enter those private areas unless the official shows a valid judicial warrant. A judicial warrant is signed by a federal judge and is distinct from an administrative warrant that bears the seal of the Department of Homeland Security, Immigration and Customs Enforcement, or the Department of Justice and is signed by an immigration official. (Samples of these documents are included at the end of this guidance.)

Keep in mind that immigration enforcement can be conducted by ICE officers, or other kinds of agents, and they may not clearly identify themselves. They may or may not be forthcoming or clear about their purposes in seeking access to your facility or information that you hold.

In any situation, staff should not conceal or hide anyone, should not make misrepresentations to immigration enforcement agents, and should not attempt to physically interfere with or obstruct immigration agents. If the officials force their way into areas closed to the general public, staff should stay calm and document what happened.

Q: What should my organization or entity do to prepare for immigration authorities seeking access to facilities?

Consider establishing a policy on how to handle such requests, that is tailored to your institution. As part of that policy, you may wish to designate a particular administrator to be a point of contact for front-line staff (receptionists, security staff, custodians, and others) should immigration agents arrive at your site or contact your agency for information. That point person can then evaluate the agents' requests and the validity of any paperwork they present (warrants or subpoenas) and promptly consult with counsel for further instruction. Private and nonprofit organizations are encouraged to regularly train their staff on the policies in place, the distinction between public and private spaces, and judicial versus administrative warrants.

Q: Can immigration agents question the staff of my organization or entity in a public area?

Yes, but individuals should know they have a right to remain silent and not to answer questions. If questioning is being done in person, staff can ask if they are free to leave. If the answer is yes, they can leave and need not answer questions. If they are told they are not free to leave, staff should know that they can ask to speak with a lawyer and otherwise remain silent. Above all, if agency staff choose to answer questions from immigration agents, they must be careful to avoid any misrepresentation.

Q: How should staff respond to requests for information about agency clients or residents?

Requests for information can take different forms, from phone calls or emails to formal subpoenas of different kinds.

Organizations and entities are encouraged to train all staff who monitor phones and email accounts that they should refer any requests for information (including whether a given person is a resident, patient, client, etc.) to designated administrators who can then consult with counsel. This will prevent any unauthorized or unlawful disclosure of private information about an individual. If an entity receives a voluntary request for information, the designated administrator is encouraged to assess whether it is possible to comply with the request without violating state or federal privacy laws and whether providing the requested information would impact the agency's core mission of providing services or support to people in need. Staff should make copies of documents presented by immigration agents. If the request was made verbally, agency staff should document the request.

If an entity receives a subpoena or other demand for information, this demand should be forwarded to your organization's legal counsel, who can evaluate how to respond. In some instances, counsel may advise responding to the subpoena, while in others, counsel may determine that the subpoena is deficient in some respect. For this reason, it is important to refer the subpoena to your organization's counsel before attempting to respond.

Additional Materials

- » Executive Order 170.1: https://www.governor.ny.gov/sites/default/files/atoms/files/EO_170.1.pdf
- » Archived Biden Administration DHS Memorandum: https://www.dhs.gov/archive/news/2021/10/27/secretary-mayorkas-issues-new-guidance-enforcement-action-protected-areas
- » Trump Administration DHS Directive: https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse
- » Office of the New York Governor, Office of the New York State Attorney General, and New York State Department of Education guidance: https://www.nysed.gov/sites/default/files/oag-go-sed-immigration-students.pdf
- » National Immigration Law Center Factsheet: https://www.nilc.org/resources/factsheet-trumps-rescission-of-protected-areas-policies-undermines-safety-for-all
- » Model protocol for nonprofits from New York Lawyers for the Public Interest and Lawyers Alliance for New York: https://www.nylpi.org/wp-content/uploads/2025/01/Guidance-to-Nonprofits-Regarding-Immigration-Enforcement-1.pdf

SAMPLE IMMIGRATION DOCUMENTS (DHS Form I-247, I-200, I-205)

DEPARTMENT OF HOMELAND SECURITY IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID: Event #:			File No: Date:
TO: (Name and Title of Institution - OR Any Subseque Enforcement Agency)	ent Law	FROM: (Departmen	nt of Homeland Security Office Address)
MAINTAIN CUSTODY	OF ALIEN FOR A	PERIOD NOT TO	D EXCEED 48 HOURS
Name of Alien: Date of Birth:	Nationality:		Sex:
THE U.S. DEPARTMENT OF HOMELAND S THE PERSON IDENTIFIED ABOVE, CURRI Determined that there is reason to believe the all that apply): has a prior a felony conviction or has been confense; has three or more prior misdemeanor conviction or has been misdemeanor for an offense that involves victure assaults; sexual abuse or exploitation; driving of alcohol or a controlled substance; unlawfur scene of an accident; the unlawful possession or other deadly weapon, the distribution or tracentrolled substance; or other significant three. Initiated removal proceedings and served a light of the controlled substance; or other significant three.	EECURITY (DHS) H. ENTLY IN YOUR Cone individual is an alientharged with a felony etions; been charged with a blence, threats, or gunder the influence of a firearm afficking of a leat to public safety; Notice to Appear or of	AS TAKEN THE JSTODY: n subject to remova has been cor 1325; has illegally r or return; has been four judge to have otherwise pos security, or p other (specify	al from the United States. The individual (check existed of illegal entry pursuant to 8 U.S.C. § e-entered the country after a previous removal and by an immigration officer or an immigration e knowingly committed immigration fraud; sees a significant risk to national security, borde sublic safety; and/or
attached and was served on		warrant is attached	d and was served on (da
Served a warrant of arrest for removal proceObtained an order of deportation or removal			d and was served on (da
This action does not limit your discretion to nassignments, or other matters. DHS discoura	make decisions relat	ed to this person'	
Maintain custody of the subject for a period Note that time when the subject would have otherwing request derives from federal regulation 8 C.F. the subject beyond these 48 hours. As early DHS by calling during busine DHS Official at these numbers, please contact Provide a copy to the subject of this detainer	se been released from .R. § 287.7. For purpo y as possible prior to t ess hours or tthe ICE Law Enforce	n your custody to a pses of this immigra the time you otherv after hours	llow DHS to take custody of the subject. This tion detainer, you are not authorized to hold vise would release the subject, please notify
Notify this office of the time of release at least	st 30 days prior to rele	ease or as far in ad	vance as possible.
Notify this office in the event of the inmate's	death, hospitalization	or transfer to anotl	her institution.
Consider this request for a detainer operative	e only upon the subje	ct's conviction.	
Cancel the detainer previously placed by this	s Office on	(dat	re).
(Name and title of Immigration Officer)		(Signature of Immigration Officer)
TO BE COMPLETED BY THE LAW ENFORCE Please provide the information below, sign, and to You shou subject beyond the 48-hour period.	return to DHS using the	ne envelope enclos	
Local Booking/Inmate #: Late	est criminal charge/cor	nviction:	(date) Estimated release:(date)
Last criminal charge/conviction:			
Notice: Once in our custody, the subject of this crime, or if you want this individual to remain in t as a witness, please notify the ICF I aw Enforce	he United States for p	rosecution or othe	

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(Signature of Officer)

(Name and title of Officer)

NOTICE TO THE DETAINEE

The Department of Homeland Security (DHS) has placed an immigration detainer on you. An immigration detainer is a notice from DHS informing law enforcement agencies that DHS intends to assume custody of you after you otherwise would be released from custody. DHS has requested that the law enforcement agency which is currently detaining you maintain custody of you for a period not to exceed 48 hours (excluding Saturdays, Sundays, and holidays) beyond the time when you would have been released by the state or local law enforcement authorities based on your criminal charges or convictions. If DHS does not take you into custody during that additional 48 hour period, not counting weekends or holidays, you should contact your custodian (the law enforcement agency or other entity that is holding you now) to inquire about your release from state or local custody. If you have a complaint regarding this detainer or related to violations of civil rights or civil liberties connected to DHS activities, please contact the ICE Joint Intake Center at 1-877-2INTAKE (877-246-8253). If you believe you are a United States citizen or the victim of a crime, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

NOTIFICACIÓN A LA PERSONA DETENIDA

El Departamento de Seguridad Nacional (DHS) de EE. UU. ha emitido una orden de detención inmigratoria en su contra. Mediante esta orden, se notifica a los organismos policiales que el DHS pretende arrestarlo cuando usted cumpla su reclusión actual. El DHS ha solicitado que el organismo policial local o estatal a cargo de su actual detención lo mantenga en custodia por un período no mayor a 48 horas (excluyendo sábados, domingos y días festivos) tras el cese de su reclusión penal. Si el DHS no procede con su arresto inmigratorio durante este período adicional de 48 horas, excluyendo los fines de semana o días festivos, usted debe comunicarse con la autoridad estatal o local que lo tiene detenido (el organismo policial u otra entidad a cargo de su custodia actual) para obtener mayores detalles sobre el cese de su reclusión. Si tiene alguna queja que se relacione con esta orden de detención o con posibles infracciones a los derechos o libertades civiles en conexión con las actividades del DHS, comuníquese con el Joint Intake Center (Centro de Admisión) del ICE (Servicio de Inmigración y Control de Aduanas) llamando al 1-877-2INTAKE (877-246-8253). Si usted cree que es ciudadano de los Estados Unidos o que ha sido víctima de un delito, infórmeselo al DHS llamando al Centro de Apoyo a los Organismos Policiales (Law Enforcement Support Center) del ICE, teléfono (855) 448-6903 (Ilamada gratuita).

Avis au détenu

Le département de la Sécurité Intérieure [Department of Homeland Security (DHS)] a émis, à votre encontre, un ordre d'incarcération pour des raisons d'immigration. Un ordre d'incarcération pour des raisons d'immigration est un avis du DHS informant les agences des forces de l'ordre que le DHS a l'intention de vous détenir après la date normale de votre remise en liberté. Le DHS a requis que l'agence des forces de l'ordre, qui vous détient actuellement, vous garde en détention pour une période maximum de 48 heures (excluant les samedis, dimanches et jours fériés) au-delà de la période à la fin de laquelle vous auriez été remis en liberté par les autorités policières de l'État ou locales en fonction des inculpations ou condamnations pénales à votre encontre. Si le DHS ne vous détient pas durant cette période supplémentaire de 48 heures, sans compter les fins de semaines et les jours fériés, vous devez contacter votre gardien (l'agence des forces de l'ordre qui vous détient actuellement) pour vous renseigner à propos de votre libération par l'État ou l'autorité locale. Si vous avez une plainte à formuler au sujet de cet ordre d'incarcération ou en rapport avec des violations de vos droits civils liées à des activités du DHS, veuillez contacter le centre commun d'admissions du Service de l'Immigration et des Douanes [ICE - Immigration and Customs Enforcement] [ICE Joint Intake Center] au 1-877-2INTAKE (877-246-8253). Si vous croyez être un citoyen des États-Unis ou la victime d'un crime, veuillez en aviser le DHS en appelant le centre d'assistance des forces de l'ordre de l'ICE [ICE Law Enforcement Support Center] au numéro gratuit (855) 448-6903.

AVISO AO DETENTO

O Departamento de Segurança Nacional (DHS) emitiu uma ordem de custódia imigratória em seu nome. Este documento é um aviso enviado às agências de imposição da lei de que o DHS pretende assumir a custódia da sua pessoa, caso seja liberado. O DHS pediu que a agência de imposição da lei encarregada da sua atual detenção mantenha-o sob custódia durante, no máximo, 48 horas (excluindo-se sábados, domingos e feriados) após o período em que seria liberado pelas autoridades estaduais ou municipais de imposição da lei, de acordo com as respectivas acusações e penas criminais. Se o DHS não assumir a sua custódia durante essas 48 horas adicionais, excluindo-se os fins de semana e feriados, você deverá entrar em contato com o seu custodiante (a agência de imposição da lei ou qualquer outra entidade que esteja detendo-o no momento) para obter informações sobre sua liberação da custódia estadual ou municipal. Caso você tenha alguma reclamação a fazer sobre esta ordem de custódia imigratória ou relacionada a violações dos seus direitos ou liberdades civis decorrente das atividades do DHS, entre em contato com o Centro de Entrada Conjunta da Agencia de Controle de Imigração e Alfândega (ICE) pelo telefone 1-877-246-8253. Se você acreditar que é um cidadão dos EUA ou está sendo vítima de um crime, informe o DHS ligando para o Centro de Apoio à Imposição da Lei do ICE pelo telefone de ligação gratuita (855) 448-6903

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THÔNG BÁO CHO NGƯỜI BỊ GIAM GIỮ

Bộ Quốc Phòng (DHS) đã có lệnh giam giữ quý vị vì lý do di trú. Lệnh giam giữ vì lý do di trú là thông báo của DHS cho các cơ quan thi hành luật pháp là DHS có ý định tạm giữ quý vị sau khi quý vị được thả. DHS đã yêu cầu cơ quan thi hành luật pháp hiện đang giữ quý vị phải tiếp tục tạm giữ quý vị trong không quá 48 giờ đồng hồ (không kể thứ Bảy, Chủ nhật, và các ngày nghỉ lễ) ngoài thời gian mà lẽ ra quý vị sẽ được cơ quan thi hành luật pháp của tiểu bang hoặc địa phương thả ra dựa trên các bản án và tội hình sự của quý vị. Nếu DHS không tạm giam quý vị trong thời gian 48 giờ bổ sung đó, không tính các ngày cuối tuần hoặc ngày lễ, quý vị nên liên lạc với bên giam giữ quý vị (cơ quan thi hành luật pháp hoặc tổ chức khác hiện đang giam giữ quý vị) để hỏi về việc cơ quan địa phương hoặc liên bang thả quý vị ra. Nếu quý vị có khiếu nại về lệnh giam giữ này hoặc liên quan tới các trường hợp vi phạm dân quyền hoặc tự do công dân liên quan tới các hoạt động của DHS, vui lòng liên lạc với ICE Joint Intake Center tại số 1-877-2INTAKE (877-246-8253). Nếu quý vị tin rằng quý vị là công dân Hoa Kỳ hoặc nạn nhân tội phạm, vui lòng báo cho DHS biết bằng cách gọi ICE Law Enforcement Support Center tại số điện thoại miễn phí (855) 448-6903.

对被拘留者的通告

美国国土安全部(DHS)已发出对你的移民监禁令。移民监禁令是美国国土安全部用来通告执法当局,表示美国国土安全部意图在你可能从当前的拘留被释放以后继续拘留你的通知单。美国国土安全部已经向当前拘留你的执法当局要求,根据对你的刑事起诉或判罪的基础,在本当由州或地方执法当局释放你时,继续拘留你,为期不超过 48 小时(星期六、星期天和假日除外)。如果美国国土安全部未在不计周末或假日的额外 48 小时期限内将你拘留,你应该联系你的监管单位(现在拘留你的执法当局或其他单位),询问关于你从州或地方执法单位被释放的事宜。如果你对于这项拘留或关于美国国土安全部的行动所涉及的违反民权或公民自由权有任何投诉,请联系美国移民及海关执法局联合接纳中心(ICE Joint Intake Center),电话号码是 1-877-2INTAKE (877-246-8253)。如果你相信你是美国公民或犯罪被害人,请联系美国移民及海关执法局的执法支援中心(ICE Law Enforcement Support Center),告知美国国土安全部。该执法支援中心的免费电话号码是 (855) 448-6903。

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U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

		File No
		Date:
To:	Immigration and Nationality Act	zed pursuant to sections 236 and 287 of the t and part 287 of title 8, Code of Federal f arrest for immigration violations
	<u>*</u>	use to believe that
is rem	novable from the United States. This	determination is based upon:
[☐ the execution of a charging docum	nent to initiate removal proceedings against the subject;
[☐ the pendency of ongoing removal	proceedings against the subject;
[☐ the failure to establish admissibilit	ty subsequent to deferred inspection;
i	databases that affirmatively indicate,	ect's identity and a records check of federal by themselves or in addition to other reliable cks immigration status or notwithstanding such status a law; and/or
1		e subject to an immigration officer and/or other adject the subject either lacks immigration status or able under U.S. immigration law.
	ARE COMMANDED to arrest and gration and Nationality Act, the above	take into custody for removal proceedings under the re-named alien.
		(Signature of Authorized Immigration Officer)
		(Printed Name and Title of Authorized Immigration Officer)
	Cer	tificate of Service
ereby c	ertify that the Warrant for Arrest of A	Alien was served by me at
		(Location)
	(Name of Alien)	, and the contents of th
ICC WE	re read to him or her in the	(Language)

DEPARTMENT OF HOMELAND SECURITY U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

	File No:
	Date:
o any immigration officer of the United States D	Department of Homeland Security:
	(Full name of alien)
vho entered the United States at	on
(P	Place of entry) (Date of entry)
s subject to removal/deportation from the United Sta	ates, based upon a final order by:
an immigration judge in exclusion, dep	ortation, or removal proceedings
a designated official	
the Board of Immigration Appeals	
a United States District or Magistrate C	Court Judge
and pursuant to the following provisions of the Immig	gration and Nationality Act:
	tue of the power and authority vested in the Secretary of Homeland his or her direction, command you to take into custody and remove uant to law, at the expense of:
	(Signature of immigration officer)
	(Title of immigration officer)
	(Date and office location)

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To be completed by immigration officer executing the warrant: Name of alien being removed:			
Port, date, and manner of removal:			
Photograph of alien removed	Right index fingerprint of alien removed		
(Signature of alien being fingerprinted)			
(Signature and title of immigration officer taking print)			
Departure witnessed by: (Signature and title of in	mmigration officer)		
(Ogrado dinamo).	iningration emeet,		
If actual departure is not witnessed, fully identify source or mean	s of verification of departure:		
If self-removal (self-deportation), pursuant to 8 CFR 241.7, chec	k here.		
Departure Verified by:			
(Signature and title of imm	igration officer)		

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SAMPLE JUDICIAL WARRANT

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address)) Case No.
)
)
SEARCH AND	SEIZURE WARRANT
Γο: Any authorized law enforcement officer	
An application by a federal law enforcement officer of the following person or property located in the	or an attorney for the government requests the search District of
identify the person or describe the property to be searched and give its le	ocation):
	y, establish probable cause to search and seize the person or property
described above, and that such search will reveal (identify the p	person or describe the property to be seized):
YOU ARE COMMANDED to execute this warran	t on or before (not to exceed 14 days)
	time in the day or night because good cause has been established.
	at give a copy of the warrant and a receipt for the property taken to the as taken, or leave the copy and receipt at the place where the
•	sent during the execution of the warrant, must prepare an inventory
as required by law and promptly return this warrant and inve	entory to
	(United States Magistrate Judge)
	liate notification may have an adverse result listed in 18 U.S.C. executing this warrant to delay notice to the person who, or whose
\square for days (not to exceed 30) \square until, the facts ju	ustifying, the later specific date of
Date and time issued:	
	Judge's signature
City and state:	
-	Printed name and title

Return			
Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:	
Inventory made in the	presence of :		
I 6 41			
inventory of the prope	erty taken and name of any person(s) seized:		
Certification			
I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.			
_			
Date:		Executing officer's signature	
		Printed name and title	