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Fact Sheet: Frequently Asked Questions - Existing Guidance on Enforcement Actions at or Focused on Sensitive Locations

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[\(en Español \(/news/2016/07/15/preguntas-frecuentes-sobre-zonaslocalidades-sensibles\)\)](#)

U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) have made available Frequently Asked Questions (FAQs) to supplement existing guidance concerning enforcement actions at or focused on sensitive locations and clarify what types of locations are covered by these policies. ICE and CBP conduct their enforcement actions consistent with the Department of Homeland Security's November 2014 memorandum prioritizing the removal of national security, border security, and public safety threats.

The ICE and CBP sensitive locations policies, which remain in effect, provide that enforcement actions at sensitive locations should generally be avoided, and require either prior

approval from an appropriate supervisory official or exigent circumstances necessitating immediate action. DHS is committed to ensuring that people seeking to participate in activities or utilize services provided at any sensitive location are free to do so without fear or hesitation.

Q: Do the Department of Homeland Security's policies concerning enforcement actions at or focused on sensitive locations remain in effect?

A: U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) have each issued and implemented policies concerning enforcement actions at or focused on sensitive locations. The ICE Sensitive Locations Policy (<https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>) and the CBP Sensitive Locations Policy (<http://foiarr.cbp.gov/streamingWord.asp?i=1251>) (<http://foiarr.cbp.gov/streamingWord.asp?i=1251>) – please cut and paste) remain in effect, and these FAQs are intended to clarify what types of locations are covered by those policies. ICE and CBP conduct their enforcement actions consistent with the Department of Homeland Security's November 2014 memorandum (https://www.dhs.gov/sites/default/files/publications/14_1120_memo_deferred_action.pdf), which prioritizes the removal of national security, border security, and public safety threats.

Q: What do the Department of Homeland Security policies require for enforcement actions to be carried out at sensitive

locations?

A: The policies provide that enforcement actions at or focused on sensitive locations such as schools, places of worship, and hospitals should generally be avoided, and that such actions may only take place when (a) prior approval is obtained from an appropriate supervisory official, or (b) there are exigent circumstances necessitating immediate action without supervisor approval. The policies are meant to ensure that ICE and CBP officers and agents exercise sound judgment when enforcing federal law at or focused on sensitive locations, to enhance the public understanding and trust, and to ensure that people seeking to participate in activities or utilize services provided at any sensitive location are free to do so, without fear or hesitation.

Q: What does the Department of Homeland Security mean by the term “sensitive location”?

A: Locations covered by these policies would include, but not be limited to:

- Schools, such as known and licensed daycares, pre-schools and other early learning programs; primary schools; secondary schools; post-secondary schools up to and including colleges and universities; as well as scholastic or education-related activities or events, and school bus stops that are marked and/or known to the officer, during periods when school children are present at the stop;
- Medical treatment and health care facilities, such as hospitals, doctors’ offices, accredited health clinics, and emergent or urgent care facilities;
- Places of worship, such as churches, synagogues, mosques, and temples;

- Religious or civil ceremonies or observances, such as funerals and weddings; and
- During public demonstration, such as a march, rally, or parade.

Q: What is an enforcement action?

A: An enforcement action covered by this policy is any action taken by ICE or CBP to apprehend, arrest, interview, or search an individual, or to surveil an individual for enforcement purposes.

Actions not covered by this policy include activities such as obtaining records, documents, and similar materials from officials or employees, providing notice to officials or employees, serving subpoenas, engaging in Student and Exchange Visitor Program (SEVP) compliance and certification visits, guarding or securing detainees, or participating in official functions or community meetings.

Q: Will enforcement actions ever occur at sensitive locations?

A: Enforcement actions may occur at sensitive locations in limited circumstances, but will generally be avoided. ICE or CBP officers and agents may conduct an enforcement action at a sensitive location with prior approval from an appropriate supervisory official, or if the enforcement action involves exigent circumstances.

Q: When may an enforcement action be carried out at a sensitive location without prior

approval?

A: ICE and CBP officers may carry out an enforcement action at a sensitive location without prior approval from a supervisor in exigent circumstances related to national security, terrorism, or public safety, or where there is an imminent risk of destruction of evidence material to an ongoing criminal case.

When proceeding with an enforcement action under exigent circumstances, officers and agents must conduct themselves as discreetly as possible, consistent with officer and public safety, and make every effort to limit the time at or focused on the sensitive location.

Q: Are sensitive locations located along the international border also protected?

A: The sensitive locations policy does not apply to operations that are conducted within the immediate vicinity of the international border, including the functional equivalent of the border. However, when situations arise that call for enforcement actions at or near a sensitive location within the immediate vicinity of the international border, including its functional equivalent, agents and officers are expected to exercise sound judgment and common sense while taking appropriate action, consistent with the goals of this policy.

Examples of operations within the immediate vicinity of the border are, but are not limited to, searches at ports of entry, activities undertaken where there is reasonable certainty that an individual just crossed the border, circumstances where DHS has maintained surveillance of a subject since crossing the border, and circumstances where DHS is operating in a location that is geographically further from the border but separated from the border by rugged and remote terrain.

Q: Are courthouses sensitive locations?

A: Courthouses do not fall under ICE or CBP's policies concerning enforcement actions at or focused on sensitive locations. However, enforcement actions at courthouses will only be executed against individuals falling within the public safety priorities of DHS's immigration enforcement priorities set forth in the November 20, 2014, memorandum from Secretary Johnson entitled Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants. Such enforcement actions will, absent exigent circumstances, not lead to arrest of non-targeted individuals and will, wherever practicable, take place outside of public areas of the courthouse.

Q: Where should I report a DHS enforcement action that I believe may be inconsistent with these policies?

A: There are a number of locations where an individual may lodge a complaint about a particular DHS enforcement action that may have taken place in violation of the sensitive locations policy. You may find information about these locations, and information about how to file a complaint, on the DHS, CBP, or ICE websites.

You may contact ICE Enforcement and Removal Operations (ERO) through the Detention Reporting and Information Line at (888)351-4024 or through the ERO information email address at ERO.INFO@ice.dhs.gov (<mailto:ERO.INFO@ice.dhs.gov>), also available at <https://www.ice.gov/webform/ero-contact-form> (<https://www.ice.gov/webform/ero-contact-form>). The Civil Liberties

Division of the ICE Office of Diversity and Civil Rights may be contacted at (202) 732-0092 or ICE.Civil.Liberties@ice.dhs.gov (<mailto:ICE.Civil.Liberties@ice.dhs.gov>).

You may contact the CBP Information Center to file a complaint or compliment via phone at 1-877-227-5511, or submit an email through the website at <https://help.cbp.gov> (<https://help.cbp.gov>).

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