



SAFETY STARTS AT HOME

Legal Guidance for California Housing Providers

Prepared by Asian Law Caucus | February 2025

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Not Legal Advice: The information provided in this guide is general. The Asian Law Caucus does not intend for anything stated here to establish any attorney/client relationship with the reader. If you have questions about your own situation, please consult an attorney.

WHO IS THIS GUIDE FOR?

The Trump administration has threatened mass deportations and communities throughout the U.S. have reported an increase in U.S. Customs and Immigration Enforcement (ICE) enforcement actions.

Housing providers, their staff, and residents have rights. When staff and residents are empowered to assert their rights, they can protect the privacy and safety of themselves and others. This guide offers information for housing providers, both private and subsidized, to help them be prepared to address and respond to immigration enforcement with a goal of fostering inclusive and safe resident communities. Use this resource to learn about what housing providers can do to create safety for all residents and staff.

To ensure safety throughout our communities, we must all be prepared. As such, we hope that staff throughout your organization, including but not limited to front desk staff, maintenance staff, and other onsite support services staff are able to read and access this guide.

Thank you to staff at the National Immigration Law Center, the National Housing Law Project, Greater Boston Legal Services, and Chinatown Community Development Center for their contributions and feedback regarding this guide.

HOW DOES FEDERAL IMMIGRATION ENFORCEMENT INTERACT WITH HOUSING PROVIDERS?

It is important for housing providers to know what to expect if ICE agents arrive to perform an immigration enforcement action. What an immigration enforcement action looks like can vary widely. Therefore, housing providers should be aware of how ICE often operates.

1. ICE agents may come at odd hours.

ICE agents do not adhere to regular business hours. They may show up at odd hours, such as very early in the morning or very late at night.

2. ICE agents are usually vague about who they are.

ICE agents often identify themselves as “police” or “federal officers.” ICE agents may also engage in “ruses” designed to distract or confuse. They may carry a box, clipboard, or ladder, giving themselves the appearance of being a delivery person or worker. ICE’s methods can be disorienting and can make it difficult for housing providers, residents, and staff to take stock of the situation and figure out who is at the door.

In addition, under the Trump administration, other federal law enforcement officers like Drug Enforcement Administration (DEA), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and Federal Bureau of Investigations (FBI) agents and local law enforcement are sometimes authorized to make immigration arrests.

Housing providers and staff should be aware that any time a federal or local law enforcement officer shows up, they may be authorized to make immigration arrests. Some jurisdictions have sanctuary policies that aim

to prevent local law enforcement from using local resources to enforce federal immigration law. However, the safest course of action that housing providers can take is to train staff to follow practiced policies whenever any law enforcement unexpectedly arrives at the building.

3. ICE agents are usually vague when asked what they want or what they are doing.

ICE agents will allude to their purpose vaguely. Some common statements include:

- “Is [Insert Name of Resident] here? We just need to step into the hallway and talk to him.”
- “We are with the Department of Homeland Security and are doing an investigation.”
- “Can I come in and look around?”
- “We are with the police and just want to ask you a few questions. Can we come in?”
- “We are doing an investigation and [Insert Name of Resident] is a suspect. Can we come in?”

How We Can Protect Ourselves: Ask for identification.

Ask the person at the door to identify themselves and show an ID or badge.

If they say “police,” ask if they are from the Department of Homeland Security (DHS) or ICE or working with DHS or ICE. Local law enforcement often wear a local uniform and carry a badge that indicates their agency.

Always ask for some form of identification to verify that any officer is who they say they are.

4. Even if ICE agents come to a property looking for a specific person (rather than for the purpose of a large-scale “raid”), they may arrest other people or bystanders that they encounter.

5. ICE agents may raise their voices or otherwise be intimidating or threatening.

ICE agents may try to intimidate people who try to exercise their rights. They may raise their voice, say that you are wrong to stop them from coming in, or threaten that you will be arrested. Housing provider staff should stay calm and contact designated supervisors for support.

How We Can Protect Ourselves: Practice and stay calm.

Housing providers can help their staff stay calm and assert their rights in interactions with law enforcement and immigration enforcement agents. Use skits and scripts to help your staff practice asserting their rights and following your company protocols during different potential interactions with law enforcement or immigration enforcement. When it comes to asserting our rights, preparation must include practice.

See **Appendix F** for sample skit scripts.

BEFORE AN IMMIGRATION ENFORCEMENT ACTION

There are several proactive steps that housing providers can and should take *now* to respond appropriately and effectively during a potential immigration enforcement action.

DEFINE PUBLIC AND PRIVATE SPACES IN YOUR BUILDING

Housing providers should take inventory of all areas within their building or property and designate public and private areas. If an area is open to the public (the lobby, for example), it is also open to ICE. ICE agents may enter public spaces without a judicial warrant; however, ICE must have a valid judicial search and/ or

arrest warrant to access any non-public space. Thus, defining public and private spaces is an essential first step.

1. How to designate non-public spaces.

Housing providers should consider designating all non-public spaces as “private” spaces. This could mean placing signs that read “Private” or “Residents Only” on doors and hallways leading to non-public areas. An entire building may be private. The idea is to avoid a situation where an ICE agent claims they “didn’t know” that an area was private and that they needed a warrant to enter.

Staff should clearly explain to residents that they are posting such signs to create safety and not to restrict the movement of the residents themselves or their guests.

Common Residential Building Areas	
Area	Potential Ways to Help Define as “Non-Public”
Parking Lot	<ul style="list-style-type: none"> • If the parking lot is enclosed, require a key/keycard to enter the lot. • Post prominent signs reading “Private: Residents Only.”
Lobby	<ul style="list-style-type: none"> • Require a key/keycard to access. • Require mail or package delivery persons to buzz in.
Manager’s Office	<ul style="list-style-type: none"> • Require a key/keycard to access. • Place a sign reading “Private Office.”
Trash Room, Laundry Room, other resident amenities (e.g., lounge, fitness room)	<ul style="list-style-type: none"> • Require a key/keycard to access. • Hang a sign reading “Residents Only.”
Courtyard/ BBQ area/ pool	<ul style="list-style-type: none"> • If the outdoor space is enclosed, require a key/keycard to enter. • Hang a sign reading “Residents Only” or “Non-Public Area.”
Public sidewalk outside of front entrance to building	It is not possible to define this area as “non-public.”

2. Residents’ units are private spaces.

Housing providers should affirm that residents are safe in their homes. Housing providers may not consent to warrantless entries or searches by law enforcement officers of their residents’ units.¹ California law also explicitly prohibits housing providers from disclosing, to anyone, the immigration or citizenship status of any tenant or occupant for the purpose of harassment or intimidation.²

Staff at all levels should understand that while housing providers can access resident units for specific, lawful purposes, residential rental units are residents’ private homes. In a landlord-tenant relationship, residents are given exclusive possession and control of their homes. In general, housing providers may only enter units with proper advance written notice and for a proper purpose (e.g., to complete necessary repairs).³ Staff should not allow law enforcement to tag-along or “tailgate” into units. Staff should not grant access to residents’ units to ICE agents or other law enforcement in the absence of a judicial warrant with that resident’s name and address correctly written on it.

PROTECT RESIDENT DATA

1. Do not collect unnecessary resident information.

Housing providers should collect only the personal information that is necessary to provide housing or otherwise required by law.⁴

California has explicit protections around resident information. In general, housing providers may not inquire about the immigration or citizenship status of current or prospective tenants or occupants.⁵

Data Collection in Different Types of Housing

Private Housing

Housing providers who provide private housing are not required to verify residents or prospective residents' immigration status. Private housing providers should not inquire into or maintain documentation concerning their tenants' immigration statuses.

Federally Subsidized Housing

In most housing programs assisted under HUD, including public housing, Housing Choice Voucher, and Section 8 project-based rental assistance, only citizens and non-citizens with qualifying, eligible status can receive assistance.⁶

As a result of these requirements, housing authorities and owners do collect immigration status information from residents. HUD program administrators are required to verify any documentation provided by non-citizens.

Despite these requirements, temporary and/or unauthorized immigrants may still live in federally subsidized housing if at least one member of their family is eligible for assistance. Only one member need be eligible, and the eligible member may be a minor.

Tax Credit Housing

The federal government makes tax credits available to states to distribute to developers of low-cost housing and provides mortgage insurance or guarantees to lenders that make certain types of mortgages to eligible homebuyers or developers of multifamily housing. In the case of such units, federal regulations do not require the verification of recipients' immigration status. However, tax credit buildings may also be supported by federal funding which may separately require the provider to collect immigration status data.

2. Ensure residents and staff are familiar with the provider's privacy policy.

Make sure residents are familiar with the housing provider's privacy policy. The privacy policy should detail what type of records the provider will maintain and when the provider will delete or destroy the resident's personal information.

3. Develop a policy around responding to requests for information.

Designate a person to respond to data requests. Housing providers should designate an administrator or a supervisor as the sole person authorized to respond to information requests from ICE. No one other than the designated person should provide any information related to a resident's immigration status. Staff should

inform ICE officers or anyone requesting such information that they are not authorized to answer any questions without first consulting with the designated supervisor or administrator.

► Staff can state: “I am not authorized to release any resident information. Please leave your contact information and I will provide it to my supervisor.”

Require a valid subpoena or judicial warrant before responding to any data requests. Housing providers should not provide any documents or information absent a validly executed subpoena or judicial warrant. Staff should document, but not respond to, any verbal or written requests for information by immigration authorities that are not supported by a subpoena or judicial warrant.

If staff are personally served with a subpoena for the housing provider (for example, someone hand delivers a subpoena to the front desk), they should pass it on to the administrator or supervisor designated to respond to data requests.

When responding to a subpoena, housing providers should provide only the specific documents or information that is requested, and only if those documents are not protected from disclosure by certain legal privileges (like those afforded to attorney-client communications, HIPAA protections, etc.). In order to protect resident privacy, housing providers that receive subpoenas should immediately consult with legal counsel to determine how to respond to the subpoena.

Notify resident of requests when possible. If a resident’s immigration data has been requested pursuant to a subpoena, the housing provider should notify that resident whenever possible.

TRAIN STAFF AND RESIDENTS ON YOUR POLICIES AND THEIR RIGHTS

1. Train staff ahead of time on how to respond during an immigration enforcement action.

Housing providers should train staff on their rights and responsibilities during an enforcement action. Thorough training is essential to ensure that staff are confident and able to respond appropriately in the event of an ICE encounter, which may involve heated interactions. Ensure that all staff are fully trained on and understand the instructions outlined below on how to respond if ICE agents attempt to enter the building or its facilities and/or if ICE requests access to documents, records, or personal information regarding any residents or staff.

Additionally, housing providers should designate one or more administrators or supervisors who can be immediately available to support staff in the event of an immigration enforcement action or related issues.

2. Inform residents of their rights and community resources.

Consider also conducting or hosting a training or information session to inform residents of their rights and how to respond to an enforcement action. At a minimum, display a know-your-rights poster in a place where residents can see it. Make sure the know-your-rights poster (as well as all important information) is accessible and translated into all languages spoken by residents.

We recommend know-your-rights resources and materials from the following organizations:

- **Immigrant Defense Project (IDP):** Among other resources, the IDP has multilingual one-page KYR posters available here:

- <https://www.immigrantdefenseproject.org/know-your-rights-with-ice>
- **Immigrant Legal Resource Center (ILRC):** Among other resources, the ILRC has red cards, a short KYR handout, a Family Preparedness Plan, and tutorial videos, available here:
 - <https://www.ilrc.org/resources/community/know-your-rights-toolkit>

If your city or county has a local rapid response hotline, consider displaying this number for residents and staff.

3. Train staff on how to identify and differentiate among administrative warrants, judicial warrants, and subpoenas.

The ability of ICE agents (and police in general) to lawfully access a person or search private spaces depends on the kind of documentation they have. Therefore, staff should know how to review and verify documents that may be provided by ICE agents. At a minimum, staff should know how to identify and verify a properly executed judicial warrant and what a judicial warrant allows ICE agents to do.

Judicial Warrants

Only a valid **judicial warrant** authorizes ICE or other immigration agents to conduct a search or make an arrest in non-public spaces.

- A **judicial search warrant** allows ICE agents (and police in general) to enter the address listed in the warrant, but only to search the specific areas and for the specific items listed in the warrant. See **Appendix A** for a sample judicial search warrant.
- A **judicial arrest warrant** allows ICE agents (and police) to detain a particular person for a particular crime. See **Appendix B** for a sample judicial arrest warrant.

A judicial warrant can be either a search warrant or an arrest warrant. It must be:

- Signed by a judge or magistrate judge;
- Describe the specific place to be searched and thing(s) to be seized or the particular person to be arrested; and
- Have the correct date and have been issued within the past 14 days.

If the warrant is missing any one of these requirements, it is invalid and does not need to be complied with.

Without a judicial warrant or consent, ICE agents may only enter and search a private area if “exigent circumstances” exist. Exigent circumstances can include, for example, the hot pursuit of a person who poses a risk to public safety or a situation where there is an imminent risk of death, violence, or physical harm to a person.

ICE Administrative Warrants

ICE agents will often say that they have a “warrant.” However, ICE agents rarely have judicial warrants. Typically, ICE agents only have an **ICE administrative warrant**. An ICE administrative warrant is signed by an immigration officer, not a judge or magistrate. An ICE administrative warrant allows ICE agents to arrest non-citizens suspected of committing immigration violations, but it does not give ICE agents the right to enter or search any non-public spaces. See **Appendix C** for sample ICE administrative warrants.

Subpoenas

A **subpoena** is a written request for documents or information, issued by a court, that requires the recipient to provide the specified documents or information. It does not require immediate compliance but usually gives the recipient several days or weeks to provide the requested information. This is the case whether the subpoena is an “administrative subpoena” or a “judicial subpoena.” Housing providers should designate a person on staff to respond to subpoenas, as described above. Staff should be instructed to immediately notify the designated person if any type of subpoena is received. The designated person should facilitate getting the subpoena reviewed by legal counsel. See **Appendix D** for sample subpoenas.

DURING AN IMMIGRATION ENFORCEMENT ACTION

If an enforcement action does occur, or if ICE or other law enforcement shows up at the door, the most important thing staff and residents can do is remain calm. Staff members should remember that they have rights and that the responsibility before them is to carry out the housing provider’s policy.

If ICE agents (or any type of law enforcement officer) attempt to enter the building or its facilities, staff should follow the instructions outlined below. See **Appendix E** for English, Chinese, and Spanish sample one-pagers of these instructions that can be distributed to staff.

INSTRUCTIONS FOR RESPONDING TO AN ENFORCEMENT ACTION

Important: If the building requires a key or buzzer permission to enter, do not let the agents in. Use the intercom or speak to the agents through the door. Ask the agents to slip any paperwork that they have under the door.

► Staff can say: “I’m sorry, but this is a private property and it is our policy that you are not allowed to enter non-public areas of the property without a valid warrant.”

1. **Tell the designated supervisor immediately.**

Every housing provider should designate one or more administrators or supervisors who are thoroughly trained and will be able to support staff in the event of an immigration enforcement action.

To ensure that someone is actually available, consider selecting and training multiple people to be “designated supervisors.” Identify the best ways to urgently reach designated supervisors if an enforcement action occurs at a non-business hour and clearly communicate this information to all staff. Consider also identifying a phone number that can be disseminated to staff that can be given to law enforcement. The goal is to ensure that frontline staff are not required to field law enforcement requests alone.

► Staff can say: “I need a moment to inform my supervisor that you are here.”

While waiting for their supervisor or if there is no supervisor or administrator available, staff should continue taking the steps noted below.

2. **Do not answer questions.**

Staff should not answer any questions posed by the agents at this point and should continue to direct them to speak to the designated administrator or supervisor – even if that person has not yet responded or is not yet available.

► Staff can say: “I am not authorized to answer questions,” or “I am not authorized to provide you with information regarding our residents.”

3. Identify the agents.

Staff should ask for each agent’s name and to see their badges. Be sure to write down the names and badge numbers. If you are not able to get this information for every agent, try to get as many as possible with a focus on getting the name and badge number of the person who seems to be in charge.

► Staff can say: “Officer, please give me your name and badge number.”

4. Ask why the agents are at the building. Write down their response.

► Staff can say: “Officer, may I ask why you are here today?”

5. Tell the agent that you do not give consent for the agent to enter any private areas.

Staff should inform ICE agents that they do not have consent to enter the non-public areas of the property without a valid judicial warrant. It is important that staff clearly and calmly communicate this.

► Staff can say: “If you do not have a warrant, it is our policy that you are not allowed to enter the non-public portions of the property.”

6. Ask to see a warrant.

If the agents claim that they do have a warrant, staff should ask for a copy. (If the agents have a warrant, they must show it.) Make a copy of the warrant or other documents. Use a phone to take photos if a photo copier is not available.

► Staff can say: “Please provide me with any warrant that you have today.” If the agents are still outside the building, staff can say: “Please slip any warrant that you have under the door.”

If ICE agents have a warrant, the designated supervisor should review it to ensure that:

- It is signed by a judge or magistrate,
- It describes the correct address as the place to be searched, or names the person to be arrested; and
- It has the correct date and was issued within the past 14 days.

If the ICE agents have a valid warrant: In the rare circumstance that the ICE agents do have a valid judicial search warrant, the supervisor should ensure the ICE agents’ search is limited to only the areas specified in the warrant. The supervisor should also immediately contact legal counsel.

If the ICE agents do not have a valid warrant: Tell the agent that you do not give consent and ask them to leave.

► Staff can say:

- “This does not appear to be a valid search warrant. I am not allowed to give you private information or access to any private areas. Please leave.”

- “I do not wish to answer questions and I do not consent to any searching. Please leave.”
- “If you leave your contact information, I will provide it to my supervisor. I must ask you to leave.”

Staff should otherwise remain silent. Housing providers and their staff are not required to assist with the apprehension of people identified in ICE administrative warrants nor are they required to allow warrantless searches of their buildings.

7. **Advise residents of their rights, but do not interfere.**

Staff and supervisors can advise residents that they have the right to remain silent and to decline to answer any questions.

Staff should not, however, try to help residents hide or escape. They also should not tell residents not to respond to questions from ICE agents or otherwise interfere with ICE actions. (But, again, staff can remind residents that they have the right to remain silent.)

If ICE Refuses to Listen or Leave

Staff should not physically interfere with ICE agents, even if they are exceeding their authority. To be clear, asserting your rights and following the protocols detailed in this guide do *not* constitute interference.

If ICE agents disregard staff requests, refuse to show a warrant, force their way into private-designated spaces, or otherwise exceed their authority, staff should not physically touch or interfere with an agent’s movements, but should document everything, as discussed below.

► Staff can say: “I do not have authority [and/or] do not consent. But because I have no other choice at this time, I will not interfere with your order.”

8. **Document everything.**

Staff may video or audio record any interactions with ICE agents, but they must announce that they are doing so. Staff should keep a reasonable distance from the agents and their actions to avoid interfering. The following information should be documented:

- The date of the action and the time the action began and ended;
- The number of agents present and their names and badge numbers;
- How they identified themselves (i.e., ICE or police) and what their uniforms looked like;
- Whether they presented a judicial warrant (and make a copy, if possible);
- All of the agents’ actions, including who they spoke to, what was said, where they searched, what they took (if anything), etc.;
- Any threatening behavior (i.e., touching or drawing their weapons);
- The names of anyone else who was present and witnessed the action.

If any arrests are made, staff should ask for and document the names of the individuals arrested and where they are going to be taken and held.

IF ICE REQUESTS ACCESS TO RECORDS/DOCUMENTS

If ICE agents request access to records or documents, staff should refer them to the designated administrator or supervisor who should:

- Inform agents that the housing provider’s policy is to not release information without a resident’s consent, unless disclosure is required by judicial warrant or subpoena;
- Ask for a copy of the warrant or subpoena and ask for the agents’ contact information;
- If such information is requested or a subpoena is provided, the designated supervisor should immediately contact legal counsel.

► Staff can say: “I am not authorized to release any resident information. Please leave your contact information and I will provide it to my supervisor.”

BEST PRACTICES FOR SAFE AND INCLUSIVE HOUSING

In preparing to respond to potential immigration enforcement actions, housing providers should also review their day-to-day policies and assess what changes or improvements they can make to foster stronger, trusting relationships with immigrant resident communities.

LANGUAGE ACCESS

Housing providers should survey the language preferences of their resident populations and take steps to ensure that they are able to clearly and effectively communicate with residents. Such steps could include translating day-to-day notices to residents and ensuring that onsite managers or staff are able and available to speak with tenants. Housing providers should strive to translate all notices – not just know-your-rights notices or information. Providing translated notices and employing bilingual staff not only increases trust and feelings of safety and security among residents, but also benefits housing providers. Residents who are able to effectively communicate with staff are more likely to be able to alert housing providers to urgent issues involving their units or the building.

FAIR HOUSING

Long-standing state laws protect immigrants from discrimination. The Fair Employment and Housing Act prohibits housing providers from discriminating on the basis of race, color, national origin, or ancestry.⁷ The Unruh Act prohibits intentional discriminatory practices in rental housing on the basis of “citizenship, primary language, or immigration status.”⁸

Housing providers should ensure that staff understand their obligations under these laws. Even comments or actions that may not be overtly “threatening” can still violate housing providers’ duty not to discriminate. Examples include:

- A staff member complains about smells caused by cooking food associated with a resident’s national origin such as fermented foods, curries, etc.
- A property manager notices that a resident has purchased a new television. The property manager comments “I don’t understand how you were able to afford that, since you just moved here from Mexico.”
- Staff prioritizing responding to maintenance requests made by English-speakers while taking much longer to respond to requests from non-English speakers.

More importantly, such actions or comments alienate residents and can create feelings of distrust. In such situations, residents often do not feel empowered to speak freely with staff nor do they feel safer when around staff. In taking steps to foster safety for immigrant residents, it is imperative that housing providers

first build a foundation of trust with their residents. Only in doing so can housing providers, their staff, and residents effectively work together to create safer communities.

GET HELP

For questions concerning this guide, please contact the Asian Law Caucus at (415) 896-1701.

If you are seeking immigration legal services, please consult the National Immigration Legal Services Directory: <https://www.immigrationadvocates.org/legaldirectory/>.

APPENDIX

- Appendix A: Sample Judicial Search Warrant
- Appendix B: Sample Judicial Arrest Warrant
- Appendix C: Sample ICE Administrative Warrants
- Appendix D: Sample Subpoenas (Administrative and Judicial)
- Appendix E: Sample One-Pager for Staff: Instructions for Responding to an Enforcement Action (English, Chinese, Spanish)

¹ *People v. Superior Court (Walker)* (2006) 143 Cal.App.4th 1183, 1207-1208 (“[A] landlord may not give valid third party consent to a police search of a house rented to another”).

² Civil Code § 1940.3(b).

³ Civil Code § 1954.

⁴ Civil Code § 1940.3.

⁵ Civil Code § 1940.3(b).

⁶ 42 U.S.C.A. § 1436a(b) (West 2023); 24 C.F.R. § 5.500 (2023).

⁷ Gov. Code § 12955, subdivision (d).

⁸ Civil Code § 51.

Appendix A: Sample Judicial Search Warrant (blank, first page only)

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

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 14 days)
 in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____
(United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

for _____ days (not to exceed 30) until, the facts justifying, the later specific date of _____.

Date and time issued: _____

Judge's signature

City and state: _____

Printed name and title

Appendix B: Sample Judicial Arrest Warrant (blank, first page only)

UNITED STATES DISTRICT COURT

for the

United States of America
v.

)
) Case No.
)
)
)
)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) _____,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Date: _____
_____ *Issuing officer's signature*

City and state: _____
_____ *Printed name and title*

Return	
This warrant was received on <i>(date)</i> _____, and the person was arrested on <i>(date)</i> _____ at <i>(city and state)</i> _____.	
Date: _____	_____ <i>Arresting officer's signature</i>
_____ <i>Printed name and title</i>	

Appendix C: Sample ICE Administrative Warrants (blanks, first pages only)

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

File No: _____

Date: _____

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
- a designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

(Signature of immigration officer)

(Title of immigration officer)

(Date and office location)

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____
(Location)

on _____ on _____, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Appendix D: Sample Subpoenas (Administrative and Judicial (blanks, first pages only))

1. To (Name, Address, City, State, Zip Code)	DEPARTMENT OF HOMELAND SECURITY IMMIGRATION ENFORCEMENT SUBPOENA to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To	
(Title of Proceeding)	(File Number, if Applicable)

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

(A) **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.


(B) **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear	(B) Date
Name	
Title	
Address	(C) Time <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Telephone Number	

4. Records required to be produced for inspection

SAMPLE

	5. Authorized Official _____ (Signature) _____ (Printed Name) _____ (Title) _____ (Date)
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If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

DHS Form I-138 (6/09)

UNITED STATES DISTRICT COURT
for the

Plaintiff
v.

Defendant

)
)
) Civil Action No.
)
)
)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: _____
(Name of person to whom this subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place:	Date and Time:
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Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
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The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Appendix E: Sample One-Pager for Staff: Instructions for Responding to an Enforcement Action (English, Simplified Chinese, Traditional Chinese, and Spanish)

WHAT TO DO IF ICE IS AT THE BUILDING

Important: If the building requires a key/buzzer to enter, do NOT let the agents in. Use the intercom or speak to the agents through the door. ► SAY: "This is a private property and it is our policy that you are not allowed to enter without a valid warrant."

- Immediately contact _____
(Include name, title, direct line of designated supervisor(s).)

► SAY: "I need a moment to tell my supervisor that you are here."

- Do not answer questions posed by the agent. Tell them they will have to speak with your supervisor.

► SAY: "I am not authorized to answer questions," or "I am not authorized to provide you with information regarding our residents."

While waiting for the supervisor or if there is no supervisor available, continue taking the following steps:

- Ask for name and badge numbers. Write them down.

► SAY: "Officers, please give me your names and badge numbers."

- Ask why the agents are at the building. Write down their response.

► SAY: "May I ask why you are here today?"

- Tell the agent that you do not give consent for the agent to enter any private areas.

► SAY: "If you do not have a warrant, it is our policy that you are not allowed to enter the non-public portions of the property."

- If they say they have a warrant, ask to see the warrant. Make a copy of the warrant or other documents. Use a phone to take photos if a photo copier is not available.

► SAY: "Please provide me with any warrant that you have today." (Ask them to slip it under the door if they are still outside.)

- Look at the warrant and see if it has ALL three of the following:

1. Signed by a JUDGE or a MAGISTRATE (NOT an Immigration Officer).
2. Issued within the past 14 days.
3. Describes the correct address as the place to be searched, or names the person to be arrested.

- If VALID → Provide access only to the areas described in the warrant.

- If NOT VALID → Tell the agent that you do not give consent and ask them to leave.

► SAY: "This does not appear to be a valid search warrant. I am not allowed to give you private information or access to any private areas. If you leave your contact information, I will provide it to my supervisor. I must ask you to leave."

Take notes and document as much as you can. Staff may video or audio record any interactions with ICE agents but must announce that they are doing so. Remain at a reasonable distance to avoid interfering.

Do not tell residents not to respond to questions from ICE. Instead, remind them "you have the right to remain silent." Do not help residents escape or hide.

在大楼里如何应对移民执法局

要点：若大楼需要钥匙或有门禁系统才能进入，请勿让移民执法局探员进入。使用对讲机或隔着门与其对话。▶说：“这里是私人物业区域，我们的规定是若无有效的司法令状，您将不被允许进入。”

- 马上联系 _____。
(包括指定上司的姓名、职位、直拨电话。)

▶说：“我需要时间告知上司关于你们的到来。”

- 请勿回答探员的问题。告知对方您需要将此告知上司。

▶说：“我无权回答问题，”或者说“我无权向你提供与大楼住客相关的信息。”

在等待上司的过程中、或没能找到上司，接下来可按以下步骤行事：

- 询问对方的姓名和职务编号，并将其写下来。

▶说：“警官，请给我您的姓名和职务编号。”

- 询问为何探员们会来这幢大楼，并把他们的回答写下来。

▶说：“请问您为什么会来到这里？”

- 告诉探员们，您并不许可他们进入任何私人区域。

▶说：“若您没有司法令状，我们的规定是你不被允许进入此物业的任何非公共区域。”

- 若对方说有司法令状，请要求浏览该令状。将司法令状或其它文件拿去复印副本。若没有复印机，可用手机拍照。

▶说：“若你今天有带来任何司法令状，请出示给我。”（若他们依然在门外，要求对方从门底缝中递入文件。）

- 浏览该司法令状，查看是否有以下全部要素：

1. 经由法官或治安法官签名（并非移民局官员）。
2. 在过去 14 日内签发。
3. 对于想搜查的地方之地址是否正确，或者有否写明将逮捕的人的姓名。

- 若是有效的司法令状→只允许他们进入在司法令状中写明的区域。

- 若是无效的司法令状→告诉探员你不允许他们进入并要求对方离开。

▶说：“这看来不是有效的搜查令。我不被允许向你提供任何人的隐私信息，亦不允许你进入任何私人区域。若你留下联系方式，我会转交给我的上司。我必须要求你离开。”

做好记录和尽可能多地写下发生的情况。对于与移民执法局的交流沟通，职员可录像或录音，前提是必须明确告知对方正在录像或录音。请保持合理的距离以避免发生阻滞。

请不要阻止居民回答移民执法局的询问。相反，提醒他们“您有权保持缄默。”请不要帮助居民逃跑或藏匿。

在大樓裡如何應對移民執法局

要點：若大樓需要鑰匙或有門禁系統才能進入，請勿讓移民執法局探員進入。使用對講機或隔著門與其對話。▶說：“這裡是私人物業區域，我們的規定是若無有效的司法令狀，您將不被允許進入。”

- 馬上聯繫 _____。
(包括指定上司的姓名、職位、直撥電話。)

▶說：“我需要時間告知上司關於你們的到來。”

- 請勿回答探員的問題。告知對方您需要將此事告知上司。

▶說：“我無權回答問題，”或者說“我無權向你提供與大樓住客相關的信息。”

在等待上司的過程中、或沒能找到上司，接下來可按以下步驟行事：

- 詢問對方的姓名和職務編號，並將其寫下來。

▶說：“警官，請給我您的姓名和職務編號。”

- 詢問為何探員們會來這幢大樓，並把他們的回答寫下來。

▶說：“請問您為什麼會來到這裡？”

- 告訴探員們，您並不許可他們進入任何私人區域。

▶說：“若您沒有司法令狀，我們的規定是你不被允許進入此物業的任何非公共區域。”

- 若對方說有司法令狀，請要求瀏覽該令狀。將司法令狀或其它文件拿去複印副本。若沒有複印機，可使用手機拍照。

▶說：“若你今天有帶來任何司法令狀，請出示給我。”（若他們依然在門外，要求對方從門底縫中遞入文件。）

- 瀏覽該司法令狀，查看是否有以下全部要素：

1. 經由法官或治安法官簽名（並非移民局官員）。
2. 在過去十四日內簽發。
3. 對於想搜查的地方之地址是否正確，或者有否寫明將逮捕的人的姓名。

- 若是有效的司法令狀→只允許他們進入在司法令狀中寫明的區域。

- 若是無效的司法令狀→告訴探員你不允許他們進入並要求對方離開。

▶說：“這看來不是有效的搜查令。我不被允許向你提供任何人的隱私信息，亦不允許你進入任何私人區域。若你留下聯繫方式，我會轉交給我的上司。我必須要求你離開。”

做好記錄和盡可能多地寫下發生的情況。對於與移民執法局的交流溝通，職員可錄像或錄音，前提是必須明確告知對方正在錄像或錄音。請保持合理的距離以避免發生阻滯。

請不要阻止居民回答移民執法局的詢問。相反，提醒他們「您有權保持緘默。」請不要幫助居民逃跑或藏匿。

QUÉ HACER SI HAY PRESENCIA DE AGENTES DE INMIGRACIÓN (ICE) EN EL EDIFICIO

Importante: Si el edificio requiere una llave o un timbre para ingresar, NO deje entrar a los agentes. Utilice el intercomunicador o hable con los agentes a través de la puerta. ► DIGA: "Esta es una propiedad privada y nuestra política es que no se le permite ingresar sin una orden judicial válida".

- Comuníquese inmediatamente con

_____.
(Incluya el nombre, cargo y línea directa del supervisor designado).

► DIGA: "Necesito un momento para decirle a mi supervisor que usted está aquí".

- No responda preguntas formuladas por el agente. Dígales que tendrán que hablar con su supervisor.

► DIGA: "No estoy autorizada a responder preguntas" o "No estoy autorizada a brindarle información sobre nuestros residentes".

Mientras espera al supervisor o si no hay ningún supervisor disponible, continúe con los siguientes pasos:

- Solicite nombre y números de placa. Escríbalos.

► DIGA: "Oficiales, por favor denme sus nombres y números de insignias".

- Pregunte por qué los agentes están en el edificio. Escriba su respuesta.

► DIGA: "¿Puedo preguntarle por qué está aquí hoy?"

- Dígale al agente que usted no da su consentimiento para que el agente ingrese a áreas privadas.

► DIGA: "Si no tiene una orden judicial, nuestra política es que no se le permite ingresar a las partes no públicas de la propiedad".

- Si dicen que tienen una orden judicial, pida verla. Haga una copia de la orden u otros documentos. Utilice un teléfono para tomar fotos si no hay una fotocopidora disponible.

► DIGA: "Por favor, proporcione cualquier orden judicial que tenga hoy". (Pídale que lo deslicen debajo de la puerta si todavía están afuera).

- Revise la orden y vea si tiene TODOS los tres puntos de lo siguiente:

1. Firmado por un JUEZ o un MAGISTRADO (NO un oficial de inmigración).
2. Emitido dentro de los últimos 14 días.
3. Describe la dirección correcta como el lugar a registrar o nombra a la persona a arrestar.

- Si es VÁLIDO □ Proporcionar acceso únicamente a las áreas descritas en la orden.

- Si NO ES VÁLIDO □ Dígale al agente que no da su consentimiento y pídale que se vaya.

► DIGA: "Esta no parece ser una orden de registro válida. No tengo permitido brindarle información privada ni acceso a áreas privadas. Si deja su información de contacto, se la proporcionaré a mi supervisor. Debo pedirle que se vaya".

Tome notas y documente todo lo que pueda. El personal puede grabar en video o audio cualquier interacción con los agentes de ICE, pero debe anunciar que lo están haciendo. Manténgase a una distancia razonable para evitar interferir.

No les diga a los residentes que no respondan a preguntas de ICE. En su lugar, recuérdelos "tiene el derecho a permanecer en silencio". No le ayude a los residentes a escapar ni a esconderse.

Skit 1:

Narrator: This is our first skit. [Insert Name] is a front desk worker. They do not know what the policy is for responding to ICE agents or law enforcement who come to their building.

Front Desk Staff: So glad my shift is almost over. Can't wait to go home and relax . Oh! There are some people at the door. Looks like maybe it's the police. Wonder what they want? Let me just buzz them in.

ICE Officer: Good morning.

Front Desk: Good morning!

ICE Officer: I'm with federal law enforcement. Thanks for buzzing us in. We're looking for a resident that lives here. His name is Jerry Smith. Would you be able to let us know which unit he is in?

Front Desk: (alarmed) Why are you looking for Mr. Smith?

ICE Officer: We already told you. We're federal law enforcement. We need to speak with Mr. Smith and ask him some questions. If you continue to interfere with our investigation, you will have problems. Now please tell us which unit he is in.

Front Desk: (panicked) Oh – okay. Sorry, I didn't meant to interfere. Uh — yes – sorry, Mr. Smith. Mr. Smith lives in Unit 210.

ICE Officer: Thank you – how do we get up there?

Front Desk: (shaken) You can use this elevator.

Narrator: The ICE agents enter the elevator and go upstairs to Mr. Smith's unit. Mr. Smith isn't home. But the ICE agents spend 15 minutes loudly banging on his door and asking to be let in.

Skit 2:

Narrator: This is our second skit. [Insert Name] is the property manager and has received training about what to do if law enforcement comes to her building. [Insert Name] happens to be standing near the entrance of the building when she notices a couple of law enforcement officers standing near the entrance.

Property manager: Hi, can I help you guys?

ICE Officer: Yes. Do you know anything about this building?

Property manager: Yes. In fact, I am the property manager – I noticed you have been standing in front of my building for a while. What can I help you with?

ICE Officer: We're the police. We have reason to believe that a suspect is hiding in this building. We'd like to come in and look around.

Property manager: Well, I don't have reason to believe that there is a suspect in this building. This is a senior housing building, and I know my residents very well. Do you have any specific information about who you are looking for?

ICE Officer: [Sir/ma'am], we're sure you have a good sense of who your residents are. However, as I said, we're law enforcement. We received reports that there is a suspect in your building, and we have a duty to investigate. Could you please open the door so that we can take a look?

Property manager: I don't think I need to do that for you.

ICE Officer: We have a legal warrant. We've asked you nicely, but if you continue to cause problems, we'll have to enforce our warrant.

Property manager: Well let me see it.

ICE Officer: Here you go. (gives the property manager a piece of paper)

Narrator: The property manager takes the warrant from the ICE officer. It looks official and is signed by someone. However, on closer examination, the property manager realizes that the warrant is only signed by an "Immigration Officer," NOT a state or federal judge.

Property manager: This is not a valid warrant. If you do not have a valid warrant, it is our policy that you are not allowed to enter this building. This is a private residential building. Please leave.

Skit 3:

Narrator: This is our final skit. [Insert Name] is once again a front desk worker, except now they know their rights and the policy.

Front Desk Staff: So glad my shift is almost over. Can't wait to go home and relax. Oh! There are some people at the door. Looks like maybe it's the police. Wonder what they want? Wait – it has been very quiet at the front desk, and I did NOT call the police. It's possible that the people at the door are not the police. Let me ask who they are through the intercom. (presses intercom button) Hi – can I help you?

ICE Officer: Good morning. I'm with federal law enforcement. Could you buzz us in? We'd just like to come in and ask a few questions.

Narrator: [Insert Name], the front desk worker, is alarmed. She realizes that this might be an immigration related situation. She did not expect that this would ever happen during one of her shifts. However, she remembers that there is a policy that she learned about. Luckily, a summary of the policy is written on a piece of paper that she keeps at her desk.

Front Desk: Could you please wait a second? I need a moment to tell my supervisor that you are here.

ICE Officer: In the meantime, please buzz us in.

Front Desk: Please wait while I contact my supervisor.

Narrator: [Insert Name] contacts their supervisor. Luckily, their supervisor picks up the phone and says that they are 10 minutes away and coming to assist immediately. In the meantime, [Insert Name] follows the instructions on the written policy.

ICE Officer: Please buzz us in now. We just have a few questions about one of your residents.

Front Desk: I am not authorized to answer questions. However, can you give me your names and badge numbers?

ICE Officer: Of course. I'm Officer Jill and my badge number is 1234.

Front Desk: Thank you. May I ask why you're here today?

ICE Officer: I don't know why you're asking. I already told you. We just have a few questions about one of your residents. Buzz us in so we can talk.

Front Desk: If you do not have a warrant, it is our policy that you are not allowed to enter the non-public portions of the property.

ICE Officer: The building lobby is a public area. I just have a few questions. If you do not buzz us in, you will have problems.

Front Desk: Please provide me with any warrant that you have today.

ICE Officer: We have a warrant. If you buzz us in, I can provide you with the warrant.

Front Desk: Please slip the warrant under the door.

ICE Officer: We don't have a warrant, and this is ICE. You need to open the door now, or we will take further action.

Front Desk: It is our policy not to allow you to enter if you do not have a warrant.

ICE Officer: Well, we will come back with a warrant ordered by a court. We'll probably be back tomorrow.

Front Desk: That is fine. If you leave your contact information, I can provide it to my supervisor.

Narrator: The ICE agents leave. The designated supervisor, Property Manager [Insert Name], arrives shortly after, but because [Insert Name] had practiced following the housing provider's policy, Property Manager [Insert Name] does not have to interact with the ICE officers because they already left. Property Manager [Insert Name] sets up a time to debrief the incident with [Insert Name] and reports the incident to administration.