Justice for Immigrants Webinar
Enforcement at Sensitive Locations

April 26, 2017
Agenda

• Welcome & Introductions
• Existing DHS Policy Guidance
• Overview of the Existing DHS Sensitive Locations Policy
• Exceptions to the Policy
• Resources on Sensitive Locations
• Case Examples
• New Proposed Legislation on Sensitive Locations
• What Can You Do?
• Q&A / Field Updates
Existing DHS Policy Guidance: ICE and CBP Memos & FAQs

**Immigration and Customs Enforcement (ICE)**

- 2011 Memo - “Enforcement Actions at or Focused on Sensitive Locations”
- Companion FAQ: [https://www.ice.gov/ero/enforcement/sensitive-loc](https://www.ice.gov/ero/enforcement/sensitive-loc)

**Customs and Border Protection (CBP)**

- 2013 Memo – “Enforcement Actions at or Near Certain Community Locations”
Overview of the Sensitive Locations Policy

• Limits enforcement actions at “sensitive locations.”

• According to the ICE memo, sensitive locations include:
  – Schools;
  – Hospitals;
  – Churches, synagogues, mosques, or other institutions of worship, such as buildings rented for the purpose of religious services;
  – Site of a funeral, wedding, or other public religious ceremony; and
  – Public demonstrations, such as a march, rally, or parade.

• School but stops are sensitive locations if they are “marked and/or known to the ICE [officer, during period when school children are present at the stop.”

• Courthouses do not qualify as sensitive locations.
Exceptions to the Policy

• Exceptions exist if:
  
  – there is immediate need due to exigent circumstances; or
  
  – officers have obtained prior approval.

• Does not cover “operations within the immediate vicinity of the border.”

Photo Credit: U.S. Immigration and Customs Enforcement
Resources on Sensitive Locations

Sensitive Locations FAQs

USCCB/MRS’ FAQ
(available in English and Spanish).

CLINIC’s Guide
(available in English and Spanish).

Sensitivity Locations

in 2011, US Immigration and Customs Enforcement (ICE) issued a memorandum on “Sensitive Locations.” The memo describes ICE’s policy on immigration enforcement actions, such as arrests, interviews, searches, seizures, and deportations, at certain public facilities and places of worship. This memo sets out the operation of sensitive locations in 2012. The memo is similar but not identical to the 2005 memo.

What places qualify as sensitive locations?

According to the ICE memo, sensitive locations include:

- School campuses, primary schools, secondary schools, post-secondary schools, colleges and universities, and other learning institutions (such as libraries or study halls).
- Hospitals.
- Churches, synagogues, mosques, or other places of worship.
- Sites of a funeral, meeting, or other public religious ceremony.
- Public demonstrations, such as a march, rally, or parade.

How has this been any updates to the sensitive locations memo?

While the memo does not have a specific date, ICE and CBP have published additional information on this policy via their respective websites. The ICE FAQ page can be found here, and the CBP FAQ page can be found here.

Are school bus stops and courthouses sensitive locations?

School bus stops are not specifically noted in the ICE memo. The ICE FAQ on this policy states that school bus stops are considered sensitive locations.

If you are located or have relatives in the ICE office during periods when children are present at the office, unfortunately, you should know that ICE has not always followed this stated interpretation of the policy. According to the ICE memo, they do not typically consider locations with sensitive locations as having “sensitive locations.” For example, ICE offices have been known to continue processing applications for sensitive locations in areas where sensitive locations are present. However, ICE has not always followed this stated policy.
Is the Policy Still in Effect?

• The policy currently remains in effect. But:
  • DHS can withdraw or modify the policy at any time.
  • Recent case examples of DHS pushing the bounds of what has been known to be the policy have created confusion.
Case Examples

• **Feb. 2017 – Alexandria, VA:**
  • Two men apprehended after leaving hypothermia shelter at Rising Hope Mission Church.

• **March 2017 - Northeast Los Angeles:**
  • Undocumented father apprehended by ICE while driving his daughter to school.
  • Half mile from school.
  • Decade old DUI conviction.

• **March 2017 - Visalia, CA:**
  • Father apprehended by ICE while picking his son up from elementary school.
  • DUI conviction.

Photo Credit: WTOP
Efforts to Codify the Policy

• S. 845 / H.R. 1815 - “Protecting Sensitive Locations Act”
  • Senator Richard Blumenthal (D-CT)
    • Senate Judiciary
    • 11 cosponsors
  • Representative Adriano Espaillat (D-NY-13)
    • House Judiciary
    • 29 cosponsors

• Applies to DHS officers and individuals designated to perform immigration enforcement functions.

• Exigent circumstances and approval prior to engaging in enforcement actions within 1000 feet of a sensitive location.
  • Does not bar enforcement of criminal laws or ability to protect if threat to public safety.
Efforts to Codify the Policy

• Additional locations include:
  • Buildings rented for purpose of religious retreats, counseling, education, etc. (S. 845);
  • Day care facilities and early learning programs (S. 845);
  • Organizations that assist victims of crime, children, etc.; and
  • Courthouses and offices of the individual’s attorney.

• Officers must make every effort to limit actions to the targeted person for whom prior approval was obtained.

• Violations:
  • Cannot use information gathered during action as evidence in removal proceedings; and
  • May file motion for termination of removal proceeding.
What Can You Do?

• Advocate for DHS to keep and uphold the Sensitive Locations Policy.

• Support S. 845 / H.R. 1815 - “Protecting Sensitive Locations Act.”

• Report violations of this policy:
  • ICE Enforcement and Removal Operations
    • (888)351-4024 / ERO.INFO@ice.dhs.gov
  • ICE’s Office of Diversity and Civil Rights - Civil Liberties Division
    • (202) 732-0092 / ICE.Civil.Liberties@ice.dhs.gov.
  • CBP’s Information Center

• Share incident with USCCB/MRS at:
  https://goo.gl/forms/HVZxjcbPC89aE14B3
Questions & Reports from the Field

JFI Website: http://justiceforimmigrants.org/