



Sensitive Locations FAQs

In 2011, U.S. Immigration and Customs Enforcement (ICE) issued a memorandum on “[Enforcement Actions at or Focused on Sensitive Locations](#)” (the “ICE memo”).¹ The memo describes ICE’s policy on immigration enforcement actions (such as arrests, interviews, searches, and surveillance operations) at “sensitive locations.” U.S. Customs and Border Protection (CBP) released its own [memo](#) regarding CBP operations at sensitive locations in 2013.² The CBP memo is similar but not identical to the ICE policy.

What places qualify as sensitive locations?

According to the ICE memo, sensitive locations include:

- Schools (pre-schools, primary schools, secondary schools, post-secondary schools, colleges and universities, and other learning institutions such as vocational or trade schools);
- Hospitals;
- Churches, synagogues, mosques, or other institutions of worship, such as buildings rented for the purpose of religious services;
- The site of a funeral, wedding, or other public religious ceremony; and
- Public demonstrations, such as a march, rally, or parade.

Have there been any updates to the sensitive locations memos?

Yes. On January 10, 2018, ICE issued a memo titled, “[Civil Immigration Enforcement Actions Inside Courthouses](#),” to clarify ICE’s policy regarding apprehensions at courthouses.³ Additionally, ICE and CBP have published additional information on their sensitive locations policies via their Frequently Asked Questions (FAQ) pages. The ICE FAQ page can be found [here](#),⁴ and the CBP FAQ page can be found [here](#).⁵

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, however, does state that school bus stops are considered sensitive locations if they are “marked and/or known to the [ICE] officer, during period when school children are present at the stop.”⁶ Unfortunately, [reports](#) show that ICE has not always followed this stated interpretation of its policy.⁷

As clarified by the January 10, 2018 ICE memo, courthouses do not qualify as sensitive locations. The memo, however, states that ICE officers should generally avoid enforcement actions at courthouses or areas in courthouses that are dedicated to non-criminal courts, such as family courts. It further states that enforcement actions at courthouses will typically be limited to the targeted individual and that officers should not apprehend other undocumented individuals encountered, unless special circumstances arise (including when individuals interfere with ICE’s enforcement action).

Does that mean ICE or CBP can never enter sensitive locations?

No. While ICE typically will not carry out enforcement actions in sensitive locations, it may do so if officials have obtained prior approval or if there is immediate need due to exigent circumstances. Exigent circumstance include instances of a national security threat, pursuit of a dangerous felon, imminent risk of harm, or risk of destruction of evidence in a criminal case.

The sensitive locations policy does not apply to certain enforcement operations conducted within 100 miles of the border, such as activities undertaken when there is a reasonable certainty that the immigrant just crossed the border or when DHS has maintained surveillance since the immigrant crossed the border. In addition, the sensitive locations policy does not apply to certain ICE activities, such as obtaining records, serving subpoenas,

or participating in official functions or community meetings.

Is the sensitive locations policy still in effect?

Yes. The sensitive locations policy currently remains in effect. However, as it is not set forth in statute or regulation, it could be withdrawn or modified by DHS at any point.

Are there any visual materials that can be used to help explain this policy?

Yes. In February 2018, CLINIC, the Catholic Legal Immigration Network, updated its infographic, available in [English](#) and [Spanish, which serves as](#) a helpful tool to explain this policy.

What can I do to make sure this policy is upheld?

You can urge ICE and CBP to maintain the policy and ensure that their officials are properly trained on its requirements.

Where can I report potential violations of the policy?

You can file a complaint by contacting:

- ICE Enforcement and Removal Operations by phone at (888)351-4024 or via email at ERO.INFO@ice.dhs.gov;
- ICE's Office of Diversity and Civil Rights - Civil Liberties Division by phone at (202) 732-0092 or via email at ICE.Civil.Liberties@ice.dhs.gov.
- CBP's Information Center by phone at 1-877-227-5511 or online at <https://help.cbp.gov>.

In addition to reporting potential violations to ICE and CBP, we ask that you please contact USCCB/MRS at jfi@usccb.org. Sharing your experience can help ensure that others are not apprehended in violation of this policy.

<https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>

2 David Aguilar, *Memorandum on "U.S. Customs and Border Protection Enforcement Actions at or Near Certain Community Locations,"* (Jan. 18, 2013), available at <https://foiarr.cbp.gov/streamingWord.asp?i=1251>.

3 Thomas Homan, *Memorandum on "Civil Immigration Enforcement Actions Inside Courthouses,"* (Jan. 10, 2018), available at <https://www.ice.gov/sites/default/files/documents/Document/2018/ciEnforcementActionsCourthouses.pdf>.

4 *Sensitive Locations FAQs, ICE* (Jan. 31, 2018), <https://www.ice.gov/ero/enforcement/sensitive-loc>.

5 *Sensitive Locations FAQs, CBP* (Aug. 22, 2016), <https://www.cbp.gov/border-security/sensitive-locations-faqs>.

6 *ICE Sensitive Locations FAQs, supra note 4.*

7 CARA Project, *Update on Recent ICE Enforcement Actions Targeting Central American Families* 9 (2016), <https://cliniclegal.org/sites/default/files/advocacy/CARA-Raids-Update-Public-Documents-final.pdf>.

8 Fox News, *ICE Agents Reportedly Arrest Alleged Domestic Violence Victim at Texas Courthouse*, (Feb. 16, 2017), <http://www.foxnews.com/us/2017/02/16/ice-agents-reportedly-arrest-alleged-domestic-violence-victim-at-texas-courthouse.html>.

Endnotes

1 John Morton, *Memorandum on "Enforcement Actions at or Focused on Sensitive Locations,"* (Oct. 24, 2011), available at