

Sensitive Locations Toolkit



Table of Contents

- 03 Presentation
- 05 General FAQs on Sensitive Locations
- 23 FAQs Schools have on Sensitive Locations
- 27 FAQs Health Centers have on Sensitive Locations
- 29 FAQs Places of Worship have on Sensitive Locations
- 33 FAQs Nonprofits have on Sensitive Locations
- 36 Glossary
- 38 Right to Remain Silent Cards



Presentation

On October 2011, Immigration and Customs Enforcement (ICE) issued an administrative memorandum entitled “Enforcement Actions at or Focused on Sensitive Locations,” which set forth the agency’s policy regarding enforcement actions in places that are recognized as sensitive locations.

The policy, which remains in full force and effect, restricts enforcement actions, such as arrests, interviews and surveillance for purposes of immigration enforcement in places recognized as sensitive locations. The sensitive locations covered by the policy include, but are not limited to: schools, hospitals, places of worship, and public demonstrations such as marches, rallies or parades.

In effort to protect our visitors and the population we serve, in February 2017 as a school, El Centro de la Raza declared itself a sensitive location and adopted and implemented internal procedures that allow us to react promptly and effectively in the event of a visit by immigration agents to our premises. In addition, in recognition of the potential and capability of sensitive locations to protect and ensure the rights of immigrant populations, El Centro de la Raza has been encouraging other entities and organizations to recognize and designate themselves as sensitive locations and adopt measures that will contribute to protecting the immigrant population they serve.

In the framework of these efforts, El Centro de la Raza is providing potential sensitive locations with relevant information on how to take advantage of this status to provide the immigrant population with support and protection. With this objective in mind, El Centro de la Raza has created a set of resources that help and guide potential sensitive locations better serve their communities. These resources include the creation of a common logo to identify sensitive locations in King County and the greater Seattle area, information sessions, technical assistance on viable and effective measures to protect vulnerable immigrant populations, and this toolkit. This toolkit will aim to answer all relevant questions that may arise for potential sensitive locations.

Since the last presidential election, immigrant communities have been unfairly scapegoated and targeted causing an increase in anxiety, fear and uncertainty among those who only wished to come to the United States to create a better life for themselves and their families. Sensitive locations have the potential to provide a safe, friendly, and welcoming environment, and if widely implemented it would be a strong political statement that will counterbalance the arbitrary and discriminatory policies and measures intended to ban and prevent immigrants from living a dignified and meaningful life.

This toolkit follows a Frequently Asked Questions (FAQs) model and it is divided into five (5) parts. The first one provides general information useful to all potential sensitive locations regardless of the service they provide. The following sections answer the concerns that each of the different potential sensitive locations may have regarding this policy. Subsequently, the next sections are organized as follows: FAQs for schools, health-care centers, places of worship, and nonprofit organizations.

We hope that this toolkit will be useful and beneficial to your institution and its beneficiaries. If there are any additional questions or concerns or your organization requires further assistance in adopting and implementing any of the recommended measures for the protection of immigrants in your community, please feel free to contact El Centro de la Raza. Our staff is available and ready to assist you.

This toolkit was prepared by Adriana Ortiz-Serrano, El Centro de la Raza’s Sensitive Locations Project Coordinator. A very special thank you goes to Sehem Hazing who selflessly donated so much of her time editing the toolkit. A big thank you goes to Gabriel Lopez for all his time and expertise creating the layout. For information on sensitive locations, please contact EL CENTRO DE LA RAZA:
EMAIL: aortiz@elcentrodelaraza.org
PHONE NUMBER: (206) 717-0089



General FAQs on Sensitive Locations



What are sensitive locations?


Sensitive locations are places where certain enforcement actions of immigration agents, such as ICE officers, are restricted. Sensitive locations include, but are not limited to: schools, hospitals, places of worship, and public demonstrations. These locations are recognized as sensitive to ensure that people, regardless of immigration status, have access to health and education, can exercise their freedom to worship and publicly convene without the fear or threat of immigration enforcement.

What places qualify as sensitive locations?


As defined by the Department of Homeland Security (DHS) and ICE, sensitive locations include:

- Schools, such as: licensed daycares, pre-schools and other learning programs, primary schools, secondary schools, post-secondary schools up to and including colleges and universities, and other institutions of learning such as vocational and trade schools
- Locations that provide scholastic or educational related activities or events;
- School bus stops that are marked and/or known to the officers during periods when children are present at the stop;
- Medical treatment and health care facilities, such as hospitals, doctor's offices, accredited health clinics, and emergency and urgent care facilities;
- Places of worship, such as: churches, synagogues, mosques, and temples;
- Religious or civil ceremonies or observances, such as funerals and weddings;
- A site during the occurrence of a public demonstration, such as a march, rally or parade;


Sensitive Locations Covered by the Policy



Health Care Centers




Schools




Places of Worship



Funerals



Weddings



Public Demonstrations

Although DHS does not list domestic violence shelters/housing and rape crisis centers as sensitive locations, immigration officers are required to use prosecutorial discretion when encountering victims of domestic violence and sexual assault and are discouraged from making arrests at these locations and the following associated sites:

- Supervised visitation centers
- Family justice centers
- A victims’ services or victims’ services provider
- Community based organizations that focus primarily on, have expertise or work effectively on:
 - Domestic violence
 - Dating violence
 - Sexual assault
 - Stalking

This list is not restricted to the above listed locations. Additionally, immigration officers should exercise special care when carrying out enforcement operations in places assisting children, pregnant women, victims of crime or abuse, or individuals with significant mental or physical disabilities.

Which enforcement actions should not occur at or be focused on sensitive locations?

Generally, enforcement actions such as: arrests, interviews, searches; and for purposes of immigration enforcement, surveillance should not take place at sensitive locations.

Are there any exceptions when an enforcement action by immigration officers may occur at a sensitive location?

Yes. While immigration officers should not carry out enforcement actions at sensitive locations there are some exceptions. Enforcement actions such as arrests, interviews, searches, and for purposes of immigration enforcement, surveillance may occur at sensitive locations if:

- There are **exigent circumstances**;
- Other law enforcement actions have led officers to a sensitive location; or
- With prior approval from an appropriate supervisory official.

Additionally, the sensitive locations policy does not cover the following actions by immigration officers:

- 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; and
- Participating in official functions or community meetings.

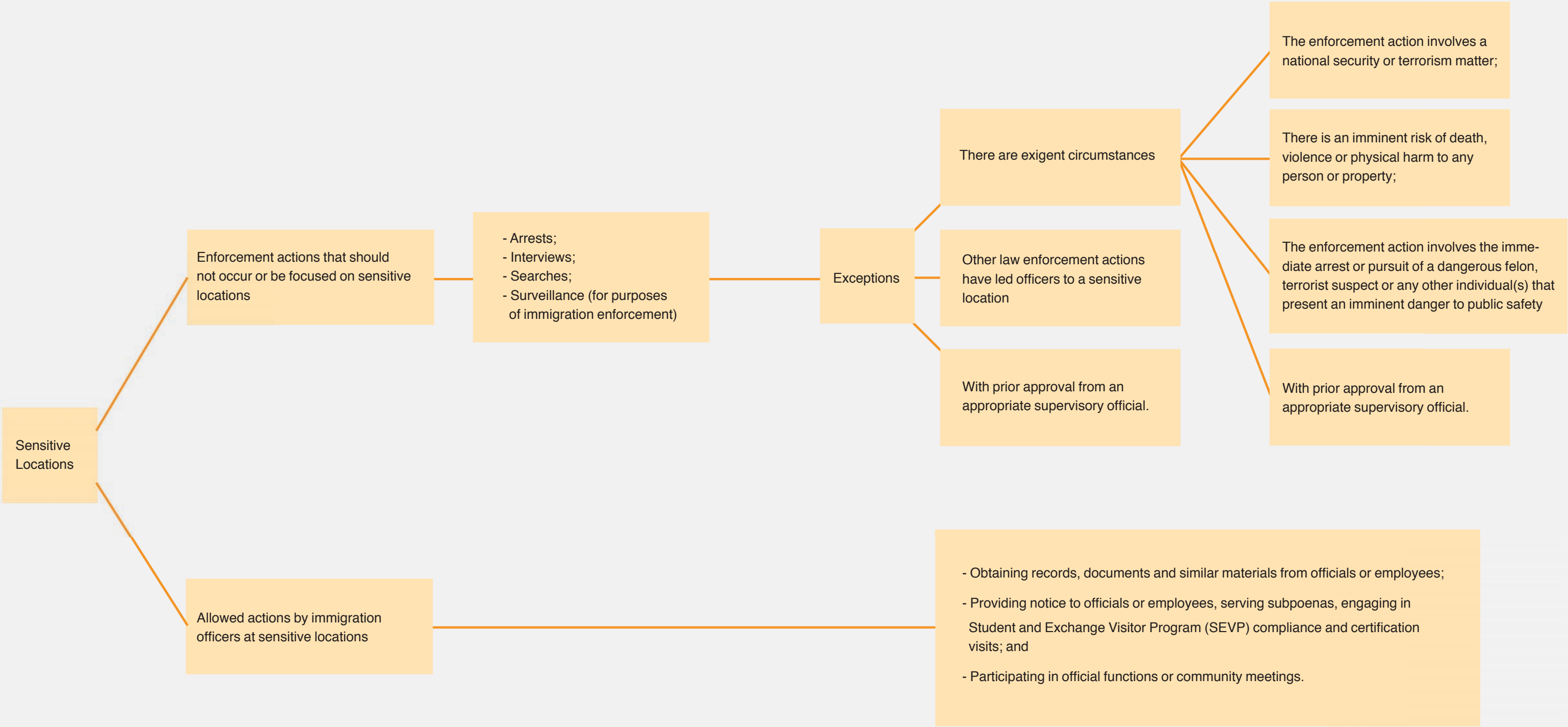
What are the exigent circumstances by which enforcement actions can be executed at sensitive locations?

- The enforcement action involves a national security or terrorism matter;
- There is an imminent risk of death, violence or physical harm to any person or property;
- The enforcement action involves the immediate arrest or pursuit of a dangerous felon, terrorist suspect or any other individual(s) that present an imminent danger to public safety;
- There is an imminent risk of destruction of evidence material to an ongoing criminal case.

If any of the above exigent circumstances is present, prior approval by an appropriate supervisory official is not required.

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





Do immigration officers require a warrant to enter a sensitive location?

Generally, a warrant will be required to enter a sensitive location depending on how private the area immigration officers wish to enter is within the sensitive location. The privacy of an area in a sensitive location would depend on the reasonable expectation of privacy users have of that space. Some factors that are relevant to whether there is a reasonable expectation of privacy include:

- The number of people in the space;
- Who has access to certain areas of the sensitive location;
- How many people have access to the space in a given time;
- Whether there are signs designating spaces or rooms as private spaces;
- Whether there is a security guard present at the entrance.

Sensitive locations can prevent immigration officials from entering private spaces if they don't have a warrant. The warrant to enter must be a "true warrant" or "judicial warrant," which is signed and issued by a judge. Immigration officials are not allowed to use an administrative warrant to enter any private spaces, including those in sensitive locations.

For these reasons, it is strongly recommended that sensitive locations proceed to identify and distinguish their private spaces from their public ones. This can be done by placing signs that identify private areas, or by placing security guards tasked with signing in visitors at main entrances, therefore controlling access to private areas.

It is recommended that sensitive locations seek legal advice when they opt to distinguish public and private spaces. If such distinctions are implemented to limit immigration enforcement activities, the institution should be aware that there is no guarantee that immigration officials will respect and observe such distinctions.



AO 442 (Rev. 11/11) Arrest Warrant

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>

This is a picture of a judicial warrant.

A judicial warrant is an official court document, usually with the designation of a specific court, and it is signed by a judge. This means that there has been due process backed by probable cause. These warrants pass constitutional muster.

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)

ICE Form I-205 (8/07) Page 1 of 2

This is a picture of an administrative warrant.

An administrative warrant is simply a document signed by an ICE agent, stating that a person is being designated for possible arrest and possible deportation proceedings. An administrative warrant is not signed by a judge, nor does it pass constitutional muster.

Could a sensitive location be accused of breaking the law if it restricts immigration officers access to its building

A sensitive location is not violating federal law when it denies immigration officers access to its building private areas in absence of a judicial warrant.

Is the sensitive locations policy still in effect?

Yes. The sensitive locations policy remains in effect. However, it is important to note that the policy is an ICE directive communication, and as such, it is not legally binding. Therefore, it could be withdrawn or modified by the administration without congressional approval.

Despite these limitations, while in effect, the sensitive locations policy is a helpful tool in the protection of the immigrant population and the effective realization of their most fundamental rights.

How can sensitive locations be identified by the community and immigrant people?

It is recommended that sensitive locations, including schools and all other education institutions, healthcare centers, places of worship and organizations that provide any of these services, identify themselves as such and inform the community through different means about their recognition as sensitive locations. This may include placing signs in languages other than English at the entrances of their facilities, creating special announcements on their web pages, e-mail bulletins, and informing the public at community events.

In February 2017 as a school, El Centro de la Raza declared itself a sensitive location. In order to inform its beneficiaries and visitors its status as a sensitive location, El Centro the la Raza placed a banner on its front doors, both in English and in Spanish.



This is intended to inform the community it serves that El Centro de la Raza is a welcoming, friendly and safe space for immigrants, regardless of their immigration status. El Centro de la Raza also wanted to notify immigration agents and their agencies that they stand for immigrant rights and immigrants will be protected against any arbitrary measure in our facility. Despite these efforts, it became aware of the strong possibility that immigrants may find it difficult to determine which sites are sensitive locations, particularly when most of them have not employed any measure to identify themselves as such. There was a clear need for a form or type of identification that would cross language barriers and easily be recognized by the immigrant community. Therefore, El Centro de la Raza conceived a concept that would identify these unique spaces: A universal symbol that would be placed on the entrance of a site that has declared itself as a sensitive location.

For this, El Centro de la Raza called upon its volunteer members to create a common symbol to identify sensitive locations in King County and the greater Seattle area. Designs were submitted by a talented team of volunteer graphic designers and presented to a select group of nonprofit organizations serving local, diverse immigrant populations to vote and determine which of the submitted symbols best embraces the concept of sensitive locations.

After the voting process, the symbol created by graphic designer Gabriel Lopez was selected. An outreach campaign is planned to promote the widespread use of the symbol by potential and established sensitive locations. The widespread use of the symbol will contribute to facilitate the identification by the community of sensitive locations. It will also serve as a supportive and powerful political statement for immigrants in these difficult and arduous times.



Which other measures can potential sensitive locations adopt to protect the immigrant population they serve?

In addition to identifying your institution as a sensitive location, you can adopt other measures aimed to protect the immigrant community and to ensure they feel welcomed, safe and accepted. While these measures do not prevent immigration agents from performing certain actions and tasks at sensitive locations, they will expand the capacity of your organization to provide a safe haven for immigrants and their families.

- Establishing and implementing a non-discriminative policy at your institution and serving and assisting people regardless of immigration status, nationality, ethnicity, gender identity, or sexual orientation.
- Restraining from asking, recording and sharing information related to the immigration or citizenship status and county of origin of beneficiaries and visitors.
- Providing shelter, food and other services to the immigrant community with priority given to its most vulnerable members.
- Advocating on the behalf of immigrant rights at the local, state and national level.
- Hosting and providing legal assistance to immigrants through legal information sessions, legal clinics, or legal representation. If unable to provide these services, refer them to institutions that will accommodate their legal inquiries.
- Providing references to immigrants for legal assistance.
- Identifying and distinguishing public from private spaces in your institution to deter immigration officers from abruptly or arbitrarily interrupting spaces at your institution when there is an expectation of privacy.
- Preparing and implementing an internal protocol informing your institution's staff on the procedure to interact with immigration agents should they communicate or visit.
- Preparing and implementing an internal policy to ensure the protection, safety and privacy of the information provided by your beneficiaries or visitors. This policy must clearly define the exceptional cases in which your organization will disclose or share the information with third parties, including immigration agencies.
- Hosting or providing emergency safety planning for immigrant families to help them plan the protection and safety of their children and assets in the event they are detained or deported. If unable to provide these services, refer them to institutions that will provide them.

To receive more information on adopting and using the common symbol for sensitive locations, please contact EL CENTRO DE LA RAZA at the following:

EMAIL: aortiz@elcentrodelaraza.org

PHONE NUMBER: (206) 717-0089



- Providing information on immigrant rights by hosting know your rights workshops and providing informational material in non-English languages about the rights and precautions immigrants should undertake to prevent being victims of arbitrary or unlawful actions by immigration officers.

What if immigration officers do not come in the sensitive location facility but are seen near the facility?

First, it should be confirmed that the situation does involve immigration agents. A designated well-trained staff member can go outside to ascertain the identity of the individuals who are believed to be immigration agents. If the officers are confirmed to be officers or agents of an immigration agency, the designated staff member should inform them that the institution is a sensitive location and request that they leave. Other staff members may also inform beneficiaries and visitors about the officers' presence and remind them of their rights, including the right to remain silent and not answer any questions.



What if a beneficiary or visitor is arrested at or near your institution?

The sensitive location policy has not established protections for people nearby or in transit to and from a sensitive location. Therefore, immigrant agents may arrest any of your beneficiaries or visitors within the proximity of your facility. If you witness an arrest by immigration officers, maintain a reasonable distance, so as to not to interfere, and document the incident by recording it or writing in detail the situation as it develops. If recording, you should announce to the agents that you are doing so. Your documentation will serve as a factual account of the event and will support an eventual report of the incident to authorities. You can also consider calling the Washington Immigrant Solidarity Network (WAISN) hotline at 1-844-RAID-REP. WAISN is a coalition of nonprofit organizations and individuals working for immigrants' and refugee rights. The coalition has created this hotline to report active raids and the activity of immigration officers throughout the state of Washington.



Hotline to Report Immigration Activity 1-844-RAID-REP / (1-844-724-3737)

This is a line to report active raids and ICE activity

Where can your institution report potential violations of the sensitive locations policy by immigration officer(s)?

If you think that enforcement activities have occurred or are occurring in an inconsistent manner or in violation of the sensitive locations policy your institution may file a complaint.

To file a complaint, 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**, also available at **<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**.

EL CENTRO DE LA RAZA will offer advice and technical assistance for implementing the recommended additional measures for the protection of immigrant people on sensitive locations. For more information on this regard, please contact EL CENTRO DE LA RAZA at the following:

EMAIL: aortiz@elcentrodelaraza.org

PHONE NUMBER: (206) 717-0089



When filing a complaint, it is recommended to seek legal advice and counsel.

FAQs Schools have on Sensitive Locations



The U.S. Department of Education confirms that schools that take actions which discourage the participation or exclude students based on their own or their parents' or guardians' actual immigration status violate federal law.

Can a public school deny access to education based on a student immigration status?

No. All students, regardless of their immigration status, have the right to enroll in and attend a public K-12 school. Public schools are required to ensure all students have equal access to educational resources. This includes providing services to students who are learning the English language.

Public schools are prohibited from:

- Asking students or their parents about their immigration status for the purposes of enrollment.
- Revealing a student's or their parent's immigration status without their permission.
- Requiring social security numbers from students.

Are public schools required to enforce immigration laws?

No. Schools are not required to and cannot be forced to enforce immigration laws. Any school that reports the immigration status of any student or that of their parents would be violating the United States Constitution.

Do immigration officers require a warrant to speak to a student or a parent in a public space?

No. ICE has the authority to approach and question people in public spaces without a warrant. However, people still have the right to remain silent and contact an attorney.

What should a school do if immigration officers request access to the school to interview or take custody of a student?

If an immigration official requests access to a student for any purpose, the school should contact the student's parents or guardians and the school's superintendent and legal counsel to decide an appropriate course of action. Generally, schools should not permit an immigration official to question or remove a student from school without the consent of a parent or guardian unless the official produces a valid, judicial warrant. If the official presents the school with a warrant, the school (or its legal advisor) should review it to confirm that it is a judicial rather than administrative warrant and to determine the scope of search or arrest authority the warrant provides.

Do schools have to share the information of their students or their families with immigration officers or agencies?

No. The Family Educational Rights and Privacy Act (FEPR) prohibits schools from sharing a student's or their family's private information contained in education records with third parties without the written consent of a parent, a guardian or the student's consent (only applicable if 18 years of age or older).

However, there are exceptions to this rule. Schools may share or disclose students' or their parents' information if:

- The information is considered directory information. Directory information is information that if disclosed would not cause any harm or would not be an invasion of privacy. Schools are free to select what qualifies as directory information. This may include but is not limited to: a student's name, address; telephone number; date of birth; honors and awards; and dates of attendance. Directory information does not include citizenship or immigration status. Although, when parents, guardians or students 18 years of age or older request in writing that the school does not have permission to share or disclose directory information, schools should refrain from doing so.
- A judicial order or lawfully issued subpoena requesting a student or their parents' information is presented.
- If the order is valid the school must turn over the requested information. However, since it may be difficult to determine the validity or scope of a judicial order or subpoena, the school should seek legal advice before releasing any information and to determine how to best respond. Additionally, the school must make reasonable effort to inform parents or permitted students about the request before the school discloses the information to give them time to seek a protective order or other type of relief.

What planning should the parents of students do if they are at risk of being detained or deported by immigration officials?

If parents face any risk of detention or deportation by immigration authorities they should have a safety plan in which they assign the guardianship and care of their children to a close and trustworthy family member or friend. Parents should update school forms that indicate the person permitted to pick up their children with the name and contact information of the person who will be entrusted to take care of their children in their absence.

EL CENTRO DE LA RAZA provides free emergency safety planning advice to immigrant families on a permanent basis. For more information on this service please contact

EL CENTRO DE LA RAZA at the following:

EMAIL: aortiz@elcentrodelaraza.org

PHONE NUMBER: (206) 717-0089



FAQs Health Centers have on Sensitive Locations



Do health centers have to share the information of their patients with immigration officers or agencies?

No. Under the Health Insurance and Portability and Accountability Act (HIPA), health-care providers are required to protect the confidentiality of patients' information. In most circumstances the health center must obtain consent from the patient before their information is disclosed. However, in exceptional circumstances the health center can disclose information without patient consent. They are as following:

- Reporting child abuse or neglect, domestic violence or incidents of violent injuries.
- Answering requests from law enforcement, such as a warrant issued by a court.
- Reports to funding agencies. In these events health centers will only provide summary information of all patients.

Are health centers required to verify an individual's immigration status to provide health services?

No. Health centers are not required to verify an individual's immigration status to provide health services. Since health centers are not required to collect and maintain information regarding immigration status, they will be unable to share such information with third parties, including immigration officials.

Can an immigrant be deported for using public health benefits such as care from a community clinic, health center or Medicaid?

No. Any immigrant cannot be deported for requesting public health benefits. Health centers are required to provide services to all residents regardless of their immigration status or ability to pay. Only foreigners who provide false information to obtain services under public benefit will be considered a priority for deportation or removal.

FAQs Places of Worship have on Sensitive Locations



How is the sensitive locations policy related to the Sanctuary Movement?

The Sanctuary Movement started in the 1980s as a response to the US government's refusal to recognize immigrants from Central America fleeing from civil wars in their countries as refugees and asylum seekers. To draw attention to the unjust immigration system and protect asylum seekers from deportation, churches allied with immigrant-led organizations to open housing to immigrants who were being targeted for deportation. In 2014 with an increase of deportations under President Obama, the sanctuary movement was revived to bring awareness to the unjust immigration system. And to resist President Trump's proposals to target and deport millions of undocumented immigrants, the Sanctuary Movement has demanded its congregations and communities to open as sanctuary spaces for those targeted by immigration enforcement. Congregations from the movement may provide physical sanctuary, which means hosting a person at risk of deportation within the church facility indefinitely and providing all their food, meals and clothing. Congregations are also called to work in solidarity with immigrants in their communities in many other ways.

As sensitive locations, congregations and religious houses, particularly those who decide to provide physical sanctuary to undocumented immigrants, are protected from the enforcement actions of immigration agents. Therefore, the sensitive locations policy may give additional protections to those immigrants being benefited by the Sanctuary Movement and those in charge of their protection at these sites.

Is providing physical sanctuary to undocumented immigrants legal?

Congregations considering providing physical sanctuary to immigrants should consult an attorney to clarify what is legal and what is not. Congregations offering shelter can be charged with the crime of harboring. The law forbids the act of harboring someone who is in the US in violation of the law. Some courts have ruled that the act of harboring requires the defendant hide the one who is in violation of the law. Due to this ruling, sanctuary congregations have decided to make public they are providing shelter to immigrants, and therefore, they cannot be held accountable for the crime of harboring. Other rulings have defined harboring as providing shelter. If shelter without concealment is harboring, then all churches offering shelter are in violation of the harboring statute.

Can immigration agents enter houses of worship without a warrant?

Yes. Immigration agents can enter the public spaces of houses worship without a warrant but not its private spaces. If immigration agents want to enter the private spaces of houses of worship, they must present a “true warrant” or “judicial warrant.” This is a warrant signed by a federal judge. If the agents do not have such a warrant, you may instruct them to leave.

Where can a house of worship find more information and resources related to the Sanctuary Movement in the US?

For more information on the Sanctuary Movement you can contact the National Sanctuary Movement (www.sanctuarynotdeportation.org) and your local sanctuary coalition if one exists.

For Washington State you can connect with the Washington New Sanctuary Movement (www.washingtonsanctuary.webs.com).



FAQs Nonprofits have on Sensitive Locations



It is recommended that nonprofit organizations considering declaring themselves as sensitive locations consult appropriate legal counsel.

Can nonprofit organizations be considered as sensitive locations?

While the sensitive locations policy does not mention nonprofit organizations as sensitive locations, whenever a nonprofit organization provides or facilitates any of the following services, they can be considered as sensitive locations for immigration purposes:

- Educational services, which include running a licensed daycare, preschool and other learning programs; primary schools, secondary schools, vocational or trade schools. Also, carrying out scholastic or educational related activities or events.
- Health-care services intended to treat or manage mental illness or preserve mental and physical well-being through services offered by medical or health professionals (e.g. dentists, psychologists or physical therapists).
- Care for victims of domestic violence, dating violence, sexual assault, or stalking.

Moreover, immigration officers should be particularly careful when carrying-out enforcement actions at nonprofit organizations that assist and serve children, pregnant women, victims of crime, or people with mental or physical disabilities.

Should nonprofit organizations collect and maintain information related to a beneficiary's immigration status?

No. Nonprofit organizations should not collect nor maintain information related to the immigration status or country of origin of beneficiaries unless absolutely necessary to provide them with the services offered by the nonprofit.

How likely is that immigration agents will come to a nonprofit organization?

There is no known record of immigration agents entering nonprofit organizations. However, given the current political climate which has prioritized the enforcement of immigration law, any institution serving immigrants should be prepared for a possible visit by immigration agents. Whether or not a nonprofit organization could be considered a sensitive location, it is recommended to prepare and implement internal policies and procedures on what actions to take if immigration officers visit or request information.

Is a nonprofit organization legally bound to disclose or share information related to their beneficiaries with immigration authorities?

When receiving a valid request of information, nonprofit organizations should make note of the date, method of service and deadline of the written request. Nonprofits should seek legal advice promptly. Failure to respond to a valid written request for information may result in a contempt of court order.

Federal law protects certain information from being shared or disclosed. The Health Insurance Portability and Accountability Act (HIPAA) protects individual health information which generally can only be disclosed after notifying the patient or obtaining the patient’s authorization. Also, the Family Education Rights and Privacy Act (FERPA) protects students’ and their parents’ information which should only be disclosed after notifying the parents or students of legal age.

Therefore, the private records of beneficiaries of nonprofits are protected whenever they provide educational or health-care services in guideline with HIPAA and FERPA.

Glossary

Arrest:

To take or hold a suspected criminal with legal authority, as by a law enforcement officer. An arrest may be made legally based on a warrant issued by a court after receiving a sworn statement of probable cause to believe there has been a crime committed by this person, for an apparent crime committed in the presence of the arresting officer, or upon probable cause to believe a crime has been committed by that person.

Enforcement Action:

The U.S. Department of Homeland Security (DHS) engages in immigration enforcement actions to prevent unlawful entry into the United States and to apprehend and repatriate foreigners within the United States who have violated or failed to comply with U.S. immigration laws. Primary responsibility for the enforcement and administration of immigration law within DHS rests with U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services (USCIS). CBP primarily enforces immigration laws along the borders and at ports of entry (POEs), ICE is responsible for interior enforcement and detention and removal operations, and USCIS adjudicates applications, petitions, and requests for immigration and naturalization benefits.

Exigent Circumstances:

Circumstances that are of such urgency as to justify a warrantless entry, search, or seizure by police when a warrant would ordinarily be required

Prosecutorial Discretion:

Is the authority of an agency or officer to decide what charges to bring and how to pursue each case. A law-enforcement officer who declines to pursue a case against a person has favorably exercised prosecutorial discretion. In the criminal system, for example, police officers frequently decline to arrest people for minor infractions (e.g. jaywalking) and prosecutors often bring lesser charges against defendants to facilitate plea bargaining.

EL CENTRO DE LA RAZA offers advice and technical assistance to nonprofit organizations on which policies and measures they can employ in response to immigration enforcement actions and ultimately protect the immigrant population they serve. For more information on this regard please contact EL CENTRO DE LA RAZA at the following:

EMAIL: aortiz@elcentrodelaraza.org
PHONE NUMBER: (206) 717-0089



In the immigration context, federal authorities have historically exercised their discretion by declining to arrest immigrants who do not meet the federal government’s enforcement priorities; declining to pursue a case or cancelling the charges against immigrants who may be removable; declining to oppose an application for relief that would allow an immigrant to remain in the country; or deferring the removal of an immigrant with a formal order of deportation.

Public K–12 School:

(Spoken as “k twelve”, “k through twelve”, or “k to twelve”), for kindergarten to 12th grade, Indicates the sum of primary and secondary education for publicly supported school grades prior to college.

Search:

An exploratory investigation (as of an area or person) by a government agent that intrudes on an individual’s reasonable expectation of privacy and is conducted usually for the purpose of finding evidence of unlawful activity or guilt or to locate a person.

Subpoena:

The process by which the attendance of a witness is required is called a “subpoena.” It is a writ or order directed to a person and requiring his attendance at a particular time and place to testify as a witness. It may also require him to bring with him any books, documents, or other tailings under his control which ho is bound by law to produce in evidence.

Student Exchange Visitor Program (SEVP):

Program within U.S. Immigration and Customs Enforcement, which is under the U.S. Department of Homeland Security, to manage foreign students and exchange visitors in the United States through the Student and Exchange Visitor Information System (SEVIS).

Surveillance:

Observation and collection of data to provide evidence for a purpose.

Warrant:

A writ permitting or directing someone to take some action. Frequently, the term refers to a writ from a judge, permitting law enforcement personnel to take some action, such as make an arrest, search a location, or seize some piece of property.



I am exercising my right to remain silent

Please be informed that I am choosing to exercise my right to remain silent. I am also exercising my right to refuse to sign anything until my attorney reviews it. If I am detained, I request to contact my attorney immediately. My attorney's contact information is:

Name _____

Phone _____

Sé Que...

1. Tengo derechos. Tengo dignidad. No estoy solo.

2. Tengo el derecho a hablar con mi abogado.

3. Tengo derecho a negarme a firmar cualquier documento antes de que mi abogado lo revise
4. Cualquier cosa que diga puede ser usada en mi contra.

5. Tengo derecho a guardar silencio en cualquier situación.

6. Puedo mostrar esta tarjeta y anunciar, "I choose not to answer." (Practica en inglés.)



I am exercising my right to remain silent

Please be informed that I am choosing to exercise my right to remain silent. I am also exercising my right to refuse to sign anything until my attorney reviews it. If I am detained, I request to contact my attorney immediately. My attorney’s contact information is:

Name _____

Phone _____

Sé Que...

1. Tengo derechos. Tengo dignidad. No estoy solo.

2. Tengo el derecho a hablar con mi abogado.

3. Tengo derecho a negarme a firmar cualquier documento antes de que mi abogado lo revise
4. Cualquier cosa que diga puede ser usada en mi contra.

5. Tengo derecho a guardar silencio en cualquier situación.

6. Puedo mostrar esta tarjeta y anunciar, "I choose not to answer." (Practica en inglés.)



I am exercising my right to remain silent

Please be informed that I am choosing to exercise my right to remain silent. I am also exercising my right to refuse to sign anything until my attorney reviews it. If I am detained, I request to contact my attorney immediately. My attorney’s contact information is:

Name _____

Phone _____

Sé Que...

1. Tengo derechos. Tengo dignidad. No estoy solo.

2. Tengo el derecho a hablar con mi abogado.

3. Tengo derecho a negarme a firmar cualquier documento antes de que mi abogado lo revise
4. Cualquier cosa que diga puede ser usada en mi contra.

5. Tengo derecho a guardar silencio en cualquier situación.

6. Puedo mostrar esta tarjeta y anunciar, "I choose not to answer." (Practica en inglés.)



I am exercising my right to remain silent

Please be informed that I am choosing to exercise my right to remain silent. I am also exercising my right to refuse to sign anything until my attorney reviews it. If I am detained, I request to contact my attorney immediately. My attorney’s contact information is:

Name _____

Phone _____

Sé Que...

1. Tengo derechos. Tengo dignidad. No estoy solo.

2. Tengo el derecho a hablar con mi abogado.

3. Tengo derecho a negarme a firmar cualquier documento antes de que mi abogado lo revise
4. Cualquier cosa que diga puede ser usada en mi contra.

5. Tengo derecho a guardar silencio en cualquier situación.

6. Puedo mostrar esta tarjeta y anunciar, "I choose not to answer." (Practica en inglés.)



Organizational Mission

As an organization grounded in the Latino community of Washington State, it is El Centro de la Raza's mission to build the Beloved Community through unifying all racial and economic sectors; to organize, empower, and defend the basic human rights of our most vulnerable and marginalized populations; and to bring critical consciousness, justice, dignity, and equity to all the peoples of the world.

History and Programs

El Centro de la Raza was founded in 1972 when a multiracial group of diverse community members led a peaceful and innovative three-month occupation of the abandoned Beacon Hill school building. Today, we are an indispensable community organization that responds to a broad range of community needs among children, youth, adults, and seniors with culturally and linguistically competent programs in the following areas:

- **Education and Asset-building Programs:** Financial education and counseling; Business Opportunity Center; Lending Circles; Tax Preparation; Bilingual Legal Clinics; ESL Classes; Youth Job Readiness Training; College Readiness; and Labor Standards Outreach and Education.
- **Child and Youth Programs:** José Martí Child Development Center; Luis Alfonso Velásquez After School Program; Parent-Child Home Program; Growing and Learning Together; Hope for Youth Poetry and Social Justice History Classes; Plaza Maestas After School Program; Middle School Summer Learning; Federal Way Open Doors Program; and Seattle Youth Violence Prevention Initiative.
- **Emergency and Human Services:** Food Bank; Senior Wellness and Congregate Meal Program; Public Benefits Outreach and Enrollment; Eviction Prevention; Bebes Infant Mortality Prevention; Smoking Cessation; and Veterans Assistance.
- **Housing and Economic Development:** El Patio Apartments Low-Income Housing, ECR Transitional Housing, and Plaza Roberto Maestas, a 112-unit affordable housing development completed in September 2016.
- **Advocacy Efforts:** El Centro de la Raza is a public advocate for a number of issues including police accountability, juvenile justice reform, immigration reform, K–12 education, and closing the academic achievement gap.

Community Served

El Centro de la Raza is a voice and a hub of the Latino community in Seattle and King County. Of the 16,452 individuals and 10,128 households served in 2016, 57% of participants were Latino, 90% were people of color, and 91% were low-income. An estimated 1 in 3 participants is an immigrant or refugee and 1 in 3 participants speaks limited English. El Centro de la Raza is a key resource for many Latino immigrant families, particularly those with limited English skills.

Community Action Agency | United Way Agency | Affiliate of UnidosUS

2524 16th Avenue South, Seattle, WA 98144 | www.elcentrodelaraza.org | (206) 717-0089

501(c)3 Nonprofit Tax ID: 91-0899927

