



## **Know Your Rights - Medical Professionals**

### **Prepare and make a plan.**

Health care facilities should have explicit policies on interactions with law enforcement, including ICE. Ensure there is an internal communication plan to control the flow of information and lessen disruption to patient care. Designate a representative who is knowledgeable about immigration rights and responsibilities. This person will serve as the point of contact until legal counsel is contacted, and all employees should know who this person is and refer ICE agents to them. Staff should be trained to tell agents that they do not have the authority to answer any questions and refer them to the designated representative. If you believe your facility will be targeted, practice drills to ensure your staff is prepared and confident.

Prepare a written policy identifying which areas in the facility are closed to the public, as these are the areas ICE agents need a warrant to access. Staff should not allow ICE agents to enter these areas unless the designated representative allows it in response to a judicial warrant. Staff members can tell agents, "I can't give you permission to enter. You must speak with our designated representative."

### **Protect patient privacy.**

Health care providers are legally obligated to protect patient privacy, including immigration status, and should avoid disclosing any information without a judicial warrant. Your staff members should calmly tell agents that they are not authorized to provide information or access to nonpublic areas, but that a designated representative has been alerted. The employee should then direct the agent to an office or conference room away from the lobby or reception area, where their presence may be disruptive to patient care.

ICE agents can look at anything in plain view, meaning that papers and computer screens can be inspected. In addition, overheard information can be used. Unless required by law, it is best practice not to ask a patient about their immigration status. Generally, immigration status should not be included in a patient's electronic medical record (EMR).



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### **Document everything.**

Staff should document the names of ICE agents and their badge numbers, how many agents were present (inside and outside), whether local law enforcement accompanied them, how they were dressed, and anything else that might seem important at that moment. Make sure to note if agents tried to skirt the law—for example, if they tried to make staff or patients believe they could not move or leave, or if they mistreated anyone or abused their power. No one is above the law.

During an action permitted by a judicial warrant, watch agents and make sure they are complying with the warrant. Recording all interactions is recommended. If ICE arrests any employees or patients, ask the agents where they are being taken to help their family and attorney find them.