

ST MARGARET'S EPISCOPAL CHURCH

ADMITTANCE POLICIES ON ENCOUNTERS WITH IMMIGRATION AND LAW ENFORCEMENT AGENTS

PURPOSE

The purpose of this policy is to provide clear guidelines that ensure the protection of client and employee rights, safeguard client confidentiality, and legal compliance during employee interactions with immigration or law enforcement agencies and officials. **ST MARGARET'S EPISCOPAL CHURCH (SMEC)** will take steps to the greatest extent possible under the law to protect our staff and clients and their information. It is the policy of **SMEC** not to allow agents or employees of U.S. Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), or other deputized federal agencies to carry out immigration enforcement, access to our facilities, records, or information unless this is required by law or a valid judicial warrant.

SMEC is dedicated to serving people, regardless of income, where they are from, or their individual circumstances. **SMEC** strives to create a safe environment for staff, clients, and anyone seeking services from our organization. This policy reinforces **SMEC's** commitment to protecting the individuals we serve from potential harm, undue scrutiny, or violations of their rights.

SCOPE

This policy and procedure applies to all **SMEC** campus sites in the Meyers Building, the Administration Building, the Lee Building, the Nursery, and the Karns Community Center.

ROLES IN SUPPORT OF THIS POLICY

ROLE OF THE AUTHORIZED REPRESENTATIVE

1. The following persons are designated “Authorized Representatives” should an interaction with immigration or law enforcement agents take place:
 - a. Director of Neighbors for Neighbors Program
 - b. One additional Neighbors for Neighbors Volunteer
 - c. Vestry Sunday Hosts, on Sunday morning only
 - d. The Rector and Staff Members, as designated by the Rector
 - e. **SMEC** Attorney.

2. More specifically, the Authorized Representatives(s) will:
 - Attend trainings related to immigration enforcement and geared towards the Authorized Representatives(s) duties. Through these trainings the Authorized Representatives will be required to learn how to:
 - Validate a properly issued court order, warrant, subpoena, or summons. ○ Differentiate between administrative requests and judicial warrants or other court ordered requests.
 - Correctly identify the information required on a court ordered request and ensure **SMEC** does not provide more than the required information.
 - Properly interact with immigration agents and law enforcement to deescalate the situation in the hopes of preventing a raid, especially if the agents lack a judicial warrant.
 - Help implement policies and procedures and ensure staff are assigned to specific duties during a potential or actual visit by law enforcement or immigration agents, including making sure professionals identified to provide assistance (such as attorneys, the media, etc.) are notified immediately.
 - Provide guidance to other staff on what to do in relation to interaction with immigration agents and law enforcement.
 - Inform clients and residents in close proximity to the officers, as appropriate, that law enforcement officials are at the site, and remind them that they all have the right to remain silent.
 - Appropriately document all the facts about a visit from law enforcement or immigration agents, including any and all actions taken by law enforcement or immigration agents that may be unlawful, the information contained in the warrant, the names and badge numbers of the agents, the names and dates of birth of any detained individuals, and contact information for all witnesses.

 - Have available the contact information for at least one immigration attorney or a lawyer, such as a nonprofit legal organization, who can be available via phone if law enforcement or immigration agents comes to the **SMEC** office.

ROLE OF NON-AUTHORIZED STAFF

3. If other **SMEC** volunteers, guests, members of staff come across immigration agents or law enforcement, they will immediately contact the Authorized Representatives(s) and politely inform the immigration agent or other law enforcement official that only designated individuals are authorized to answer their questions, review a warrant or to consent to their entry into the **SMEC** office. Non-authorized staff will not give consent to officers to enter any private areas of the property.
4. If an immigration agent or law enforcement official contacts **SMEC** via phone or email, staff will direct them immediately to the Authorized Representatives on duty and will politely inform the immigration or other law enforcement officials that only the designated individuals are authorized to answer their questions.
5. Front desk staff will inform other staff that law enforcement or immigration authorities have arrived on the property.

CODE YELLOW PROTOCOL

6. **Call in a Code Yellow:** A “Code Yellow” will be used to alert personnel and Authorized Representatives of the presence of immigration agents, and the possibility of an immigration raid. Should someone call a Code Yellow, an Authorized Representative should be immediately alerted and put into contact with the person who issued the Code Yellow alert. All staff, as well as volunteer receptionists, will be notified of what a “Code Yellow” means and what to do.
7. As part of the protocols for Code Yellow, staff will be directed that:
 - a. **Remind people nearby of their rights:** Specified staff will calmly inform clients and residents of immigration agents’ presence at the building and remind them of KYR information, including their right to remain silent and refuse to answer questions. Staff will also inform clients and residents that they are taking steps to protect their clients and residents and their information.
 - b. **Document everything:** A receptionist or other staff member, as well as Authorized Representatives, will attempt to document all the facts about the interaction with law enforcement or immigration agents. Please see our documentation report for more on what information to capture.

PROTOCOL IF IMMIGRATION OR LAW ENFORCEMENT HAVE ALREADY ENTERED SMEC PREMISES

1. **Notify Authorized Representative:** **SMEC** staff, volunteers, guests, clients or members that encounter immigration agents or law enforcement, will immediately notify the Authorized Representatives on duty of the presence of immigration officials or law enforcement.
 - Staff who encounter immigration agents or law enforcement are asked to:
 - Remain calm, and remember that you are NOT REQUIRED to answer any questions from law enforcement or immigration. You have the right to REMAIN SILENT.
 - Politely inform the agent(s) that you will contact the Authorized Representatives that can help answer their questions or requests.
 - Staff should not put themselves in situations where they feel threatened or in harm’s way.

2. **Authorized Representative takes action:** The Authorized Representatives will come to meet with immigration officials or law enforcement on the premises; they will:
 - Direct the agent to a location away from clients and residents (e.g., the lobby or exterior entryway to the building), if possible.
 - Ask the agent(s) why they are there and request to see the agent's badge and write down his or her name and badge number. If possible the Authorized Representatives will instruct another member on staff to make a photo copy.
 - If the agent tries to enter into the premises, advise the agent that the premises are private property.
 - Clearly let the agent know that you DO NOT CONSENT to a search of private areas without a properly issued judicial search warrant.
 - Validate all legal documentation presented (such as a warrant, court order, etc.) BEFORE allowing them to enter the premises. ONLY provide information **SMEC** is required to provide in accordance with presented legal documents and the law.
 - The Authorized Representatives will document all information that is provided on the documentation report, and make a photocopy of all legal documents presented.

PROTOCOL IF SEEKING PRIVATE STAFF OR CLIENT INFORMATION

1. **Communicate the Need for Formal Documentation:** If agents or officers request information in person or over the phone, politely say that you will put them on hold and have them speak to an authorized representative of the organization. If speaking to them over the phone, transfer the call to the authorized representative, or collect their contact information and have the authorized representative call them back. The authorized representative will politely inform the requesting officer that the organization follows a formal process and requires a subpoena or court order to release any information.
2. **Request a Subpoena or Court Order:** Authorized representatives will reiterate to the requesting party that compliance requires a subpoena or court order. Informal requests (e.g., verbal inquiries) do not necessitate compliance.
3. **Adhere to the Established Process for Handling Subpoenas and Court Orders:**
 - A. Subpoenas requesting staff, client, volunteer, guest or member information must be forwarded to the Church Administration Office immediately.
 - B. Document when the subpoena was received and how it was served.
4. **Clarify Confidentiality Policies:** Authorized representatives will ensure that officers are aware of applicable confidentiality laws, such as HIPAA (Health Insurance Portability and Accountability Act), VAWA (Violence Against Women Act), and state-specific privacy laws.
5. **Contact TODEC (888-863-3291) and SMEC Attorney (phone:.....):** These resources may be able to help you object to a subpoena or court order requesting staff, client, volunteer and member information.