

Promoting Safe and Secure Shelters for All

Guide and Model Policies to Assist California Shelters in Responding to Immigration Enforcement



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Table of Contents

Preface: Immigration and the Role of Shelters	3
Introduction.....	6
Purpose of This Guide	6
Section 1: Affording Legal Protections for Clients.....	8
Purpose of This Section	8
Governing Law.....	8
Recommendations Under SB 580.....	11
Section 2: Additional Legal Protections for Survivors of Crime	16
Purpose of This Section	16
Governing Law.....	16
Recommendations Under SB 580.....	19
Section 3: Responding to Requests to Access Shelter Premises for Immigration Enforcement Purposes	21
Purpose of this Section.....	21
Governing Law.....	21
Recommendations.....	27
Section 4: Responding to Requests for Information and/or Data for Immigration Enforcement Purposes, Including Recommendations Regarding Databases.....	32
Purpose of this Section.....	32
Governing Law.....	32
Recommendations:	34
Section 5: Guidance, Audit Criteria, and Training Recommendations Regarding Databases.....	37
Training Recommendations	39
Endnotes	41
Appendix A: Immigration and Customs Enforcement “Arrest Warrant” (Form I-200).....	47
Appendix B: Immigration and Customs Enforcement “Removal Warrant” (Form I-205)	48
Appendix C: Federal Search and Seizure Warrant (Form AO 93).....	50
Appendix D: Federal Arrest Warrant (Form AO 442)	51
Appendix E: Department of Homeland Security Immigration Enforcement Subpoena (Form I-138)	52
Appendix F: Federal Judicial Subpoena (Form AO 88B).....	53
Appendix G: Notice to Appear (Form I-862).....	54
Appendix H: Quick Reference Guide for Staff.....	55
Appendix I: Reference Guide — Immigration Enforcement Documents	57

Preface: Immigration and the Role of Shelters

California's shelters operate within a complex and evolving legal and policy landscape shaped by both immigration enforcement practices and state laws designed to protect access to shelter. In recent years, significant changes at the federal level—combined with new legislative action in California—have altered how public institutions, including shelters, must understand and respond to immigration-related activity.

This guide reflects these developments. It is intended to provide California's shelters with a comprehensive framework for maintaining safe, accessible, and trusted environments while complying with applicable law when responding to immigration enforcement actions.

Why This Guide Is Necessary

Shelters in California play a critical role in providing immediate relief and support services to many Californians and are a vital community resource that helps stabilize the lives of those in need. Shelters function as essential access points for individuals navigating complex systems, including healthcare, employment, and housing. To fulfill their missions, shelters must maintain environments that are welcoming, non-discriminatory, and protective of client privacy. However, evolving immigration enforcement practices have created new challenges for shelters. Individuals in need of support services may hesitate to access services if they believe their presence, personal information, or participation in programs could expose them—or their family members—to immigration enforcement. This guidance was first developed and subsequently updated to address these concerns. It ensures that shelters can continue serving all Californians effectively by protecting client confidentiality, maintaining public trust, and providing consistent and lawful responses to immigration enforcement activity.

Unprecedented Expansion of Immigration Enforcement

This guidance is once again updated to assist shelters in their operations in the context of heightened immigration enforcement at and around public institutions. Federal immigration enforcement has undergone substantial transformation in recent years. These changes have expanded not only the scale of enforcement activity, but also the ways in which enforcement interacts with public institutions. A central development is the expansion of immigration enforcement from borders and targeted domestic encounters with individuals who posed significant public safety or national security risks into everyday settings and public institutions that communities depend on to advance the current federal administration's mass deportation goals. This shift has resulted in increased frequency of broad-based civil immigration arrests and of racial profiling by immigration enforcement—practices that have led to a surge in community arrests of undocumented and lawfully present individuals without criminal convictions.¹ For shelters, this means that encounters may now arise during routine operations and in spaces traditionally understood as neutral or service-oriented.

This rapid expansion of the immigration enforcement infrastructure has been fueled by substantial increases in federal funding and the erosion of federal institutional safeguards.²

At the same time, the Department of Homeland Security (DHS) and Immigration and Customs Enforcement's (ICE) have been scaling back internal guardrails, including reductions in force of internal oversight bodies,³ cuts to training programs,⁴ and loosening other procedural protocols for promoting transparency and accountability. As a result, enforcement operations now regularly involve personnel from multiple federal agencies and officers who may operate in plain clothes, face coverings or with limited identifying information. Additionally, recent rescissions and modifications of historical federal guidance that discouraged enforcement actions in certain "sensitive" locations, such as schools, hospitals, and places of worship, with little explanation have meant that enforcement may now occur in a broader range of settings associated with essential services like shelters.

With fewer safeguards on data acquisition and data use in immigration enforcement, DHS and ICE are also aggressively pursuing requests for data about an individual or groups of individuals. These requests can seek specific identifying information about a person such as their name, address, contact information, program participation, service usage, appointment times, or presence at a facility. These requests can also seek access to broader data such as program enrollment records or demographic and personally identifying information about patrons. In other instances, DHS and ICE have been attempting to amass personal identifying data through data or audit related requests from other federal agencies that condition continued federal funding of state programs on data disclosure, or by leveraging access to shared federal-state databases or aggregated datasets, in ways not fully visible or known to the originating state agency.

These realities underscore the importance of clear policies governing access to shelters and staff responses to enforcement presence. Enforcement activity in or near such locations can discourage individuals from accessing services, disrupt normal operations, and create uncertainty for staff regarding legal obligations. For shelters, which may collect and maintain personally identifiable information, DHS' aggressive data acquisition tactics highlight the importance of limiting data collection to what is necessary, restricting access to sensitive information, and ensuring staff are adequately trained regarding the collection or disclosure of data. These realities underscore the importance of clear policies governing access to shelters and staff responses to enforcement presence.

Impacts on Public Trust

The cumulative effect of contemporary enforcement practices can negatively impact public trust in public institutions, including shelters. When individuals believe that accessing public services may expose them—or their family members—to immigration enforcement, they may avoid visiting public facilities, decline to participate in programs, refrain from seeking assistance or information, or limit engagement with public institutions more broadly. These effects extend beyond undocumented individuals and can also affect lawfully present immigrants, United States citizens in mixed-status households, or individuals who are perceived to be foreign nationals based on language, ethnicity, or association. This chilling effect can undermine public goals. For shelters, maintaining public trust is essential. Policies that protect confidentiality, minimize unnecessary data collection, and clearly define staff responsibilities are critical to ensuring continued access and engagement.

California's Legislative Response

In 2017 California enacted the California Values Act, Senate Bill (SB) No. 54 (2017-2018 Regular Session) which restricts, with some exceptions, the use of state or local law enforcement agency funds or personnel to investigate, detain, or arrest individuals for civil immigration enforcement purposes, and limits the sharing of certain information with immigration enforcement authorities. SB 54 also directs the California Attorney General to develop model policies and guide to shelters, public schools, public colleges and universities, libraries, public healthcare providers, courthouses, and labor agencies that limit their interactions with federal immigration enforcement to the fullest extent permitted by law.⁵ The law reflects a policy determination that public agencies must prioritize their core missions and maintain community trust.

In response to this new immigration enforcement landscape, in 2025 California enacted Senate Bill 580 (SB 580). SB 580 mandates that state and local agencies limit federal officials' access to their information databases to what is strictly permitted by state and federal law.⁶ SB 580 also requires the Attorney General to develop model policies, audit criteria recommendations, and training recommendations for state and local agencies to limit the availability of stored information to anyone or any entity for the purposes of immigration enforcement to the fullest extent practicable, consistent with federal and state law. These materials must be published by July 1, 2026, and state and local

agencies, including shelters operated by government agencies, must implement these model policies or equivalent policies, by January 1, 2027. The Attorney General's July 1, 2026 SB 580 guidance and model policies broadly apply to all state and local agencies, but do not provide guidance specific to shelters. Accordingly, the Department of Justice recommends shelters consult this specific guide and implement the model policies, or their substantial equivalent, found in this guide to satisfy their obligations under SB 580.

This update to the SB 54 model policies and guide responds to recent changes in federal immigration enforcement practices and policy as well as changes in state law. These changes include DHS's rescission of its sensitive locations policy, the increased reliance on databases and data sharing in immigration enforcement, and California's enactment of several new laws that impact shelters and their response to immigration enforcement. These laws, all introduced in the 2025-26 Regular Session of the California State Legislature, include Senate Bill 294 (January 1, 2026) and Senate Bill 580 (effective January 1, 2026). *Additionally, the model policies and guide now include a brief overview of the following: (1) the Immigrant Tenant Protection Act; (2) the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and ongoing PRWORA litigation against federal agencies regarding the federal government's attempt to reinterpret PRWORA; and (3) federal funding conditions tied to immigration cooperation and ongoing litigation against federal agencies regarding conditional funding.*

This guide is not legal advice. This guide is based on the law as of July 2026, which, of course, may change. Shelter administrators should consult with their legal counsel when formulating policies and practices, and in addressing any questions regarding the issues covered in this guide. For guide-related information and/or to report any related immigration enforcement incidents or if you believe that state or federal law is being violated at a shelter, you may contact the Office of the Attorney General at Immigration@doj.ca.gov.

Note: For purposes of this guide, the term "immigration enforcement" has the meaning provided in Government Code section 7284.4, subdivision (f): "'Immigration enforcement' includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States." This guide uses variously the terms "immigration officer," "immigration enforcement officer," and "officer engaged in immigration enforcement." All of these terms are used in reference to any officer or official, whether local, state or federal seeking to enforce federal immigration law.

Introduction

Shelters in California serve a diverse group of people in need of temporary housing, including children and youth unable to live in their homes of origin, individuals seeking refuge from domestic violence, individuals experiencing homelessness, and those temporarily displaced from their homes due to a natural disaster or other emergency.⁷ Shelter administrators help their clients feel safe and secure under extraordinarily challenging personal circumstances. In a state with more than ten million immigrants (which constitutes 22% of the foreign-born population nationwide), and where 28 percent of California residents are foreign-born,⁸ shelters of all kinds must be able to serve immigrants with sensitivity to fulfill their humanitarian goals.

Immigration enforcement⁹ threats have led immigrants to question whether it is safe to seek shelter, even at times of crisis when there are no good alternatives. Rumors of immigration enforcement at emergency evacuation centers, for example, reportedly kept people from emergency shelters after a wave of forest fires.¹⁰ On October 1, 2025, in Chicago, immigration enforcement officers arrived in unmarked cars, chased people who were standing outside of a shelter, and detained four individuals.¹¹ In New York City in 2025, immigration and customs enforcement officers entered city shelters armed and, according to incident reports from January through May, accessed private areas or obtained resident information at least five times without presenting judicial warrants.¹² Fears of immigration enforcement deter people in need from using critical shelter services.

Attorney General Rob Bonta is firmly committed to protecting the rights of all Californians regardless of citizenship status. While immigration authorities operate independently, federal and state laws provide some protections for clients who may be targeted by immigration enforcement actions. To provide a welcoming, safe environment to all clients, shelters can develop plans for addressing and responding to immigration enforcement in a way that advances client privacy, safety, and opportunity.

Purpose of This Guide

The first version of this guide was published after Senate Bill No. 54 (2017-2018 Regular Session) was enacted, which mandated that the Attorney General publish “model policies limiting assistance with immigration enforcement to the fullest extent possible” for use by shelters, among other entities.¹³ California Attorney General Rob Bonta issued an updated version in December 2024 and is now updating that edition, consistent with SB 54 and pursuant to SB 580, to ensure that immigration enforcement activities do not divert state resources, blur lines of accountability, or threaten trust between immigrant communities and state and local agencies that provide critical public services. Because of changes in law as well as federal immigration enforcement policy, Attorney General Bonta is issuing a new edition of this guide, to equip shelters with the updated information and resources necessary to continue to provide safe, welcoming environments for all people and to safeguard the rights and privacy of all people regardless of their immigration status. The laws, regulations, and policies cited in this guide and the model policies are based on those most current as of the date of this guide’s publication. Shelters are encouraged to consult with legal counsel should any of the laws, regulations, or policies cited in this guide change.

This guide is not intended to address the duties shelters have as employers when faced with the same requests about their employees.¹⁴

This guide is also intended to provide model policies for both privately operated shelters and those operated by local and state agencies, although the policies for each may differ depending on their status as publicly or privately operated, as noted in this guide. Shelters under SB 54 may include diverse types of facilities, including housing for youth in out-of-home care, domestic violence shelters,

homeless shelters, and emergency shelters for those displaced by natural disasters. To the extent that any shelter's particular situation presents circumstances that are not addressed in these materials, shelter administrators should consult with their management and legal counsel (if available) in adapting the model policies described here.

Persons having information regarding immigration enforcement happening in shelters or believing that state or federal law is being violated at a shelter, may communicate with the Office of the Attorney General at Immigration@doj.ca.gov.

In the appendix you will find the following resources:

- Appendix A: Reference Guide for Staff—What Should You Do If a Immigration Enforcement Officer Comes to Your Shelter
- Appendix B: Reference Guide -- Immigration Enforcement Documents
- Appendix C: Immigration and Customs Enforcement “Arrest Warrant” (Form I-200) Appendix D: Immigration and Customs Enforcement “Removal Warrant” (Form I-205)
- Appendix E: Notice to Appear (Form I-862)
- Appendix F: Federal Search and Seizure Warrant (Form AO 93)
- Appendix G: Federal Arrest Warrant (Form AO 442)
- Appendix H: Department of Homeland Security Immigration Enforcement Subpoena (Form I-138)

01 Affording Legal Protections for Clients

Purpose of This Section

To describe legal protections that apply to clients, including anti-discrimination principles and privacy rights relating to the collection of personal data from and communications with clients.

Governing Law

1. Clients Are Protected from Discrimination

The United States Supreme Court has recognized that undocumented immigrants are guaranteed due process and equal protection rights under the Fifth and Fourteenth Amendments to the United States Constitution.¹⁵ In addition, most shelters are subject to either or both the federal Fair Housing Act and its 1988 amendments, which protect people from negative housing actions that occur because of their race, color or national origin, among other protected classes,¹⁶ or Title II of the 1964 Civil Rights Act, which prohibits discrimination in public accommodations.¹⁷ Facilities that receive federal financial assistance also have a responsibility to provide language services and not to discriminate based on national origin against individuals with limited English proficiency under Title VI of the Civil Rights Act of 1964.¹⁸

California laws provide immigrants with robust protection against discrimination based on ancestry, national origin, and citizenship, among other protected categories. The Fair Employment and Housing Act prohibits housing owners, including shelter operators, from discriminating on the basis of race, color, national origin, or ancestry, among other protected characteristics.¹⁹ The Unruh Civil Rights Act prohibits “all business establishments of every kind whatsoever” from engaging in discrimination based on “citizenship, primary language, or immigration status,” among other protected characteristics.²⁰ And any programs that receive state funding or provide public aid must do so without discrimination based on national origin, ancestry, or ethnic group identification.²¹ The Immigrant Tenant Protection Act (ITPA) explicitly prohibits landlords from discriminating against tenants based on immigration status; and prohibits public entities from requiring landlords to ask about or report the immigration status of any current or prospective tenants.²² It contains an exception that allows landlords to comply with federal requirements,²³ but absent a federal requirement to verify immigration status, doing so may be a violation of ITPA.

It is unlawful for shelter operators to take adverse actions against clients based on their actual or perceived national origin or any other protected characteristic. Negative housing actions may include refusing to admit an individual to a shelter; setting different terms or conditions for residence at a shelter; or harassment, coercion, intimidation, or interference with clients who exercise their rights to fair housing. The California Attorney General strongly recommends that shelter operators establish clear internal policies to avoid discrimination based on national origin.

If federal law limits certain types of assistance to individuals with verified immigration status, shelters receiving federal funding must limit their services accordingly.²⁴ However, there may be instances where a federal agency may require, as a condition of funding, that a shelter agree to not provide services to immigrants or to verify a client’s immigration status beyond what federal law actually requires. While the California Attorney General has successfully challenged some federal agencies that have sought to unlawfully impose immigration-related funding conditions on federal programs,²⁵ staff are nevertheless encouraged to consult with legal counsel to assess the extent to which a federal immigration-related

funding condition may or may not prescribe a certain course of conduct.

In 2025, the U.S. Department of Health and Human Services (HHS), Department of Labor (DOL), and Department of Education (DOE), and later the Department of Housing and Urban Development (HUD), issued notices related to the interpretation of “federal public benefit” under Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), restricting numerous “noncitizens” from receiving benefits under federally funded programs. The U.S. Department of Justice (DOJ) also issued a notice revoking every one of the “life or safety” exemptions to PRWORA that DOJ had put in place 29 years earlier. California is a plaintiff in a lawsuit asserting that these agency PRWORA notices are contrary to law and a reversal of nearly three decades of federal practice allowing access, regardless of immigration status, to certain public benefits programs that have historically been determined to protect life or safety and contribute to the overall welfare of communities. *New York, et al., v. U.S. DOJ, et al*, (1:25-CV-00345)). In September 2025 the court entered a preliminary injunction directing DOJ, DOL, DOE, and HHS not to enforce these notices and new requirements. Following the preliminary injunction, HUD issued its own PRWORA Notice applying the same immigration verification requirements at issue to additional HUD funded programs. (90 Fed. Reg. 54,363). Subsequently, HUD and the HUD Secretary were added as defendants, and HUD agreed via a stipulation to stay enforcement of its PRWORA Notice in plaintiff States. Immigration verification for programs that were newly designated as “federal public benefits” is not required as of the date of this publication. Individuals should monitor federal laws and regulations regarding the impact of using public services on the ability to modify their immigration status, in the event that such laws and regulations change, and consult with an immigration attorney if needed.

Shelters can also consult the California Department of Justice Legal Alert No. OAG 2026-02, Legal Obligations of Local Agencies Regarding Verification of Immigration Status of Participants in Certain Programs Funded by the U.S. Department of Housing and Urban Development (HUD) (May 14, 2026), which provides detailed guidance, clarifying that as of the date of this publication immigration status verification is not currently required for select HUD-funded programs, and that agencies should avoid imposing unnecessary verification required that could conflict with state discrimination laws. The Legal Alert is available at <https://oag.ca.gov/system/files/media/legal-alert-oag-2026-02.pdf>, and the select programs are the following:

1. HOME (also referred to as HOME Investment Partnerships);
2. American Rescue Plan (HOME–ARP);
3. National Housing Trust Fund;
4. Community Development Block Grant (CDBG);
5. Community Development Block Grant Disaster Recovery (CDBG–DR);
6. Housing Opportunities for Persons with AIDS (HOPWA) formula grants;
7. Emergency Solutions Grants (ESG);
8. Pathways to Removing Obstacles to Housing (PRO Housing);
9. Preservation and Reinvestment Initiative for Community Enhancement (PRICE);
10. Continuum of Care (CoC);
11. Housing Opportunities for Persons with AIDS (HOPWA) competitive grants; and
12. The Self-Help Homeownership Opportunity Program (SHOP).

2. Privacy Laws Protect Clients' Personal Information

Personally Identifying Information

Every individual has a privacy interest in retaining the confidentiality of one's Social Security number. California landlords may not inquire about the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential rental property.²⁶ It is advisable a shelter not request federally issued identification, such as a visa or Social Security number. In some circumstances, however, shelters may need to collect clients' Social Security numbers when helping clients apply for public benefits.²⁷ This may include some information about an applicant's family members (including their income, tax filing status, and relationship to the client).

Personal Health Information

The Health Insurance Portability and Accountability Act (HIPAA), among other federal and state privacy laws, generally prohibits the use or disclosure by covered entities of patient information without the patient's consent, except where required by law.²⁸ Federal guidance explains that demographic information, including but not limited to common identifiers like name, address, birth date, or Social Security numbers, when they can be associated with any health information,²⁹ is considered PHI.³⁰ Although immigration status or evidence of foreign birth are not, by themselves, considered to be HIPAA-protected personal health information, such information may nevertheless be protected under the standard for information "[w]ith respect to which there is a reasonable basis to believe the information can be used to identify the individual."³¹ California state and federal laws and regulations give clients the right to keep their medical records private in most circumstances.

Any shelter that offers medical services, such as mental health care, or a walk-in medical or dental clinic, is considered a covered entity under HIPAA and should already have in place policies to protect private medical information.³² For detailed guidance about protecting patient privacy, health facilities should refer to the California Center for Data Insights and Innovation Policy Manual.³³ For more information about immigration enforcement activities in health facilities, please refer to the California Department of Justice's publication Promoting Safe and Secure Healthcare Access for All: Guidance and Model Policies to Assist California's Public Healthcare Facilities in Responding to Immigration Issues.³⁴ Clients seeking general information about their privacy rights and remedies may consult the Attorney General's guide, Your Patient Privacy Rights: A Consumer Guide to Health Information Privacy in California.³⁵

Juvenile Information

As is further discussed in Section 4 below, California laws protect information contained in juvenile court records. Specifically, the juvenile case file, including any portion of the case file and any information relating to the content of the case file, are protected from disclosure.³⁶ Information "relating to" the content of a juvenile case file includes the child's name, date or place of birth, and the immigration status of the juvenile.³⁷

Immigration Status Information

Generally speaking, shelters have no affirmative obligation to inquire into a client's immigration status or retain a client's immigration status information. In some circumstances, immigration status information may be relevant to a government determination of a client's eligibility for needed public benefits, or to a shelter's ability to provide services. A non-profit charitable organization that provides a federal, state or local public benefit, however, is expressly not required to determine proof of an

applicant's eligibility for such benefits under federal law.³⁸ If shelters obtain information about a client's immigration status to support the client's access to appropriate services, shelters should assess the extent to which retention of such information is necessary and take appropriate measures to maintain confidentiality and prevent unauthorized access.

The federal government has also attempted to condition the receipt of certain federal grant funding on the recipient agreeing to cooperate with federal immigration enforcement or to comply with certain federal laws relating to immigration. Such conditions can give rise to potential legal issues. Any entity confronted with such a condition should consult its legal counsel. A public entity facing such a condition may also contact the Office of the California Attorney General, which has been involved in ongoing litigation efforts challenging conditional federal funding. As of the date of this publication, there have been many lawsuits against the Trump Administration related to the federal government's attempt to require immigration enforcement cooperation as a condition of receiving federal grant funding.

If a state or local agency also maintains information about clients or operates a database with client information, they should consult the Attorney General's published guidance, including audit criteria and training recommendations, to ensure that their databases limit the availability of information for the purpose of immigration enforcement.³⁹

3. Recommendations Regarding Database Under SB 580

Providing comprehensive advice about what types of information shelters do and do not need to collect from their clients is beyond the scope of this guide. The answer will vary depending on the type of shelter and the funding source for any services, among other factors. Shelters that are licensed by state agencies should contact their licensing agency for further information. Shelters may also seek legal counsel regarding their data collection, use, and retention practices. The National Human Services Data Consortium has published a list of questions that human services organizations may wish to consider in determining what information to collect and retain.⁴⁰

Please note that on July 1, 2026, the Attorney General will publish guidance, audit criteria, and training recommendations for databases operated by a state or local agency, including databases maintained for the agency by private vendors. This additional guidance is aimed at ensuring that databases, including those used by shelters, are governed in a manner that limits the availability of information for the purposes of immigration enforcement to the fullest extent practicable, consistent with federal and state law.

Recommendations Under SB 580

In addition to the model policies appearing in Section 5, the Attorney General makes the following recommendations under SB 580.

1. Develop Policies Regarding the Collection, Retention, and Sharing of Sensitive Client Information and/or Data

Collecting Immigration Status Information

Shelters are encouraged to avoid seeking immigration status information from clients or their family members to the fullest extent possible and unless required for a client to access services. Shelters should develop policies regarding the shelter's privacy practices indicating that the shelter will only collect, retain, and share immigration status information or other sensitive personal information (including through shared database access) when necessary, such as where such information is required for a client to apply for or receive needed services from the shelter directly or as a gateway to services. Shelters should not collect proxy immigration status information, such as country of birth or origin, or

information associated with an identity document (i.e. foreign passport, employment authorization form, Alien number, visa number) unless legally or programmatically required and should not retain the information longer than legally or programmatically necessary.

Protecting Client Confidentiality

If operationally feasible and not detrimental to accessing services, shelters should allow clients to use pseudonyms in shelter records and databases. Privately operated shelters should promptly comply with client requests to remove immigration status information from shelter records when retention of that information is not legally required.

2. Database-Related Recommendations

Shelters should develop policies and procedures that seek to achieve the following goals:

- Ensure contracts with private vendors include terms that prohibit unauthorized access or disclosure of personally identifiable data to law enforcement, including immigration enforcement officers.
- Develop audit criteria for staff and private vendors that include obligations to conduct database audits and demonstrate compliance through reporting or access.
- Ensure that in all instances where a vendor or staff becomes aware that personally identifiable information was requested or shared with law enforcement, including immigration enforcement officers, it is documented and reported.
- Log all instances that staff become aware of where a vendor or staff discloses information and/or data to law enforcement, including immigration enforcement officers.
- Incorporate terms in contracts with private vendors that require logging of all requests for information by law enforcement, including immigration enforcement officers.

3. Contracting and Funding-Related Recommendations

Shelters should pay close attention to the terms and conditions of contracts or grants that they agree to. Particularly, federal agencies in the past, and more recently, have sought to condition federal grant funding on states or local governments agreeing to cooperate with federal officials in the enforcement of civil immigration laws. In many cases, these grant conditions may not be legal under both federal and state laws and agreeing to them may expose your shelter to enforcement actions.

Contact the Attorney General's Office via email at Immigration@doj.ca.gov if you believe a federal grant term is asking you to do something related to immigration that is outside the scope of your facility's core mission. These are fact-specific questions that can depend on many legal factors, so ask your federal grant coordinator for more time to consult with your facility's legal counsel or the Attorney General's Office before making any agreements.

4. Protecting Juvenile Client Confidentiality

Any shelter that provides housing to wards of the court should not disclose the name or identity of the children living in their shelter without a court order to disclose the child's name or identity.

5. Communicate Policies to Clients and Potential Clients

Shelters are encouraged to inform clients about shelter policies regarding the privacy of any sensitive personal information collected from clients.

Shelters are encouraged to clearly inform clients about the specific circumstances under which shelters may be required to disclose a client's immigration status, as well as the potential implications of such disclosure.

Shelters are encouraged to state explicitly in their outreach materials that shelters do not discriminate based on immigration status or nationality. This is an important step in helping break down perceived barriers to potential shelter beneficiaries who may be fearful about seeking out shelter services.

Written material should be made available in multiple languages, when possible.

Additional Resources

If a client or client's family member is detained, shelter staff should be aware of the following resources.

ICE Detainee Locator

The ICE online detainee locator (<https://locator.ice.gov/odls/#/search>) can help people determine if someone has been detained and where the individual is being held. In using the ICE detainee locator, it is helpful to know the individual's date of birth and 'A-Number' (Alien Registration Number), if there is one. An individual who entered the United States without inspection may not have an A-Number.

Please Note: The ICE online detainee locator is intended only for locating individuals who are already detained. The website is not updated regularly; if an individual known to be detained does not appear on the website, it should not be interpreted as confirmation that they are no longer detained or have been deported. If a client has general questions about their immigration status, the client should be referred to a list of legal service providers such as those linked in the Legal Assistance section below.

Rapid Response Networks

In response to immigration enforcement actions, some immigrant rights and legal advocacy organizations have developed Rapid Response Networks (<https://caimmigrant.org/what-we-do/policy/fighting-mass-detention-deportation/resources-for-immigration-legal-protection/>). Rapid Response Networks provide hotlines where individuals can call if they see or are impacted by immigration enforcement actions. These provide hotlines where individuals can call if they see or are impacted by immigration enforcement actions; often mobilize trained responders to verify reports of enforcement activity; and connect individuals to legal assistance, "Know Your Rights" information, and follow-up services. In some cases, they also coordinate rapid attorney activation when someone is detained.

Some examples of Rapid Response Networks include: Stand Together Contra Costa (<https://standtogethercontracosta.org>); San Francisco Rapid Response Network (<https://sfilen.org/resources/sf-rapid-response-network>); Marin Rapid Response Network (<https://multiculturalmarin.org/mrrn>); Sacramento Rapid Response Network (<https://www.sacfuelnetwork.org/sacramento-rapid-response-network>); Kern County Rapid Response Network (<http://rapidresponsekern.com>); 805 Immigrant Rapid Response Network in Santa Barbara, Ventura, and San Luis Obispo Counties (www.805undocufund.org/alerts); and Immigrant Defenders Law Center Rapid Response Network in Los Angeles, San Bernardino, Orange, Riverside, San Diego and Imperial Counties (<https://www.immdef.org/rapidresponse>).

Please note: Rapid Response Networks are not government agencies—they are community defense systems that help people understand their rights and access legal resources when immigration enforcement actions are taking place locally.

Legal Assistance

Immigration lawyers in private practice, United States Department of Justice (USDOJ)-accredited representatives (who assist immigrants in immigration proceedings), or legal-aid organizations may be able to provide legal assistance to secure the release of, or arrange for visits to, a client or client's family member.⁴¹

- ✓ An individual can determine if lawyers are licensed by and in good standing with the State Bar of California by checking online at <https://www.calbar.ca.gov/legal-professionals>.
- ✓ Individuals may be able to find legal assistance from legal aid offices and lawyer referral services at the California Department of Social Services website, <http://www.cdss.ca.gov/inforesources/immigration/contractor-contact-information>, or at the California Courts website, <http://www.courts.ca.gov/1001.htm>. California courts also operate Self-Help Centers that may also be able to provide legal assistance to individuals. A list of these centers across the state is available at <https://selfhelp.courts.ca.gov/self-help/find-self-help>.
- ✓ The Immigration Advocates Network maintains a national immigration legal services directory. The directory allows users to search for free or low-cost immigration legal services providers by state, county, or detention facility. Users can refine their search by areas and types of legal assistance provided, populations served, and languages spoken. The directory is available at: <https://www.immigrationadvocates.org/nonprofit/legaldirectory>.
- ✓ The Executive Office for Immigration Review (EOIR), Office of Policy, Public Resources Program (PRP) administers a List of Pro Bono Legal Service Providers. The list is provided to individuals in immigration proceedings and contains information on non-profit organizations and attorneys who have committed to providing at least 50 hours per year of pro bono legal services before the immigration court location where they appear on the list. The list also contains information on pro bono referral services that refer individuals in immigration court proceedings to pro bono counsel. A list of pro bono legal service providers can be found here: <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>.
- ✓ A list of additional resources can also be found on the Attorney General's website: <https://oag.ca.gov/immigrant#resources>.
- ✓ The USDOJ'S Recognition and Accreditation (R&A) Program allows certain individuals, specifically non-attorney employees and volunteers of qualifying non-profit organizations, to represent individuals in immigration proceedings before the federal government. To find an "Accredited Representative" to help you with your immigration case, you can contact a nonprofit organization that is a "Recognized Organization" under the Recognition and Accreditation Program. A list of Recognized Organizations can be found here: <https://www.justice.gov/eoir/recognition-accreditation-roster-reports>.

Please note: The fact that an attorney is licensed, accredited, or in good standing with a State Bar does not guarantee competence, diligence, or honesty; individuals should independently verify qualifications and exercise caution to reduce the risk of inadequate representation or fraud. Moreover, individuals should not hire an immigration consultant (often referred to as "notorious" in the Spanish language) if they are seeking advice and assistance regarding their immigration status. Accreditation and licensing for an attorney does not guarantee competence, quality of service ethical conduct or freedom from fraud. Immigration consultants are not attorneys or immigration experts. In fact, they are not legally required to know anything about immigration law because they are only allowed to help with non-legal tasks like translating information. Immigration consultants cannot —and should not—provide advice or direction about an individual's eligibility for different types of immigration relief, which immigration forms to submit, or speak to the government on a client's behalf. In addition, immigration consultants

must be bonded and pass background checks with the Secretary of State. To learn whether a specific immigration consultant has complied with these requirements, consult the Secretary of State website here: <https://specialfilings.sos.ca.gov/icbs>.

Immigration Court Website and Hotline

If an individual wants to know the status of their immigration case they can consult the Executive Office for Immigration Review (EOIR) Automated Case Information System website (<https://acis.eoir.justice.gov/en/>) and/or call the Immigration Court Hotline at [1-800-898-7180](tel:1-800-898-7180). It is useful to check both the website and hotline since they have different categories of information. The Asylum Seeker Advocacy Project (ASAP) also provides links and resources to navigating the immigration court system here: <https://asaptogether.org/en/check-court/>.

The EOIR will frequently change the time, date, and potentially even the location of immigration hearings. If EOIR changes this information, it will email a new notice of hearing, but individuals can also always check with the Immigration Court Hotline. Individuals must show up for all of their immigration hearings. If they do not, they may be ordered removed in their absence.

Consulate or Embassy

The consulate or embassy of an individual's country of origin may be able to offer additional information and assistance.

02 Additional Legal Protections for Survivors of Crime

Purpose of This Section

To identify specific legal protections available to clients who have been impacted by crime.

Governing Law

Please note: Although governing law and statutory language may use the term ‘crime victim,’ this guide uses the term ‘survivor’ to refer to the same individuals. This terminology is intended to acknowledge lived experience without altering any statutory meaning or the legal protections available to individuals under applicable law.

1. Personal Identifying Information

Immigrants in California constitute an extremely diverse population. Some immigrants have left challenging circumstances in their home countries, some have been subjected to human trafficking, and others have found themselves in coercive or controlling relationships in the United States, all of which can be exacerbated by a person’s undocumented status. Survivors of crime often feel trapped in abusive relationships because of immigration laws, language barriers, lack of financial resources, fear, cultural expectations, and social isolation. Abusers, perpetrators, and human traffickers often use immigration status as leverage to exploit and control them. It is especially important that shelters that serve survivors of crime, including domestic violence shelters, are aware of the legal protections available to their clients.

Under federal laws protecting survivors of domestic violence, sexual assault, hate crimes, human trafficking, and other crimes, programs have certain obligations to maintain the confidentiality of individuals seeking their services. As discussed further below, federal law, 34 U.S.C. § 12291(b)(2), permits disclosure of personal identifying information with the individual’s consent, when compelled by law, and when compelled by the courts.

Violence Against Women Act

The Violence Against Women Act of 1994 (VAWA) provides protections to undocumented immigrants who are subjected to domestic violence by their United States citizen or lawful permanent resident (LPR) spouse, parent, or child.⁴² VAWA allows undocumented survivors of domestic violence to file their own petitions for lawful permanent residency and access public benefits, without the cooperation of their abusive spouse, parent, or child.⁴³ Normally, a United States citizen or LPR files a visa petition on behalf of a noncitizen family member (the beneficiary). Once the petition is approved, the beneficiary may obtain LPR status independently. Before the petition is approved, however, the United States citizen or LPR controls when and if the visa petition is filed at all. This avenue for adjustment of status is extremely problematic in circumstances in which the citizen or LPR petitioner is or was abusive toward the noncitizen spouse or child. Thus, VAWA offers survivors of crime a way out of abusive relationships and an alternate path towards adjustment of status.

Importantly, VAWA prohibits service providers from sharing any personally identifying information about survivors without informed, written, and reasonably time-limited consent.⁴⁴ VAWA defines a service provider as a non-profit or non-governmental organization, including rape crisis centers, battered women’s shelters, domestic violence transitional housing programs, and other programs

whose primary mission is to provide services to survivors of domestic violence, dating violence, sexual assault, or stalking. Personally identifying information is information that would identify an individual or that is “likely to disclose the location of a survivor of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected.”⁴⁵ VAWA prohibits immigration officials from using information furnished solely by a spouse or parent who has battered the individual or subjected an individual to extreme cruelty, including any live-in family members of the alleged abuser, as the basis for arresting and charging an undocumented immigrant with removability, unless the undocumented individual has been convicted of certain serious crimes (See Sections 2 and 3, below).⁴⁶

Victims of Crime Act and Family Violence Prevention and Services Act

Along with VAWA, the Victims of Crime Act (VOCA) and the Family Violence Prevention and Services Act (FVPSA) are major pieces of legislation in the federal response to domestic violence in the United States. FVPSA is the primary federal funding stream dedicated to the support of emergency shelter and related assistance for survivors of domestic violence and their children.⁴⁷ FVPSA further establishes confidentiality and privacy protections for the clients of domestic violence programs and services that receive federal funding.⁴⁸ Grantees and sub-grantees are prohibited from disclosing any personally identifying information collected in connection with services requested, and they are also prohibited from revealing such information without the written, informed, reasonably time-limited consent of the individual.⁴⁹ Additionally, VOCA requires that programs ensure client confidentiality in order to maintain funding without penalty.⁵⁰ Similarly, VOCA’s implementing regulations require that information that identifies or refers to a private person cannot be shared or used as evidence in any proceeding without the written consent of the individual in question.⁵¹

The confidentiality provisions that limit the sharing of individuals’ personally identifying information under VAWA also include entering information into public records and databases. Many federally funded shelters are required by law to submit data to a Homeless Management Information System (HMIS), a database that records, stores, and tracks characteristics and service needs of homeless individuals. However, the VAWA Reauthorization of 2005 amended Section 605 of the McKinney-Vento Homeless Assistance Act⁵² to prohibit all service providers receiving VAWA or FVPSA funding from entering personally identifying information into an HMIS database. Instead, a service provider must use a comparable database that adheres to the same technology data standards as mainstream HMIS systems but only provides information to the federal funding agency in an aggregated form.⁵³ Information in these reports must be non-identifying, which can include aggregate totals or other demographic information that does not identify an individual.

When an individual’s personally identifying information is disclosed in order to comply with a statute or court order, VAWA grantees and sub-grantees must provide notice to individuals affected by the disclosure of information, and take reasonable steps to protect the privacy and safety of the persons affected by the release of the information.⁵⁴

Trafficking and Violence Prevention Act

Alongside VAWA protections, federal law protects undocumented individuals of crime under the U and T visa programs. The U visa was created by the Victims of Trafficking and Violence Prevention Act (VTVPA), enacted in October 2000 to protect certain noncitizen crime survivors and encourage cooperation with law enforcement. By providing cooperating individuals protection from deportation and a pathway to legal permanent residency, the U visa enhances law enforcement’s ability to investigate and prosecute crimes and furthers humanitarian interests by protecting survivors of serious crimes. U visas are set aside for noncitizen survivors of crimes who have suffered substantial abuse and are willing to assist law enforcement in the prosecution of the criminal activity.⁵⁵ U visa applicants must submit forms evidencing cooperation with law enforcement, known as the U Nonimmigrant Status

Certification (Form I-918 Supplement B), or “U visa certification.”⁵⁶ Similar to the U visa, the VTVPA also created a T visa which grants an immigration benefit for survivors of human trafficking who meet certain eligibility requirements.⁵⁷ The T visa was enacted to strengthen the ability of law enforcement agencies to investigate and prosecute serious crimes and trafficking of persons, while offering protections to survivors of such crimes without the immediate risk of being removed from the country. Like a U visa, a T visa applicant must also submit forms evidencing cooperation with law enforcement (Forms I-914 and I-914B).

VAWA, U visa, and T visa petitioners are afforded confidentiality protections under 8 U.S.C. § 1367. Specifically, under 8 U.S.C. § 1367(a), federal agencies are prohibited from disclosing information about an individual who has applied for VAWA, T, or U immigration benefits.⁵⁸ Similarly, under § 1367(b) (7), these confidentiality protections and prohibitions against disclosure also apply to nonprofit, nongovernmental service providers. These protections apply when a government agency adjudicating an application for relief under § 1367(a)(2), with the written consent of the petitioner involved, communicates with “nonprofit, nongovernmental victims’ service providers for the sole purpose of assisting victims in obtaining victim services from programs with expertise working with immigrant victims.”⁵⁹

Immigrant Victims of Crime Equity Act

California law provides additional protections for individuals impacted by crime. California’s Immigrant Victims of Crime Equity Act requires state and local law enforcement agencies, prosecutors, judges, and other entities and officials to certify the helpfulness of individuals of qualifying crimes on a federal U Nonimmigrant Status Certification (Form I-918), also known as a “U visa certification” if certain conditions are met.⁶⁰ Upon request, prosecutors, judges, and other entities and officials shall complete U visa certifications for eligible immigrants who possess information about qualifying criminal activity and have been or are likely to be helpful to the investigation or prosecution of that qualifying criminal activity.⁶¹

There is a rebuttable presumption that the individual is helpful, has been helpful, or is likely to be helpful, if the individual has not refused or failed to provide information and assistance reasonably requested by law enforcement.⁶² A certifying official may withdraw a previously granted certification only if the individual refuses to provide information and assistance when reasonably requested.⁶³ Further, the certifying official must fully complete and sign the U visa certification and include “specific details about the nature of the crime investigated or prosecuted and a detailed description about the individual’s helpfulness or likely helpfulness to the detection or investigation or prosecution of the criminal activity.”⁶⁴

This certification must be completed within 30 days of the request, unless the applicant is in immigration removal proceedings, in which case the certification must be completed within 7 days of the first business day following the day the request was received.⁶⁵ A certifying entity is prohibited from disclosing the immigration status of a person requesting the Form I-918 Supplement B certification, except to comply with federal law or legal process, or if authorized by the person requesting the Form I-918 Supplement B certification.⁶⁶

T and U visa applicants are provided additional protections to ensure the confidentiality of their cooperation with law enforcement. State law prohibits any certifying entity from disclosing the immigration status of a person requesting either form (I-918 or I-914 Supplement B certification), except as needed to comply with federal law or legal process, or if authorized by the person requesting either form.⁶⁷ The 2023 Immigrants Rights Act strengthened these protections and applied them to “indirect victims and bystander or witness victims” as well.⁶⁸

Please note: Eligibility for T and U visas, or other forms of immigration relief are best assessed by legal counsel. Individuals should consult an immigration attorney for assistance.

More detailed guidance on California's Immigrant Victims of Crime Equity Act and the Immigrant Rights Act can be found in the California Department of Justice, Division of Law Enforcement, DLE Information Bulletin No. 2024-DLE-05, Update to Information Bulletin 2020-DLE-01: New and Existing State and Federal Laws Protecting Immigrant Victims of Crime (April 3, 2024), available at <https://oag.ca.gov/system/files/media/2024-dle-05.pdf>.

2. Restrictions on Disclosures of Information

VAWA places restrictions on the disclosure of information for certain individuals and witnesses of crime. If an enforcement action leads to a removal proceeding, federal law and DHS policies require that the agency issue a notice to appear (NTA) including a specific certification that the agency complied with the restrictions on disclosure of information under section 1367 of title 8 of the United States Code, for those persons when the enforcement action occurs at a domestic violence shelter, a rape crisis center, supervised visitation center, family justice center, a victim services, or victim services provider, or a community-based organization.⁶⁹

An NTA is a charging document issued by an immigration official to a noncitizen who the government believes is inadmissible or removable,⁷⁰ and who will not be subjected to a summary form of removal such as reinstatement of removal or expedited removal.⁷¹ In other words, an NTA is a notice issued to place an individual in a full removal proceeding before an immigration judge, who will determine whether the noncitizen is to be removed (deported) or allowed to remain in the United States. Various officials within DHS are empowered to issue NTAs in a variety of circumstances. Clients who are presented with an NTA are encouraged to seek the advice of an immigration attorney.⁷² (See Appendix D for a sample NTA.)

3. Domestic Violence Waivers

A conviction for domestic violence could potentially subject a noncitizen to deportation.⁷³ Under the Immigration and Nationality Act (INA), when someone seeks an immigration benefit, such as admission to the United States, a nonimmigrant visa, or an adjustment of status, the applicant must meet the eligibility requirements for the benefit, and establish that the applicant is "admissible" and not deportable. There are many reasons for inadmissibility⁷⁴ and deportability⁷⁵ that would render someone ineligible to receive immigration benefits, despite otherwise meeting the application requirements, including a conviction for domestic violence. In response, Congress created a waiver to the domestic violence ground of deportability or inadmissibility for domestic violence survivors who are themselves convicted of domestic violence but "not the primary perpetrator of violence in the relationship."⁷⁶ This waiver allows an immigrant applicant to receive a U visa despite a prior domestic violence conviction.

Please note: Eligibility for a U visa or other forms of immigration relief, as well as determinations regarding admissibility and deportability, can best be assessed by legal counsel. Individuals should consult an immigration attorney for assistance.

Recommendations Under SB 580

In addition to the model policies appearing in Section 5, the Attorney General makes the following recommendations.

1. Develop Policies Regarding the Collection, Retention, and Sharing of Personal Information Identifying Survivors of Crime

First, shelters should assess whether the personally identifiable or immigration status information sought from a client is reasonably necessary. If the information sought is necessary, shelters should assess whether retention of any of the information is necessary.

If personally identifiable or immigration status information is sought, shelters are encouraged to develop policies for collecting, receiving, and processing client information that includes a crime survivor's immigration status. Shelters are encouraged to develop written policies consistent with the confidentiality protections offered under VAWA, FVSPA, VOCA and the VTVPA, that reassure clients and interested community members of their privacy protections should they seek shelter services.

Shelter staff should inform clients that a client's immigration status will not be disclosed unless required by federal law or to comply with legal process. Shelter staff should receive training on internal policies for processing and disclosing personal information that identifies survivors of crime, and standards for providing notice of any disclosure to affected individuals where required by law.

2. Communicate Policies to Clients and Potential Clients

Domestic violence shelters are encouraged to inform clients and potential clients that they do not collect immigration status information as a requirement of services, and that federal and state law broadly limits this information from survivors of crime from being shared, and federal law specifically prohibits such information being used to "make an adverse determination of admissibility or deportability," subject to limited exceptions.⁷⁷

To the extent aggregate data is provided or reported, shelters should clarify this limited use of demographic information.

Written material should be made available in multiple languages, when possible.

03 Responding to Requests to Access Shelter Premises for Immigration Enforcement Purposes

Purpose of this Section

To inform shelter staff about policies and practices for responding to officers engaged in immigration enforcement who seek access to shelter facilities and clients.

Governing Law

1. Constitutional Protections Regarding Searches Within Shelters

Clients are protected from unreasonable searches and seizures by the Fourth Amendment to the United States Constitution. The type of legal authority required for immigration enforcement officers to access areas of a shelter depends on whether a client—or any person in a shelter—has an expectation of privacy in the place to be entered.

Whether a reasonable expectation of privacy exists in an area within a shelter depends on the factual circumstances specific to that area. Constitutional protection may depend on factors like the openness, security, and use of the area in question. Often these factors are influenced by the physical characteristics and operational needs associated with that area. Clients may have a reasonable expectation of privacy in areas shared by many residents such as large sleeping quarters.⁷⁸ Different levels of constitutional protection may exist across different shelters even where the area in question is used for the same purpose, since the inquiry is fact-dependent. This guide does not address all the factual circumstances that may arise relating to an individual's Fourth Amendment protections in different areas of a shelter.

Protected Spaces: Bedrooms and Apartments

Immigration enforcement officers generally do not have the right to enter living quarters, including a bedroom, unless they have a valid judicial warrant, an occupant of the living quarters consents to the entry, or an emergency situation requires swift action. Courts often refer to such emergency situations as “exigent circumstances.”⁷⁹

A client who is using a semi-private room to sleep in generally has a reasonable expectation of privacy in that room.⁸⁰ Although a co-occupant may provide consent for an officer to enter into a shared space,⁸¹ a co-occupant cannot consent to a search of another person's belongings that are not in plain view, such as those that are kept in a closed box or suitcase.⁸²

A shelter staff member lacks the authority to provide consent to an officer's warrantless entry into or search of a client's private or semi-private bedroom.⁸³ Shelter staff members and residents are under no affirmative obligation to consent to an officer's warrantless entry into a bedroom or living quarters. Refusing to consent or asking to see a judicial warrant is not illegal harboring or an obstruction of justice.⁸⁴

Public and Restricted Areas

Shelters have different policies regarding access to areas in their facilities. Some shelters have public areas to which anyone can gain unregulated access. Generally, a judicial warrant is not required for immigration enforcement officers to look for or approach clients in public areas of a shelter. If a client is in a public area, an immigration officer can enter and arrest or detain the client without a judicial warrant.

Many shelters also include areas that are restricted, but still allow limited access to certain individuals. While restricted areas protect clients and staff in other ways and promote the need for a safe environment aligned with the institution's mission, such restrictions on access will not always equate to Fourth Amendment protection. Not all restricted areas will provide the same level of constitutional protection as, for example, private residential areas. If access to an area is substantially restricted or the area is used for "intimate" activities, such as proceeding to and from shared shower facilities, residents may have a constitutionally protected reasonable expectation of privacy. Again, whether an occupant has a reasonable expectation of privacy while in a particular area will turn on the particular facts and circumstances that apply to the area in question.

Where a reasonable expectation of privacy exists, the United States Constitution prohibits anyone from entering without consent, a judicial warrant, or in certain special circumstances, discussed below. Judicial warrants and the other types of documents that immigration and other law enforcement officers might present are explained further below. Shelter staff should be aware of two important exceptions to the Fourth Amendment protections against warrantless searches or seizures: the "exigent circumstances" exception and the "plain view" exception.

The Exigent Circumstances Exception

In urgent "exigent" situations, immigration enforcement officers may attempt to enter a shelter without a judicial warrant. Courts often refer to these situations as "exigent circumstances."⁸⁵ An exigent circumstance is a time-sensitive situation in which an officer believes that people or evidence may disappear, or that someone may be harmed before they can obtain a judicial warrant. An officer entering an area due to exigent circumstances must limit searches and seizures to investigating the urgent incident.⁸⁶

The Plain View Exception

Immigration enforcement officers who do not have a valid judicial warrant may still view and seize items and documents that are in plain view if the officers are otherwise lawfully present inside the shelter. "Plain view" means that the items or documents are openly visible either in public areas a shelter, or in nonpublic areas if an officer is inside lawfully (for example when an officer enters because of an exigent situation, as discussed above). Officers entering these areas may view items, including documents with sensitive information, that are within the officer's line of sight. An officer may also be able to take the openly visible items and documents if the officer determines that the items are connected to illegal activity.⁸⁷ This exception does not allow an officer to search or seize items in an area that the officer enters unlawfully.⁸⁸

2. Domestic Violence Shelters

Federal law recognizes particular requirements for immigration enforcement actions that occur "at a domestic violence shelter, a rape crisis center, supervised visitation center, family justice center, a victim services, or victim services provider, or a community-based organization."⁸⁹ In cases where immigration enforcement actions at those locations lead to a removal proceeding, the notice to appear (NTA) must include a certification that the agency complied with section 1367 of title 8 of the United States Code.

See Section 2 above for a more detailed discussion regarding NTA requirements in situations involving domestic abuse.

3. Access to Nonpublic Areas in Shelters Operated by Public Entities

The Immigrant Worker Protection Act⁹⁰ (Assembly Bill No. 450, 2017-2018 Regular Session) imposes obligations on public employers and persons acting on their behalf, in the event an officer engaged in immigration enforcement seeks to enter an employer's place of business, subject to certain exceptions.⁹¹

Employers, or persons acting on behalf of the employer, are prohibited from providing "voluntary consent" for an immigration enforcement officer to enter "any nonpublic areas of a place of labor." This provision does not apply if the officer provides a signed judicial warrant.⁹² (Additional information about how to identify judicial warrants, which are different than administrative warrants, may be found below.) This provision also does not preclude an employer from bringing an immigration enforcement officer into a nonpublic area of the workplace for the purpose of determining whether the officer has a signed judicial warrant "provided no consent to search nonpublic areas is given in the process."⁹³

Whether voluntary consent has been provided by an employer or a person working on behalf of an employer is a fact-based determination that depends on the specific circumstances of the interaction between the employer and the officer conducting immigration enforcement, including the conduct of, and words used by, the employer or person working on behalf of the employer. In general, for consent to be voluntary, it cannot be the result of coercion, whether express or implied.

4. Workplace Know Your Rights Act

To protect workers amidst the increase in immigration enforcement actions in the state, the Workplace Know Your Rights Act (Senate Bill No. 294, 2025-2026 Regular Session) (Workplace Act) creates two key obligations for employers as of February 1, 2026. First, it requires California employers to distribute a standalone written notice to all employees annually detailing specified workers' rights, as well as constitutional rights of an employee when interacting with law enforcement. Additionally, employers are required to allow workers to designate an emergency contact who must be notified if the employee is arrested or detained during work hours.⁹⁴

The Workplace Act mandates the Labor Commissioner to develop a template notice that an employer may use to comply with the notice requirement. An employer must provide written notice to each employee at the time of hire and on an annual basis through their standard digital or physical communications channels, including but not limited to, "personal service, email, or text."⁹⁵ Specifically, the notice must detail worker rights regarding workers' compensation, union organizing, and protections against unfair immigration-related practices, including the right to be notified of a federal immigration inspection. To ensure compliance, employers must maintain accurate records for a minimum of three years that these notices were delivered to employees in a language they understand.⁹⁶

The Workplace Act also requires employers to establish a formal process by which employees can designate an emergency contact specifically to be notified if they are arrested or detained during work hours.⁹⁷ While general notice violations are subject to a \$500 per employee penalty, failure to notify an emergency contact during an arrest can result in a penalty of \$500 per day and up to a maximum of \$10,000 per employee.⁹⁸

5. Shifts in Immigration Enforcement Tactics and Rescission of Protected Area Policies

On January 20, 2025, the Secretary of U.S. Department of Homeland Security, which oversees ICE and Customs and Border Protection (CBP), rescinded the Biden-era version of the “protected areas” policy that had limited immigration enforcement in or near areas requiring “special protection.”⁹⁹ The Biden-administration policy did not prohibit enforcement actions in protected areas, but directed that ICE and CBP should avoid enforcement actions in or near protected areas “to the fullest extent possible.”¹⁰⁰

DHS’s current policy, as of the date of this publication, is that immigration enforcement officers should use their discretion to balance a variety of interests in deciding what law enforcement actions to take, including the degree to which any law enforcement action occurs in a sensitive location, along with “common sense.”¹⁰¹ Consistent with this policy, current ICE guidelines charge Assistant Field Office Directors and Assistant Special Agents in Charge with responsibility for making case-by-case determinations regarding whether, where, and when to conduct an immigration enforcement action in or near a protected area, and providing verbal or written authorizations for such actions.¹⁰²

Since the end of the protected areas policy, news reports have documented immigration enforcement activity around hospitals, elementary schools, and other sites previously designated as protected areas.¹⁰³ The lawfulness of DHS’s current policy is the subject of litigation pending as of the date of this publication.

Racial Profiling By Immigration Enforcement Agents

As of the time of this publication, and pursuant to the Supreme Court’s decision in *Noem v. Vasquez Perdomo*, immigration enforcement officers may rely on a combination of factors in forming reasonable suspicion for immigration enforcement inquiries.¹⁰⁴ These factors may include a person’s presence at particular work sites such as day laborer pickup sites or agricultural sites, the type of work they do, speaking Spanish or speaking English with an accent, and their apparent race or ethnicity.¹⁰⁵ In *Noem v. Vasquez Perdomo*, the Supreme Court lifted a California district court’s injunction against DHS’s roving immigration patrols in Los Angeles, allowing immigration enforcement officers to continue their practice of conducting immigration enforcement stops based on these factors, including race, pending the final outcome of the litigation.

Immigration enforcement officers are still bound by the Fourth Amendment, which prohibits unreasonable searches and seizures. The Fourth Amendment also prohibits unreasonable use of force and requires that arrests be made based on probable cause. Members of the public may report potentially unlawful activity in California by immigration enforcement officers or personnel at <https://oag.ca.gov/ReportMisconduct>. Examples of potentially unlawful activity by immigration enforcement officers may include use of excessive force; unlawful searches, seizures, or arrests; wrongful detentions; interference with voting; or other civil rights violations. Additionally, regardless of this interim decision or the final outcome of the *Noem v. Vasquez Perdomo* litigation, state law continues to prohibit state and local law enforcement from engaging in racial or identity profiling.¹⁰⁶

Please Note: Filing a complaint does not guarantee that the Office of the Attorney General will take formal action on a complaint.

6. Description of Warrants, Subpoenas, and Court Orders Used for Immigration Enforcement

Shelters vary widely in terms of their physical features, mission, clientele, staff, rules, and privacy.¹⁰⁷ Whether an or immigration enforcement officer has authority to access areas within a shelter depends on whether a client has a reasonable expectation of privacy in a particular area, as discussed above, as well as whether the officer has obtained valid authority to enter or search a given location that would otherwise be unavailable to the officer without consent.

An immigration enforcement officer who is seeking to enter a shelter to search for a client or make an arrest may present any of several different types of documents as authority to enter. Sometimes, the officer may present no documentary authority at all. Below, this guide provides an overview of various types of documentary authority an officer may present. Sample copies of each document are appended to this guide. It is important to understand, however, that not all these documents, including an administrative warrant or Notice to Appear, provide legal authority to enter and search an area of a shelter. Also, a document that might appear to be valid authority to enter and search an area of a shelter may be defective in a way that is not apparent to someone without special legal training. It is important to understand that, when presented with a request by an immigration enforcement officer to enter and search a shelter, staff and clients are not required to provide consent to the officer to enter an area of the shelter or otherwise assist with any search or arrest. Staff should not, however, attempt to physically interfere with the officer's entry.

Immigration enforcement officers may be in civilian clothing that does not display a badge or other insignia and may further limit recognizability through face coverings. Shelter staff should ask the officers to provide credentials. It is also important to obtain and review what the immigration officer provides as written authority to enter and search a shelter. For example, sometimes the immigration officers will provide what they propose to be a "warrant." As explained below, there are multiple types of "warrants," and some provide greater authority to enter and search a shelter than others. Shelters should take steps to verify the validity of any written authority provided, if they are able to do so. Shelters may respond differently depending on the type of warrant or other authority and the type of facility.

Shelter staff are encouraged to immediately seek the advice of legal counsel if an officer notifies shelter staff about potential criminal penalties for failing to assist officers.

ICE Administrative "Warrant"

An ICE administrative "warrant" is the most typical type used by immigration enforcement officers. An ICE administrative warrant can be issued by a number of federal agents¹⁰⁸ and ICE administrative warrants can be issued for purposes of removing an individual.¹⁰⁹

Such a document authorizes an immigration enforcement officer to arrest a person suspected of violating immigration laws. An ICE administrative warrant can be issued by any authorized immigration enforcement officer, and is not a warrant within the meaning of the Fourth Amendment to the U.S. Constitution, because it is not supported by a showing of probable cause of a criminal offense. An ICE administrative warrant is not signed by a court judge or magistrate.

An ICE administrative warrant does not grant an immigration enforcement officer any special power to compel shelter personnel to cooperate with their requests. For example, an ICE warrant does not authorize access to nonpublic areas of a shelter. An ICE administrative warrant alone does not allow an immigration enforcement officer to search shelter records. (See Appendix A for a sample ICE administrative "arrest warrant" (Form I-200), and Appendix B for a sample ICE "removal warrant" (Form I-205).)

Shelter staff should not physically interfere with an immigration enforcement officer in the performance of their duties. Shelter staff, however, are not required to assist with the apprehension of a person identified in an ICE administrative warrant, nor is a shelter employee required to consent to an immigration enforcement officer's search of shelter facilities. In fact, a shelter that is an employer may not provide voluntary consent to an immigration enforcement officer seeking access to a nonpublic area when presented with an ICE warrant.¹¹⁰

Notice to Appear

A notice to appear (NTA) is a charging document issued by ICE, CBP or the U.S. Citizenship and Immigration Services (USCIS) seeking to commence formal removal (or deportation) proceedings against an individual before an immigration court. An NTA contains allegations made about a particular person's immigration status, charges about the person's removability (or deportability), and has no bearing on shelter staff. An NTA notifies an individual that he or she is expected to appear before an immigration judge on a certain date. An NTA does not authorize an individual's arrest by immigration enforcement authorities or local law enforcement authorities.¹¹¹ (See Appendix G for a sample of an NTA (Form I-862).)

An NTA does not require shelter staff to take any action or grant an officer engaged in immigration enforcement any special power to compel the shelter to cooperate with the officer. An NTA does not authorize access to nonpublic areas of a shelter. An NTA does not legally require shelter staff to allow authorities to search shelter records.

Federal Court Warrant

A federal court warrant is signed by a district judge or a magistrate judge of a U.S. District Court based on a finding of probable cause authorizing the search or seizure of property, the entry into a nonpublic area to arrest a person named in an arrest warrant, or the arrest of a named person.

There are two types of federal court warrants, a search-and-seizure warrant and an arrest warrant.

- A federal search-and-seizure warrant allows an officer to conduct a search authorized by the warrant. (See Appendix C for a sample federal search and seizure warrant (Form AO 93).)
- A federal arrest warrant allows an officer to arrest the individual named in the warrant. (See Appendix D for a sample federal arrest warrant (Form AO 442).)

Staff and administrators should carefully review warrants. A warrant typically specifies the exact areas an immigration enforcement officer is authorized to search, and it is possible that a warrant may not grant permission to search the entire shelter. Prompt compliance with a valid federal court warrant usually is required. Standard practice is that a federal court warrant includes a judge's signature and identifying details such as an address. Where feasible, however, shelter staff should consult with a designated shelter administrator or legal counsel before responding.

Administrative Subpoena

A DHS administrative subpoena is a document that requests production of documents, testimony, or other evidence for use in immigration related investigations or in immigration proceedings, and is issued by an immigration enforcement officer or other DHS personnel.¹¹² The administrative subpoena will contain the following information: file number, subpoena number, mailing address to which to mail the requested information, a list of the regulations that apply, the request for information, and the signature(s) of the officer(s). (See Appendix E for a sample administrative subpoena (Form I-138).)

A shelter generally does not need to immediately comply with an administrative subpoena. If an immigration enforcement officer arrives with a pre-designated administrative subpoena, the shelter may decline to produce the information sought and may choose to challenge the administrative subpoena before a judge. Therefore, shelter staff should immediately contact a designated administrator or the shelter legal counsel upon receipt of an administrative subpoena.

Federal Judicial Subpoena

A federal judicial subpoena is a document that asks for the production of documents or other evidence. The federal judicial subpoena will identify a federal court and the name of the judge or judicial magistrate issuing the subpoena, and may require attendance at a specific time and location and the production of prescribed records. (See Appendix F for a sample federal judicial subpoena.)

As with an administrative subpoena, noted above, a shelter generally does not need to immediately comply with a federal judicial subpoena, but may challenge it before a federal judge in a U.S. District Court. Shelter staff should therefore immediately contact a designated shelter administrator or legal counsel upon receipt of a federal judicial subpoena.

Court Order

If an immigration enforcement officer arrives with a court order, a designated administrator or the shelter's legal counsel should review the order, and then respond accordingly.

Recommendations

In addition to the model policies appearing in this section, the Attorney General makes the following recommendations.

1. Establish Procedures for Monitoring and Receiving Visitors into Shelter Facilities and Access Restrictions

Shelters are encouraged to have in place policies for receiving visitors to the shelter campus. Model policies for receiving and registering outsiders—including immigration authorities—are included in Section 5 of this guide. These policies should consider in which areas within the shelter facility clients may have a reasonable expectation of privacy in anticipation that immigration enforcement authorities may attempt to search those areas, and those areas should be noted specifically within the shelter's policy. Publicly operated shelters should consider which areas of the facility are nonpublic within the meaning of the Immigrant Worker Protection Act and note those areas in their policy as well. When appropriate, shelters may post a "Notice of Private Residential Area" sign at entrances where clients may have a reasonable expectation of privacy.

Designating restricted areas (such as through the use of keycards, signage, or locks) and limiting access to outsiders can promote the need for a safe environment conducive to the shelter's mission. Shelters should also acknowledge that immigration enforcement activities, and threats of such activities, interfere with shelter activities and should adopt policies on restricted areas and similar policies regarding access to facilities that promote the shelter's mission. While restricted areas protect clients and staff in other ways and promote the need for a safe environment conducive to the institution's mission, such restrictions on access will not always equate to Fourth Amendment protection.

2. Develop Policies for Responding to Immigration Enforcement Officer's Presence at Shelter Facilities

Shelters are encouraged to designate one or more administrators to serve as liaisons on immigration-enforcement-related issues. The designated shelter administrator should become familiar with the relevant documents and procedures used for immigration enforcement. When the circumstances allow, shelter personnel should immediately notify shelter management or the designated shelter administrator of any request by an officer engaged in immigration enforcement for access to clients or facilities, or to review of shelter documents (including for the services of lawful subpoenas, petitions,

complaints, warrants, etc.). Also, shelter personnel should direct the immigration enforcement officer to the designated shelter administrator when an officer requests access to a shelter site, client or record. The shelter should, in turn, contact the shelter's legal counsel or designated administrator and inform the officer to direct requests and questions to the shelter organization's legal counsel.

If immigration enforcement officers act unlawfully or continue to insist on entry, do not physically obstruct or impede them. Instead, stay calm, clearly state that you are not giving consent, and document everything that happens (including by recording on video if it can be done safely). Consult legal counsel as soon as feasible. If you cannot confirm the identity of people claiming to be immigration enforcement officers or if the situation feels unsafe, consider calling local law enforcement. Members of the public may report (including submitting video footage or photographic evidence) potentially unlawful activity in California by immigration enforcement officers here: <https://oag.ca.gov/reportmisconduct>. Immigration enforcement officers have broad authority to enforce federal laws, including federal immigration laws, but they must do so lawfully. Examples of potentially unlawful activity by immigration enforcement officers may include use of excessive force, unlawful searches or arrests, wrongful detentions, interference with voting, or other civil-rights violations. Please be advised that filing a complaint does not mean that the Office of the Attorney General will take any action on your complaint.

The model policies in this section guide describe specific actions local shelter personnel can follow in responding to immigration authorities who are present at the shelter site specifically for immigration enforcement purposes. (See also the Reference Guide for shelter staff at Appendix H.)

3. Develop Policies Regarding Parental Notification of Immigration Enforcement Actions Involving Minor Clients

Shelter personnel are strongly encouraged to obtain consent from a minor client's parent or guardian,¹¹³ or the minor client's attorney, if applicable, before a minor can be interviewed or searched by any officer seeking to enforce immigration laws at a shelter, unless the officer presents a valid, effective warrant signed by a judge (see, e.g., sample federal search and seizure warrant (Form AO 93), attached as Appendix E; see also sample federal arrest warrant (Form AO 442), attached as Appendix F), or presents a valid, effective court order. Local shelter personnel should immediately notify the minor's parent or guardian, or the minor client's attorney, if applicable, if an immigration enforcement officer requests or gains access to a minor for immigration enforcement purposes, unless such access was in compliance with a judicial warrant or subpoena that prohibits the disclosure of information to the parent or guardian.

4. Develop Training Programs for Shelter Staff

On-site shelter staff fulfill a critical gatekeeping function in regulating the access to shelter facilities. Shelter organizations are encouraged to establish training regarding immigration-related issues for shelter staff, including procedures for how to respond to a request from an officer enforcing immigration law to visit a shelter site or to have access to a client. If feasible, the shelter should also designate an immigrant affairs liaison to develop training programs for staff, help provide non-legal advice to families, and assist in communications with the shelter organization and other stakeholders in local and state government. Shelter staff should receive a copy of all model policies under this guide (or the equivalent policies adopted by the shelter).

5. Encourage Client Preparedness

Clients should be encouraged to access “Know Your Rights” materials available on the CADOJ’s website and update their emergency contacts.¹¹⁴ Shelters can provide clients with contact information for nonprofit legal assistance organizations to assist clients in making family preparedness plans in the event a parent is taken into immigration custody (e.g., designate a standby legal guardian for minor children).¹¹⁵

Model Policies for Monitoring and Receiving Visitors into Shelter Facilities

The Office of the Attorney General publishes the following recommendations as mandated by California Government Code Section 12532.5. Pursuant to California Government Code Section 12532.5, shelters that are operated by state and local agencies are recommended to adopt the following policies, or their equivalent, on or before January 1, 2027. Adoption of these policies is recommended for all other shelters..

- No visitor to [Shelter]—which would include immigration enforcement authorities—may enter or remain on [Shelter] grounds without having registered with a designated member of [Shelter] staff.
- [Shelter] should post signs at the entrance of its facility to notify outsiders of the hours of visitation and requirements for entry. Restricted areas should be identified as such using signs.
- Visitor policies should consider the areas in which clients may have a greater reasonable expectation of privacy, and those areas should be noted specifically within the shelter’s policy. For example, private bedrooms, personal offices, or other spaces where the public does not have access should be noted as nonpublic areas.
- Post the visitor policy near the entrance of the shelter, make sure staff understands it, and share it with clients.

Because every facility is different, shelters may wish to consult with legal counsel about their specific situation.

Model Policies for Responding to Immigration Enforcement Presence at Shelters

- Train staff on [Shelter’s] plan. Consider designating one or more staff members as an immigrant affairs liaison to help train other staff and help provide non-legal advice to clients. The designated staff member should become familiar with the relevant documents and procedures used for immigration enforcement, such as judicial and administrative warrants, subpoenas, and court orders.
- [Shelter] should provide staff training (particularly for those at reception areas or who have initial contact with the public) on how to respond if officers come to their location to seek to enforce the immigration laws. [Shelter] should establish a protocol for such situations
- Make a plan for [Shelter] to respond if immigration enforcement officers come to the shelter. Print out a checklist or plan to keep it handy in case staff need to use it.
- The plan should remind all staff that they may not voluntarily consent to allowing immigration enforcement officers in nonpublic areas of the facility.

- Consider practicing the plan with staff to ensure that employees feel prepared to respond if immigration enforcement officers seek entry. Rehearsing the plan will help ensure everyone stays calm and understands what to do.
- The plan should require notification of immigration enforcement's presence at a shelter to designated staff or legal counsel as early as possible. [Shelter] staff should notify [designated administrator] of any request by an immigration enforcement officer to access [Shelter] facilities or clients including in connection with the service of any subpoena, petition, complaint, warrant, etc.).
- If [designated administrator] is unavailable, [Shelter] staff should notify a supervisor.
- Shelter staff should allow [designated administrator] or supervisor to interact directly with the officer. While [Shelter] staff is waiting for [designated administrator] or supervisor, or if neither is available, continue taking the following actions:
 1. Advise the officer that before proceeding with the request, [Shelter] staff must first notify and receive direction from [designated administrator];
 2. Ask to see and make a copy of or note, the officer's credentials (i.e., name and badge number). Also ask for and copy or note the phone number of the officer's supervisor;
 3. Ask the officer to explain the purpose of the officer's visit, and note the response;
 4. Ask the officer to produce any documentation that authorizes access to [Shelter] facilities;
 5. Make copies of all documents provided by the officer;
 6. Decline to answer questions posed by the officer and direct them to speak to [designated administrator]; and
 7. State that [Shelter] does not consent to entry into [Shelter] facilities or portions thereof.
- Designated staff or legal counsel shall decide whether to provide the officer access to the nonpublic areas of a shelter based on the following:
 - a. Officer has an ICE administrative "warrant" (see samples in Appendix, items A & B): Immediate compliance is not required. Inform the officer that [Shelter] cannot respond to the warrant until after it has been reviewed by a designated administrator. Provide copy of the warrant to [designated administrator] as soon as possible. Shelter, in consultation with legal counsel, shall consider declining to grant access.
 - b. Officer has a notice to appear (see sample in Appendix, item G): This document is not directed at [Shelter] facilities. [Shelter] staff is under no obligation to deliver or facilitate service of this document to the person named in the document. If you receive a copy of the document, give it to [designated administrator] as soon as possible. Shelter, in consultation with legal counsel, shall consider declining to grant access.

- c. Officer has a federal judicial warrant (either a search-and-seizure warrant or an arrest warrant; see samples in Appendix, items C & D): Prompt compliance usually is required, but where feasible, staff should consult with [designated administrator] (where possible, in consultation with legal counsel) before responding. Compliance should be limited to the scope of what the warrant requires.
 - d. Officer has a subpoena for the production of documents or other evidence (see samples in Appendix, items E & F). Immediate compliance is not required. Inform the officer that [Shelter] cannot respond to the subpoena until after it has been reviewed by [designated administrator]. Provide a copy of the subpoena to [designated administrator] or legal counsel as soon as possible. Shelter, in consultation with legal counsel, shall consider declining to grant access.
- If the officer orders staff to provide immediate access to facilities, [Shelter] staff should not refuse the officer's order and immediately contact [designated administrator]. Do not attempt to physically interfere with an officer, even if the officer appears to be acting without consent or exceeding the purported authority provided by a warrant or other document;
 - Document the officer's actions while in [Shelter] premises in as much detail as possible, but without interfering with the officer's movements;
 - Complete an incident report that includes the information gathered as described above and the officer's statements and actions; and
 - List or copy of the officer's credentials and contact information;
 - Identity of all [facility] staff who communicated with the officer;
 - Details of the officer's request;
 - Whether the officer presented a warrant or subpoena to accompany their request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
 - [Facility] staff's response to the officer's request;
 - Any further action taken by the officer; and
 - Photo or copy of any documents presented by the officer.
 - In turn, [designated administrator] should submit a timely report to [Shelter]'s management or governing board regarding the officer's requests and actions and [Shelter]'s response(s).

04 Responding to Requests for Information and/or Data for Immigration Enforcement Purposes, Including Recommendations Regarding Databases

Purpose of this Section

To identify applicable privacy protections that apply to requests for personal information and records regarding clients, and to provide shelter staff with guidance for responding to such requests.

Governing Law

1. Disclosure of Immigration Status Information by Publicly Operated Shelters

As noted above in Section 1, federal law does not impose an affirmative duty on state or local government entities to collect immigration status information about an individual, but state and local governments cannot prohibit or restrict any governmental employees from sending or receiving citizenship or immigration status information regarding any individual to or from immigration enforcement authorities.¹¹⁶

Federal law also does not affirmatively require a shelter to share immigration status information in its possession. Section 1373 of title 8 of the United States Code provides that state and local government entities and officials cannot prohibit or restrict any governmental entity or official from maintaining information regarding a person's immigration status, exchanging information regarding a person's immigration status with other governmental entities, or sending or receiving information regarding the citizenship or immigration status of any individual to or from immigration authorities.¹¹⁷

In keeping with federal law, this guide does not recommend or require shelters operated by state or local government agencies to adopt a policy restricting staff from sharing immigration or citizenship status information in violation of 8 U.S.C. section 1373 or its counterpart 8 U.S.C. section 1644. However, these federal laws apply only to shelters that are operated by a state or local government agency. Sections 1373 and 1644 do not apply to private or non-profit shelters.

Moreover, section 1373 does not obligate government entities or officials to provide the federal government with any information about person's immigration status (or any information of any other kind) nor does it prohibit state and local governments from restricting the sharing of other forms information such as a person's last known address, contact information, or physical description information. Importantly, these federal laws do not require shelters to collect or preserve immigration status information.

2. Restrictions Upon Release of Juvenile Records

In California, juvenile confidentiality laws protect information regarding juveniles involved in dependency and delinquency proceedings from being disclosed without the juvenile court's permission. Only certain individuals and agencies, such as those associated with the court proceedings, including the minor, the minor's parents or guardians, the attorneys for the parties, and court personnel, have access to this information.¹¹⁸ All others must petition the court for access.¹¹⁹ Those limited individuals with rights to access to the information cannot further disseminate it¹²⁰

Outside of juvenile court proceedings, these protections also apply to information related to the youth, including name, date or place of birth and immigration status that is obtained or created independent of or in connection with juvenile court proceedings about the juvenile and maintained by any government agency.¹²¹ Therefore, shelters housing youth also cannot disseminate the youth's information to outside entities, including to immigration authorities, unless required by a federal court order or federal judicial warrant, or authorized by the presiding judge of the juvenile court proceeding.¹²²

3. Restrictions Upon Release of Medical Information

To the extent that shelters that are covered entities under HIPAA (see Section 1 above) collect sensitive medical information about clients, such information must be withheld from disclosure unless a limited exception applies. Immigration authorities may attempt to obtain such information by relying on an exception permitting disclosures to law enforcement officials and correctional institutions.¹²³ This exception is not mandatory, however, therefore giving the responding entity the option of whether to provide the information. Further, it applies only when the official or institution has "lawful custody" over the subject of the records or the records themselves.

4. Prohibition of Discrimination Based on Ancestry, Race, Color, National Origin, Citizenship, Primary Language, Religion or Immigration Status

In California, all persons are entitled to equal treatment by business establishments of every kind whatsoever, regardless of their immigration status, race, color, ancestry, religion or national origin, among other protected categories.¹²⁴ Further, it is unlawful for the owner of a housing accommodation to discriminate or harass against any person because of any person's ancestry, race, color, religion, or national origin, among other protected categories.¹²⁵ And under state law, any programs that provide public aid must do so without discriminating based on national origin or ancestry.¹²⁶ (See Section 1 above.) A practice or policy of discrimination based on immigration status can constitute national origin disparate impact discrimination.

5. Confidentiality Protections for Crime Survivors

For information about protecting an individual's confidentiality, please see Section 2 above.

6. Confidentiality Requirements for Substance Abuse Treatment Facilities

A shelter with a co-located substance abuse treatment facility must comply with federal confidentiality provisions that apply to patients of the facility. Such a shelter should not disclose information regarding any client, including whether the client is present at that shelter, without the client's consent.¹²⁷

7. Procedural Requirements for Requests for Access to Information and/or Data for Immigration Enforcement Purposes

Before releasing any information about clients in response to a request from immigration enforcement authorities, such as a subpoena, please consult Section 3 above regarding responding to such requests.

Recommendations:

In addition to the model policies appearing in this section, the Attorney General makes the following recommendations.

1. Develop Policies and Procedures Regarding Information Sharing

Shelters are encouraged to develop policies and procedures that seek to achieve the following goals:

- Avoid the unauthorized disclosure of immigration status information regarding a client, or the family member of a client;
- Provide notification of individual and family's privacy rights upon admittance to the shelter (see below);
- Refer all requests for information about individual clients or their family members to a designated shelter administrator (working in consultation with legal counsel, where possible);
- Develop focused policies regarding nondisclosure of information for individuals participating in programs that may disproportionately serve undocumented individuals or families.

2. Provide Notice of Information Requests from Immigration Enforcement Officers

Shelters should provide clients with appropriate notice if and when immigration enforcement requests have been made about them. Shelters should document any verbal or written request for information by immigration authorities. Shelters should report such requests for information to the designated shelter administrator (working in consultation with legal counsel, where possible).

If possible, shelters should provide documents regarding the request for immigration information to the subject client. If the individual is not English proficient, efforts should be made to provide the documents in the client's primary language.

3. Provide Notice to Individuals Regarding Information Policies

Upon arrival, shelters should provide clients with a copy of its privacy policy. The policy should include the following:

- A description of the types of records maintained by the shelter;
- Information regarding the retention and destruction of personal information; and
- The circumstances under which the shelter might disclose personal information about clients to outside entities, including notice of who will receive the information, the purpose of the disclosure, and how long that information may be retained by the receiving party .

Model Policies for Collecting, Retaining, and Disclosing Client Information

Under Government Code section 12532.5(2), shelters are required to adopt these model policies or their equivalent by January 1, 2027.

Client Information

- [Shelter] staff shall treat all clients equitably in the receipt of all services, including, but not limited to, the gathering of client information in connection with the provision of services and benefits programs.
- When intaking a client, [shelter] staff should assess whether requiring a client to disclose their immigration status or information that could function as a proxy for immigration status, such as place of birth or country of origin, is necessary legally or programmatically required.
- If [shelter] staff determine that a person's immigration status information, personally identifying information, or other similar information, such as place of birth or country of origin, is necessary, shelter staff shall determine whether retention of such information is legally or programmatically necessary. Personal information may include, but is not limited to, name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. Shelter should only collect and retain such information as is legally or programmatically required and ensure that the information is handled in accordance with the shelter's data retention policies and take appropriate measures to maintain confidentiality and prevent unauthorized access.

Information Requests From Immigration Enforcement Officers

- When addressing requests from an immigration enforcement agent, [Shelter] staff and volunteers should be trained to make clear that they are a service program required to maintain the confidentiality of program participant information under VAWA, FVSPA, VOCA and the VTVPA, if applicable.
- Where possible, [Shelter] will ask the immigration enforcement agent legal authority to seek the information and intended use of the information being requested, which can be selected among discrete categories-of-use defined by [Shelter].
- For all information requests made outside of the California Public Records Act, your shelter should, as a matter of best practice, require the request to be made in writing.
- [Shelters] should develop a process for consulting with legal counsel when reviewing federal procurement or grant agreements to identify terms and conditions that may require information sharing, access to databases, or other duties related to personally identifiable information.
- When addressing requests from an immigration enforcement agent, [Shelter] staff should immediately consult with designated personnel or legal counsel before responding to any immigration officer's request, and should inform immigration officers that they are not authorized to answer questions without first consulting with a designated supervisor or administrator.
- Shelter shall only disclose that information that required to be released by law or program need. In making this determination, shelter shall consider whether privacy laws, confidentiality laws, or 8 USC sections 1373 and 1644 apply.

Model Policies for Collecting, Retaining, and Disclosing Client Information Continued

- Once the request is with the designated personnel or legal counsel, [Shelter] shall then respond based on the documentation provided that purports to authorize the request:
 - **No documentation:** A request for information where the immigration enforcement officer provides no documentation: compliance is not required. Shelter, in consultation with legal counsel, shall consider not responding.
 - **An ICE administrative “warrant” or administrative “subpoena” (see samples in Appendix, items A, B, and E):** immediate compliance is not required. Shelter, in consultation with legal counsel, shall consider not responding.
 - **A federal judicial search warrant (see samples in Appendix, item C):** Prompt compliance usually is required, but compliance should be limited to the scope of what the search warrant requires.
 - **A subpoena for the production of documents or other evidence (see samples in Appendix, items E & F).** Immediate compliance is not required. Shelter can petition a court to quash the subpoena.
- [Shelter] administrators (or staff, to the extent possible) should be trained to distinguish between valid judicial warrants, and administrative warrants. (See Section 3, above.) [Shelter] supervisors or administrators should be trained to review the scope of any warrant to ensure its validity and also that it is being executed within its permitted time frame.
- [Shelter] is required to retain the log and accounting until the record associated with the disclosure is destroyed. The disclosures for which a log and accounting are required include, but are not necessarily limited to the following:
 - To a governmental entity if required by state or federal law.
 - To a law enforcement or regulatory agency when required for an investigation of unlawful activity or for licensing, certification, or regulatory purposes, unless disclosure is otherwise prohibited by law.
 - To another person or governmental organization to the extent necessary to obtain information from the person or governmental organization for an investigation by the agency of a failure to comply with a specific state or federal law that the agency is responsible for enforcing.
 - Whether disclosure was made pursuant to a court order, judicial subpoena, judicial search warrant, or compulsory audit.

05 Guidance, Audit Criteria, and Training Recommendations Regarding Databases Under SB 580

The Office of the Attorney General publishes the following guidance, audit criteria, and training recommendations regarding databases as mandated by SB 580 codified in California Government Code section 12532.5. Shelters are free to adopt these recommendations.

Audit Criteria

- [Shelter] strives to provide a clear, objective, and measurable foundation for audits. Strong criteria ensure that audits generate actionable insights, highlight improvement opportunities, and enhance accountability across the organization. Whether establishing operational audits or compliance audits, [Shelter] has adopted processes and procedures to implement secure and legally compliant database operations to ensure that auditors can assess whether objectives are being met effectively and whether [Shelter] complies with regulations or internal standards.
- In support of this objective, [Shelter] will undertake best efforts to implement auditing best practices, which may include the following recommendations:

1. Establishing or designating a person, committee, unit, or oversight body responsible for conducting agency-wide database audits, and clearly defining the roles, responsibilities, and authority necessary to fulfill this responsibility.

Note: This designee should have sufficient independence to perform their oversight responsibilities objectively and without undue influence or personal conflict, as well as have the necessary skill and knowledge to effectively discharge their oversight responsibilities.

2. Granting the designee access to sufficient relevant and reliable information, such as agency policies, to fulfill oversight responsibilities by, for example, defining the scope of information necessary to effectively exercise its oversight role, establishing a process to periodically review the quality and quantity of information it receives from [Shelter] and external sources, and establishing appropriate, credible, complete, and timely performance and risk information to [Shelter] to allow for correction.
 3. To assist with establishing a baseline of knowledge and the context by which to assess compliance with expectations, [Shelter] will evaluate policies and procedures, internal control documents, industry standards and best practices, and relevant laws and regulations to identify the required or desired state or expectation with respect to [Shelter]’s program or operation.
- To facilitate the criteria by which compliance expectations may be measured, [Shelter] will also consider regularly doing the following:
 1. Review forms, databases, and program intake practices to avoid collecting information that is not necessary to administer the program, such as unnecessary household member identifiers, unnecessary place-of-birth fields, or unrestricted narrative fields.

Note: Personally identifiable information or personal information is any data that can be used to identify a specific individual. Personal information may include, but is not limited to, name, social security number, physical description, gender and sexual identity, home address, home telephone number, education, financial matters, and medical or employment history.

2. Review and log all immigration enforcement requests for access to facilities, records, or information systems, including the documentation presented, internal review steps, and outcome.
3. Review and log all instances where a vendor discloses information or data for immigration enforcement purposes that [Shelter] becomes aware of.
4. Review database access rights and promptly revoke unnecessary privileges for users with no business need.
5. Review and ensure agreements relating to data sharing, including contracts with private vendors, incorporate terms that prohibit unauthorized access or disclosure of data to law enforcement, including immigration enforcement authorities.
6. Review and identify chain of command and the individual(s) responsible for reviewing requests for information and issuing approvals.
7. Conduct audits and establish how often audits should occur, list the programs that collect personally identifiable information, identify minimum scope of data collection needed for each programmatic necessity, identify minimum data retention requirements based on programmatic necessity, and establish processes for data handling.
8. [Shelter] has designated [list name(s)/job title] as the [individual(s)/office] responsible for implementing corrective actions identified by the audit. [Name(s)/job title] will aim to engage with appropriate internal and external stakeholders to align expectations and document agency compliance at regular review intervals.

Confidential Treatment of Records and Requests for Information in Databases

To protect bulk data once it leaves your shelter's control and possession, your shelter, as a matter of best practice, should develop procedures and requirements for entering into a written Data Use Agreement prior to the discretionary delivery of sensitive or confidential data. Data Use Agreements should include:

1. A detailed description of the purposes for which the data is being used.
2. The specific confidentiality and information security controls that the requestor must follow (e.g., who is allowed to access the data, technological security standards, and how to destroy or return the data after they are no longer needed for the business purpose for which they were obtained).
3. How to handle a privacy breach.

If the stated purpose is inconsistent with your shelter's purposes or policies, the requester's proposed use of the data would exceed your shelter's permissible use of the data, the scope of a request for data seems disproportionate in comparison to the purposes for which the data is being requested, or its

use would otherwise pose unnecessary risks to Californians' privacy and security, or would otherwise violate California privacy laws, considerations should be made to deny the request.

[Shelter] has [developed or adopted] data and record retention schedules based on legal requirements and privacy best practices or as promulgated by [insert reference to retention schedule your shelter has either adopted or follows]. These retention schedules may be found at [insert reference or link to data/record retention schedule adopted or followed by your shelter.]

In accordance with data and record retention schedules, [Shelter] has developed or adopted secure deletion methods for data no longer required to fulfill [Shelter]'s mission or programmatic requirements.

[Shelter] has conducted an agency-wide evaluation of the types of records [Shelter] or contracted vendors/utilities collects and generates to determine whether information regarding an individual's immigration status is maintained. [Shelter] as a matter of practice, will determine the appropriate personnel or vendors with primary responsibility for collecting and generating immigration status information and ensure that such information is retained only for what is programmatically necessary.

Dissemination of Information to Contractors

[Shelter] has established role-based access controls to database systems and physical files that restrict who may access sensitive or personally identifiable information. This includes continued restrictions for files housed off-site or with private vendors.

Shelter should consider appending this policy to any contracts, MOUs, or agreements to ensure that vendors and contractors abide by the same policy and limitations.

Applicability and Enforcement

- This policy is applicable to all [Shelter] personnel, including employees, interns or externs, volunteers, security personnel, and any individual working for or contracted by [Shelter]. Violations of this policy will be investigated and appropriate disciplinary or corrective actions for all breaches of this policy will be addressed in accordance with [Shelter] existing practices.

Training

Database-related Training Recommendations

It is best practice for your shelter, at a minimum, to adopt and implement the following database-related training recommendations:

1. Maintain training completion records.
2. Identify individual(s) responsible for developing training, determining how often training should occur, and personnel who should be trained. This includes making contractors, vendors, or other agencies aware of all provisions of relevant agency policies and access to in-person workshops, quarterly webinars, or on-boarding training related to interactions with immigrant enforcement officers.
3. Train staff, volunteers, and contractors on how to determine the origin of informational requests and how to categorize their intended use, including requesting, in writing, the legal basis and intended use, and documenting it as part of the record.

4. Train staff to identify any governing general or sector-specific privacy or confidentiality law applicable to information requests that may be relevant to agency operations, identify legal authorities for the receipt of information, and relevant exemptions to those legal authorities.
5. Train staff to assist requesters in creating written requests for information and to direct a requester to enter into a Data Use Agreement if appropriate.
6. Train staff on the scope of an informational request and how to provide only the minimum information required by law.
7. Train staff in compliance with retention schedules and secure deletion methods.
8. Train staff on written policies and processes for responding to law enforcement requests for information, including requests related to immigration enforcement.
9. Train staff on federal and state legal limits on cooperation with immigration enforcement.
10. Train staff on how to respond to enforcement requests, including de-escalation practices and when to elevate to a supervisor or manager.
11. Train staff on privacy and best practices for handling personally identifiable information. This may include only allowing authorized data usage in secured locations, conducting regular training on data security, and ensuring that data is only accessed from official workstations and laptops that meet technological control standards. Among other practices, making sure to only access, copy, download, or export the minimum necessary amount of personally identifiable information that is required to perform any specific business function.
12. Train staff on procedures for logging and documenting all interactions with law enforcement, including immigration enforcement requests.
13. Train staff on documenting or reporting deficiencies in database management and processes for corrective measures.
14. Train staff on how to identify and report patterns of non-compliance within the chain of command or with the appropriate external agency.

Endnotes

- 1 Craft & Singh, *US arrests more immigrants in February 2025 than any month in last seven years*, The Guardian (Mar. 13, 2025), <https://www.theguardian.com/us-news/2025/mar/13/us-immigration-arrests-february-2025> (as of May 1, 2026); Blair & Hausman, *Immigration Enforcement in the First Nine Months of the Second Trump Administration*, Deportation Date Project (Jan. 27, 2026), <https://deportationdata.org/analysis/immigration-enforcement-first-nine-months-trump.html> (as of May 1, 2026).
- 2 See Ruiz Soto, *A New Era of Immigration Enforcement Under Trump 2.0*, Migration Policy Inst. (Oct. 2025), <https://www.migrationpolicy.org/news/new-era-enforcement-trump-2> (as of May 1, 2026); Haddock & Roy, *ICE and Deportations: How Trump Is Reshaping Immigration Enforcement*, Council on Foreign Relations (Feb. 27, 2026), <https://www.cfr.org/articles/ice-and-deportations-how-trump-reshaping-immigration-enforcement> (as of May 1, 2026); U.S. Dept. of Homeland Security, *DHS Sets the Stage for Another Historic Year* (Jan. 20, 2026) <https://www.dhs.gov/news/2026/01/20/dhs-sets-stage-another-historic-record-breaking-year-under-president-trump> (as of May 1, 2026); American Immigration Council, *Immigration Detention Expansion in Trump's Second Term* (Jan. 2026) <https://www.americanimmigrationcouncil.org/wp-content/uploads/2026/01/immigration-detention-report.pdf> (as of May 1, 2026).
- 3 Bustillo, *Homeland Security makes cuts to civil rights and immigration oversight offices*, NPR (Mar. 21, 2025), <https://www.npr.org/2025/03/21/nx-s1-5336738/homeland-security-rif-cuts-dhs> (as of June 24, 2026).
- 4 U.S. Sen. Blumenthal, “Blumenthal Releases Whistleblower Documents Showing Drastic Cuts to ICE Training and Testing for New Recruits” (Feb. 23, 2026), <https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-releases-whistleblower-documents-showing-drastic-cuts-to-ice-training-and-testing-for-new-recruits> (as of June 24, 2026).
- 5 Sen. Bill No. 54 (2017–2018 Reg. Sess.).
- 6 Gov. Code, § 12532.5.
- 7 This guide does not apply to shelters housing individuals in federal immigration custody.
- 8 Public Policy Institute of California, *Immigrants in California* (Jan. 2026) Public Policy Institute of California, <https://ppic.org/publication/immigrants-in-california/> (as of May 28, 2026).
- 9 For purposes of this guide, the term “immigration enforcement” has the meaning provided in Government Code section 7284.4, subdivision (f): “‘Immigration enforcement’ includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States.” This guide uses variously the terms “immigration officer,” “immigration enforcement officer,” and “officer engaged in immigration enforcement.” All of these terms are used in reference to any officer or official seeking to enforce federal immigration law.
- 10 Bizjak, *Wine County Fires Flush Undocumented Workers to Sonoma Coast, Fearful of Deportation*, Sacramento Bee (Sept. 10, 2017), <http://www.sacbee.com/news/state/california/fires/article178502386.html> (as of May 28, 2026).
- 11 Kawash, et al., *4 detained by immigration agents at Bronzeville shelter after 37 arrested at South Shore apartments*, ABC 7 EYEWITNESS NEWS (Oct. 1, 2025), <https://abc7chicago.com/post/chicago-immigration-enforcement-4-custody-federal-agents-raid-shelter-bronzeville-dhs-officials-say/17919772/> (as of May 28, 2026).
- 12 Sundaram, *ICE enters NYC shelters armed and without judicial warrants, reports show*, Gothamist (Dec. 15, 2025), <https://gothamist.com/news/ice-enters-nyc-shelters-armed-and-without-judicial-warrants-reports-show> (as of May 1, 2026).
- 13 Gov. Code, § 7284.8, subd. (a). SB 54 defines “immigration enforcement” to include “any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States.” (Gov. Code, § 7284.4, subd. (f).) This guide adopts that definition.
- 14 Employers, including government-operated shelters, have state and federal obligations based on their status as employers that this guide does not reach. For example, Assembly Bill (AB) No. 450 (2017-2018 Regular Session) prohibits an employer, or a person acting on behalf of the employer, from providing voluntary consent to an immigration enforcement officer to access, review, or obtain the employer’s employee records without a subpoena or judicial warrant, unless certain exceptions apply. (Gov. Code, § 7285.2, subd. (a)(1).) Employers should ensure that all of their policies are consistent with applicable state and federal law.
- 15 See *Plyler v. Doe*, 457 U.S. 202, 212 (1982) (holding that the Fourteenth Amendment protects undocumented immigrants from discrimination by states); *Mathews v. Diaz*, 426 U.S. 67, 77 (1976) (“There are literally millions of aliens within the jurisdiction of the United States. The Fifth Amendment, as well as the Fourteenth Amendment, protects every one of these persons from deprivation of life, liberty, or property without due process of law. Even one whose presence in this country is unlawful, involuntary, or transitory is entitled to that constitutional protection.”).
- 16 42 U.S.C. § 3604. See also *Sw. Fair Hous. Council, Inc. v. Maricopa Domestic Water Improvement Dist.* (9th Cir. 2021) 17 F.4th 950, 955. Religious organizations or nonprofits run by religious organizations are allowed to give preferences

to persons of the same religion, “unless membership in such religion is restricted on account of race, color, or national origin.” 42 U.S.C. § 3607(a).

- 17 42 U.S.C. § 2000a(b)(1) defining public accommodations to include “any inn, hotel, motel, or other establishment which provides lodging to transient guests.” The Fair Housing Act has been interpreted broadly to apply to emergency shelters depending on the expectations and intentions of the persons staying at the shelter, the duration of their stay, and whether the persons consider the shelter their residence. (See, e.g., *Community House, Inc. v. City of Boise* (9th Cir. 2007) 490 F.3d 1041, 1048, fn. 2 [declining to address whether all temporary shelters fit within the definition of “dwelling” but applying Fair Housing Act to 49-unit transitional overnight housing facility]).
- 18 See 42 U.S.C. § 2000d (barring discrimination based on national origin and other protected characteristics in federally funded programs).
- 19 Gov. Code, § 12955, subd. (a).
- 20 Civ. Code, § 51, subd. (b).
- 21 Gov. Code, § 11135, subd. (a); Welf. & Inst. Code, § 10000.
- 22 Civ. Code § 1940.3, subd. (a).
- 23 Civ. Code § 1940.3, subd. (c)(1).
- 24 Civ. Code, § 51, subd. (g).
- 25 *State of New York, et al., v. U.S. Dept. of Justice, et al.*, No. 1:25-cv-345, Memorandum and Order Granting Plaintiff States’ Motion for Preliminary Injunction and Ordering Stay (Sept. 10, 2025); *Wash. State Ass’n of Head Start and Early Childhood Educ. and Assistance Program, et al., v. Kennedy, et al.* (W.D.Wash.), No. 2:25-cv-000781, Order Granting Motion for Preliminary Injunction (Sept. 11, 2025).
- 26 Civ. Code, § 1940.3, subd. (b)(1). In addition, it is “unlawful for a landlord to disclose to any immigration authority, law enforcement agency, or local, state, or federal agency information regarding or relating to the immigration or citizenship status of any tenant occupant, or other person known to the landlord to be associated with a tenant or occupant, for the purpose of, or with the intent of” purposes such as harassment, intimidation, or retaliation. (*Id.*, § 1940.35, subd. (a).)
- 27 For example, a Social Security number is required to apply for Supplemental Security Income. (See Social Security Administration, “Form SSA-16: Information You Need to Apply for Disability Benefits,” <http://www.ssa.gov/forms/ssa-16.html> (as of May 28, 2026).) For information about eligibility for health benefits, consult the Attorney General’s guidance regarding public healthcare facilities, *infra*, endnote 37.
- 28 Federal authority on health information privacy arises from HIPAA and its Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R. Parts 160 and 164. California has several laws on health information privacy, including the Confidentiality of Medical Information Act, Civ. Code, § 56 et seq., the Patient Access to Health Records Act, Health & Saf. Code, § 123110 et seq., the Insurance Information and Privacy Protection Act, Ins. Code, § 791 et seq., and the Information Practices Act of 1977, Civ. Code, § 1798 et seq.
- 29 PHI’s relationship with health information is fundamental. Identifying information alone, such as personal names, residential addresses, or phone numbers, would not necessarily be designated as PHI. U.S. Department of Health and Human Services (HHS), *Guidance Regarding Methods for De-identification of Protected Health Information in Accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule*, available at <https://www.hhs.gov/hipaa/for-professionals/special-topics/de-identification/index.html> (as of May 2, 2026).
- 30 45 C.F.R. §§ 160.103; 164.514, subd. (b)(2)(i)(R) (listing as items to be removed to ensure deidentification “[a]ny other unique identifying number, characteristic, or code [...]”); See also *HHS Guidance Regarding Methods for De-identification of Protected Health Information in Accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule*, available at <https://www.hhs.gov/hipaa/for-professionals/special-topics/de-identification/index.html> (as of May 2, 2026).
- 31 45 C.F.R. § 160.103.
- 32 45 C.F.R. § 160.103; 42 U.S.C. §§ 1395x(s), 1395x(u).
- 33 Cal. Center for Data Insights and Innovation Manual, <https://www.cdii.ca.gov/compliance-and-policy/statewide-health-information-policy-manual-shipm/> (as of May 28, 2026). The California Hospital Association also publishes guidance to its members regarding privacy in its California Health Information Privacy Manual, available at [California Health Information Privacy Manual - California Hospital Association](https://www.cha.org/health-information-privacy-manual) (as of May 28, 2026).
- 34 A copy of “Promoting Safe and Secure Healthcare Access for All: Guidance and Model Policies to Assist California’s Public Healthcare Facilities in Responding to Immigration Issues” may be found at [Promoting Safe and Secure Healthcare Access for All - Guidance and Model Policies to Assist California’s Healthcare Facilities in Responding to Immigration Issues](https://www.cha.org/health-information-privacy-manual) (as of May 28, 2026).
- 35 Cal. Dept. of Justice, *Your Patient Privacy Rights: A Consumer Guide to Health Information Privacy in California*, <https://oag.ca.gov/privacy/facts/medical-privacy/patient-rights> (as of May 28, 2026).
- 36 Welf. & Inst. Code, § 827, subd. (a)(4).
- 37 Welf. & Inst. Code, § 831, subd. (e).
- 38 8 U.S.C. § 1642(d).
- 39 Gov. Code § 12532.5 subd. (a)(2)(b).

- 40 National Human Svcs. Data Consortium, *Recommendation to Update Data Use and Retention Policies* (2017), <https://us4.campaign-archive.com/?u=3850920ad451d9c7f689c8968&id=cbeef5444e> (as of May 28, 2026). These questions include:
- Why is the information collected?
- Does the information benefit the household or individual enrolled in the services?
- If the household's life/safety is at risk, does the custodian of the records have sufficient authority to hash, remove, archive, or destroy a data element not required by statutory or grant obligations?
- Has the organization that owns the system discussed and determined a course of action for any resulting legal action?
- 41 For information about who may represent individuals in immigration proceedings, see U.S. Dept. of Justice, *Can Someone Represent You Before EOIR?*, available at <https://www.justice.gov/eoir/can-someone-represent-you-eoir> (as of May 28, 2026).
- 42 VAWA was passed as part of the Violent Crime and Law Enforcement Act of 1994, Pub. L. No. 103- 322, § 40701, 40702, 40703, 108 Stat. 1796 (Sept. 13, 1994). Since its original enactment, VAWA's immigration provisions have undergone several amendments and are codified principally at 8 U.S.C. § 1154(a).
- 43 8 U.S.C. § 1154(a)(1)(A).
- 44 34 U.S.C. § 12291(b)(2). See also Welf. & Inst. Code, § 18301.
- 45 34 U.S.C. § 12291(a)(25).
- 46 See 8 U.S.C. § 1367(a)(1).
- 47 42 U.S.C. § 10406. See also Pen. Code, § 13823.4 (describing goals and functions of the Family Violence Prevention Program within the California Office of Emergency Services).
- 48 42 U.S.C. § 10406(c)(5).
- 49 42 U.S.C. § 10406(c)(5)(B)(ii).
- 50 28 C.F.R. § 94.115.
- 51 28 C.F.R. § 22.2, 22.28.
- 52 42 U.S.C. § 11386.
- 53 The Violence Against Women and Department of Justice Reauthorization Act of 2005: Applicability to HUD Programs, 72 Fed. Reg. 12696, 12699 (Mar. 16, 2007).
- 54 34 U.S.C. § 12291(b)(2)(C).
- 55 The U visa was created by the Victims of Trafficking and Violence Prevention Act, enacted in October 2000. Pub. L. 106-386, 114 Stat. 1464 (Oct. 28, 2000). To be eligible, the person must: have been the victim of a qualifying crime or similar activity in the U.S. (or that violated U.S. laws); have suffered substantial physical or mental abuse as a result; have information about the crime and has been helpful, is helpful, or is likely to be helpful to law enforcement in the investigation or prosecution of the crime; have a certification from a federal, state, or local law enforcement authority certifying their helpfulness; and be admissible to the U.S. or be eligible for a waiver of inadmissibility.
- 56 Pen. Code, § 679.11.
- 57 Pub.L. No.106-386 (Oct. 28, 2000) 114 Stat. 1464-1548. An individual is eligible for a T visa if the individual is or was a victim of a severe form of trafficking in persons (which may include sex or labor trafficking), as defined by federal law; in the United States, American Samoa, the Commonwealth of the Northern Mariana Islands or at a U.S. port of entry because of trafficking; has complied with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking; and would suffer extreme hardship involving unusual and severe harm if removed from the United States.
- 58 The federal agencies include the "[U.S.] Attorney General, or any other official or employee of the Department of Justice, the Secretary of Homeland Security, the Secretary of State, or any other official or employee of the Department of Homeland Security or Department of State (including any bureau or agency of either of such Departments)." 8 U.S.C.A. § 1367(a)(2).
- 59 8 U.S.C.A. § 1367(b)(7).
- 60 Pen. Code, § 679.10. More detailed guidance on California's Immigrant Victims of Crime Equity Act may be found in Cal. Dept. of Justice, Div. of Law Enforcement, DLE Information Bulletin No. 2024-DLE-05, *Update to Information Bulletin 2020-DLE-01: New and Existing State and Federal Laws Protecting Immigrant Victims of Crime* (Apr. 3, 2024), <https://oag.ca.gov/system/files/media/2024-dle-05.pdf> (as of May 28, 2026).
- 61 Pen. Code, §679.10, subd. (g).
- 62 *Id.*, subd. (h).
- 63 *Id.*, subd. (l).
- 64 *Id.*, subd. (i)(1).
- 65 *Id.*, subd. (j)(1).
- 66 *Ibid.*
- 67 *Id.*, subd. (m). *Id.*, subd. (m); Pen. Code, § 679.11, subd. (l).

- 68 *Id.*, subd. (o)(1). See also Cal. Dept. of Justice, Div. of Law Enforcement, DLE Information Bulletin No. 2024-DLE-05, *Update to Information Bulletin 2020-DLE-01: New and Existing State and Federal Laws Protecting Immigrant Victims of Crime* (April 3, 2024), <https://oag.ca.gov/system/files/media/2024-dle-05.pdf> (as of May 28, 2026).
- 69 8 U.S.C. § 1229(e); ICE Directive 10036.2, “Implementation of Section 1367 Protections for Noncitizen Victims of Crime” (March 16, 2022), p. 2, available at [10036.2 ImpSection1367 ProtectionsNoncitVictims.pdf](https://www.ice.dhs.gov/publication/10036.2-ImpSection1367-ProtectionsNoncitVictims.pdf); This requirement also applies to certain persons subject to arrest at courthouses. For more information about immigration enforcement activities in courthouses, please refer to the Cal. Dept. of Justice’s publication “Securing Equal Access to Justice for All: Guidance and Model Policies to Assist California’s Courthouses in Responding to Immigration Issues,” available at <https://oag.ca.gov/sites/all/files/agweb/pdfs/immigration/court.pdf> (as of May 28, 2026).
- 70 8 U.S.C. § 1231(a)(5). Reinstatement of removal is a summary removal procedure that generally applies to noncitizens who return to the United States after a prior removal.
- 71 8 U.S.C. § 1225 (b)(1)(A)(i). Expedited removal is a form of summary removal that may apply to noncitizens seeking entry or who have recently entered the country. By statute, they may be removed without any further court proceedings, unless they are seeking asylum. 8 U.S.C. § 1225(b)(1)(A)(ii).
- 72 Clients and their families should be aware that immigration consultants are not lawyers and cannot provide legal advice. In addition, immigration consultants must be bonded and pass background checks with the Secretary of State, whose website, <https://specialfilings.sos.ca.gov/icbs>, provides information about whether individuals holding themselves out as immigration consultants have complied with these requirements.
- 73 See 8 U.S.C. § 1227(a)(2)(E). Grounds for deportation include domestic violence, stalking, and child abuse, as well as the violation of a protective order.
- 74 8 U.S.C. § 1182.
- 75 8 U.S.C. § 1227.
- 76 8 U.S.C. § 1227(a)(7).
- 77 See 8 U.S.C. § 1367(a); see also Pen. Code, §§ 679.10, subd. (m); 679.11, subd. (l).
- 78 See *Community for Creative Non-Violence v. Unknown Agents of U.S. Marshals Service* (D.D.C. 1992) 791 F.Supp. 1, 6 (finding that homeless shelter residents have a reasonable expectation of privacy because the shelter is “the place most akin to their ‘home’”).
- 79 See *United States v. Camou* (9th Cir. 2014) 773 F.3d 932, 940 (“We have defined exigent circumstances as ‘those circumstances that would cause a reasonable person to believe that entry [or search] ... was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of the suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.’”).
- 80 See *Piazzola v. Watkins* (5th Cir. 1971) 442 F.2d 284, 288 (a dorm room has Fourth Amendment protections “analogous to an apartment or hotel room”).
- 81 *People v. Hamilton* (1985) 168 Cal.App.3d 1058, 1067.
- 82 *United States v. Fultz* (9th Cir. 1998) 146 F.3d 1102, 1106 (tenant who allowed homeless friend to stay in her house had no authority to consent to officer’s search of the friend’s closed boxes containing personal belongings).
- 83 See *People v. Superior Court (Walker)* (2006) 143 Cal.App.4th 1183, 1205-1206 (college dorm room is similar to landlord-tenant relationship lacking a third party’s authority to consent).
- 84 *United States v. Prescott* (9th Cir. 1978) 581 F.2d 1343, 1350-1351.
- 85 See *United States v. Camou* (9th Cir. 2014) 773 F.3d 932, 940 (“We have defined exigent circumstances as ‘those circumstances that would cause a reasonable person to believe that entry [or search] ... was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of the suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.’”).
- 86 See *Mincey v. Arizona*, 437 U.S. 385, 393 (1978).
- 87 Public Counsel, *FAQs Nonprofit and Small Business Rights with Respect to Immigration Enforcement*, (Aug. 6, 2025, at 5:00 PST), <https://publiccounsel.org/publications/faqs-on-nonprofit-and-small-business-rights-with-respect-to-immigration-enforcement-ice/> (as of May 28, 2026); See also Jeffrey Haningan Kuras, Catherina Kriendler Levy, Jennifer L. Burns, & Scott A. Lowry, *Warrantless Searches and Seizures*, 90 Geo. L.J. 1130, 1152-56 (2002).
- 88 See also, *Collins v. Virginia*, 584 U.S. 586 (2018) (An officer seizing the evidence must have a lawful right to access or observe the seized object. If the officer violated the Fourth Amendment or another law in arriving at the location or situation where they had access or sight to the object, then the plain view doctrine does not apply).
- 89 8 U.S.C. § 1229(e)(2)(A).
- 90 See Cal. Dept. of Justice & Cal. Dept. of Industrial Relations, *Immigration Worker Protection Act (Assembly Bill 450) Frequently Asked Questions* (Feb. 15, 2025) <https://oag.ca.gov/system/files/media/ab450-faqs.pdf>.
- 91 The Immigrant Worker Protection Act contains other terms regulating the actions of employers and persons acting on their behalf, including, for example, when responding to requests for employee records. (Gov. Code, § 7285.2). These terms, and other legal requirements running between employers and their employees, fall outside the scope of this guide.
- 92 Gov. Code, § 7285.1.

93 *Id.*, subd. (c).

94 Lab. Code, § 1550 et seq.

95 Lab. Code, § 1553, subd. (a).

96 Lab. Code, §§ 1553, subds. (c), (e).

97 Lab. Code, § 1555, subd. (a).

98 Lab. Code, §§ 1558, subds. (d) (1), (2).

99 Benjamine C. Huffman, Acting Secretary, U.S. Department of Homeland Security, Memorandum re Enforcement Actions in or Near Protected Areas (Jan. 20, 2025), 1 (superseding and rescinding DHS’s October 27, 2021, Guidelines for Enforcement Actions in or Near Protected Areas).

100 Under the former policy, immigration enforcement actions could take place at protected areas only when either: (a) prior approval was obtained from Agency headquarters or delegate; or (b) there were exigent circumstances necessitating immediate action without prior approval. Alejandro N. Mayorkas, Secretary, Department of Homeland Security, Memorandum re Guidelines for Enforcement Actions in or Near Protected Areas (Oct. 27, 2021), 3-4. Enforcement actions within the policy’s scope included such actions as arrests, civil apprehensions, searches, inspections, seizures, service of charging documents or subpoenas, interviews, and immigration enforcement surveillance. Alejandro N. Mayorkas, Secretary, Department of Homeland Security, Memorandum re Guidelines for Enforcement Actions in or Near Protected Areas (Oct. 27, 2021), 4.

101 Benjamine C. Huffman, Acting Secretary, U.S. Department of Homeland Security, Memorandum re Enforcement Actions in or Near Protected Areas (Jan. 20, 2025).

102 Caleb Vitello, Acting Secretary, U.S. Immigration and Customs Enforcement, Memorandum re Common Sense Enforcement Actions in or Near Protected Areas (Jan. 31, 2025), 2.

103 *See, e.g.*, Canizares, *Minneapolis parents, teachers demand ICE leave after targeting schools*, Minnesota Spokesman-Recorder (Jan. 16, 2026), <https://spokesman-recorder.com/2026/01/16/ice-at-minneapolis-schools/> (as of May 28, 2026).; Ibarra & Hwang, *ICE is suddenly showing up in California hospitals. Workers want more guidance on what to do*. (Aug. 26, 2025) <https://calmatters.org/health/2025/08/immigration-hospitals-workers-fear/> (as of May 28, 2026).

104 *Noem v. Vasquez Perdomo* (2025) 146 S.Ct. 1, 2.

105 *Ibid.*

106 Penal Code, § 13519.4, subd. (f).

107 Morrison, *The Fourth Amendment’s Applicability to Residents of Homeless Shelters* (2009) 32 Hamline L. Rev. 319, 322 (discussing Fourth Amendment cases involving a large, institutional-style homeless shelter where clients stayed briefly and a home-like shelter with individual rooms and long-term residents).

108 See 8 CFR § 287.5.

109 See 8 CFR § 241.2 and § 241.32.

110 Gov. Code, § 7285.1, subd. (a).

111 *Arizona v. United States* (2012) 567 U.S. 387, 407.

112 See 8 C.F.R. § 287.4(a).

113 To the extent a minor’s parent or guardian is contacted to give consent for an interview connected to immigration enforcement, this will not alter the parent or guardian’s access to other protected information such as health care details or diagnoses.

114 “Know Your Rights” materials that have been translated into various languages may be found at <https://oag.ca.gov/immigrant/resources> (as of May 28, 2026).

115 Instructions on how to develop a family preparedness plan, affidavits, and sample emergency cards for minors may be found at https://www.ilrc.org/sites/default/files/resources/family_preparedness_plan.pdf (as of May 28, 2026).

116 See endnotes 40, 41, & 43, *supra*, and accompanying text.

117 8 U.S.C. § 1373 also provides that no federal, state, or local government entity can be prohibited or restricted from maintaining information regarding an individual’s immigration status, or exchanging this information with any other federal, state or local government entity. (8 U.S.C. § 1373 (b)(2)-(3).)

118 Welf. & Inst. Code, § 827, subd. (a)(1).

119 *Id.*, subd. (a)(2)-(3).

120 *Id.*, subd. (a)(4) (“A juvenile case file, any portion thereof, and information relating to the content of the juvenile case file, may not be disseminated by the receiving agencies to a person or agency, other than a person or agency authorized to receive documents pursuant to this section.”).

121 *Id.*, subd. (a).

122 *Ibid.*

123 45 C.F.R. § 164.512(k)(5)(i). This regulation provides, in full, that a covered entity “may disclose to a correctional institution or a law enforcement official having *lawful custody* of an inmate or other individual protected health information about such inmate or individual, if the correctional institution or such law enforcement official represents

that such protected health information is necessary for (A) The provision of health care to such individuals; (B) The health and safety of such individual or other inmates; (C) The health and safety of the officers or employees of or others at the correctional institution; (D) The health and safety of such individuals and officers or other persons responsible for the transporting of inmates or their transfer from one institution, facility, or setting to another; (E) Law enforcement on the premises of the correctional institution; or (F) The administration and maintenance of the safety, security, and good order of the correctional institution ." (*Ibid.*).

124 Civ. Code, § 51, subd. (b).

125 Gov. Code, § 12955.

126 Welf. & Inst. Code, § 10000; Gov. Code, § 11135, subd. (a).

127 42 C.F.R. § 2.13.

Appendix A

Immigration and Customs Enforcement "Arrest Warrant" (Form I-200)

U.S. DEPARTMENT OF HOMELAND SECURITY	Warrant for Arrest of Alien
File No. _____ Date: _____ To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon: ☐ the execution of a charging document to initiate removal proceedings against the subject; ☐ the pendency of ongoing removal proceedings against the subject; ☐ the failure to establish admissibility subsequent to deferred inspection; ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law. YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien. _____ (Signature of Authorized Immigration Officer) _____ (Printed Name and Title of Authorized Immigration Officer)	
Certificate of Service I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location) on _____ on _____, and the contents of this (Name of Alien) (Date of Service) notice were read to him or her in the _____ language. (Language) _____ Name and Signature of Officer _____ Name or Number of Interpreter (if applicable)	

Form I-200 (Rev. 09/16)

Appendix B

Immigration and Customs Enforcement “Removal Warrant” (Form I-205)

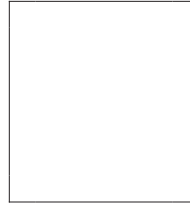
DEPARTMENT OF HOMELAND SECURITY U.S. Immigration and Customs Enforcement WARRANT OF REMOVAL/DEPORTATION	
File No: _____ Date: _____	
To any immigration officer of the United States Department of Homeland Security: _____ (Full name of alien)	
who entered the United States at _____	on _____
(Place of entry)	(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	

To be completed by immigration officer executing the warrant: Name of alien being removed:

Port, date, and manner of removal:



Photograph of alien removed



Right index fingerprint of alien removed

(Signature of alien being fingerprinted)

(Signature and title of immigration officer taking print)

Departure witnessed by:

(Signature and title of immigration officer)

If actual departure is not witnessed, fully identify source or means of verification of departure:

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here. ☐

Departure Verified by:

(Signature and title of immigration officer)

Appendix C

Federal Search and Seizure Warrant (Form AO 93)

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of _____)
(Briefly describe the property to be searched)
or identify the person by name and address)) Case No. _____
)
)
)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 14 days)
☐ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)
☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____

Date and time issued: _____ Judge's signature _____

City and state: _____ Printed name and title _____

Federal Arrest Warrant (Form AO 442)

51

Appendix E

Department of Homeland Security Immigration Enforcement Subpoena (Form I-138)

1. To (Name, Address, City, State, Zip Code)	DEPARTMENT OF HOMELAND SECURITY IMMIGRATION ENFORCEMENT SUBPOENA to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number _____	
2. In Reference To _____ (Title of Proceeding)(File Number, if Applicable)	
By the service of this subpoena upon you, YOU ARE HEREBY SUMMONED AND REQUIRED TO:	
(A) ☐ APPEAR before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.	
(B) ☒ PRODUCE the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.	
Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).	
3. (A) CBP, ICE or USCIS Official before whom you are required to appear Name _____ Title _____ Address _____ Telephone Number _____	(B) Date _____ (C) Time ☒ a.m. ☐ p.m.
4. Records required to be produced for inspection	
5. Authorized Official _____ (Signature) _____ (Printed Name) _____ (Title) _____ (Date)	



If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

DHS Form I-138 (6/09)

Appendix F

Federal Judicial Subpoena (Form AO 88B)

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the

<i>Plaintiff</i>	)	
v.	)	Civil Action No.
<i>Defendant</i>	)	

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: _____
(Name of person to whom this subpoena is directed)

☐ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place:	Date and Time:
--------	----------------

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

_____ <i>Signature of Clerk or Deputy Clerk</i>	_____ <i>Attorney's signature</i>
--	--------------------------------------

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are: _____

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Appendix G

Notice to Appear (Form I-862)

U.S. Department of Homeland Security		Notice to Appear
In removal proceedings under section 240 of the Immigration and Nationality Act:		
Subject ID: _____	FINS: _____	File No: _____
	DOB: _____	Event No: _____
In the Matter of: _____		
Respondent: _____		currently residing at: _____
(Number, street, city and ZIP code)		(Area code and phone number)
☐ 1. You are an arriving alien. ☐ 2. You are an alien present in the United States who has not been admitted or paroled.		
☐ 3. You have been admitted to the United States, but are removable for the reasons stated below.		
The Department of Homeland Security alleges that you: _____		
☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture. ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30(f)(2) ☐ 8CFR 235.3(b)(5)(ii)		
YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: _____		
(Complete Address of Immigration Court, including Room Number, if any)		
on _____ at _____	to show why you should not be removed from the United States based on the	
(Date)	(Time)	
charge(s) set forth above. _____		
(Signature and Title of Issuing Officer)		
Date: _____	_____	
	(City and State)	
See reverse for important information		
Form I-862 (Rev. 08/01/07)		

Appendix H

Quick Reference Guide for Staff

What Should You Do if an Immigration Enforcement Officer Comes to Your Shelter?

1. As soon as possible, notify the designated shelter administrator (the person tasked with responding to immigration enforcement actions at the shelter) of any request (including subpoenas, petitions, complaints, warrants, or court orders) by an immigration enforcement officer to access a shelter or a patient, or any request for the review of [shelter] documents.
2. Advise the officer that before proceeding with his or her request, you must first notify and receive direction from a designated shelter administrator.
3. Ask to see, and make a copy of or note, the officer's credentials (name and badge number). Also ask for and copy or note the telephone number of the officer's supervisor.
4. Ask the officer to explain the purpose of the officer's visit, and note the response.
5. Ask the officer to produce any documentation that authorizes shelter access.
6. Make copies of all documents provided by the officer.
7. Decline to answer questions posed by the officer and direct him or her to speak to the designated shelter administrator.
8. State that the shelter does not consent to entry of the shelters or portions thereof.
9. Without expressing consent, respond according to the requirements of the documentation. If the officer has:
 - ✓ An ICE administrative "warrant" (see samples in Appendix, items A & B): Immediate compliance is not required. Inform the officer that the shelter cannot respond to the warrant until after it has been reviewed by a designated administrator. Provide a copy of the warrant to the designated administrator as soon as possible.
 - ✓ A federal judicial warrant (either a search-and-seizure warrant or an arrest warrant; see samples in Appendix, items C & D): Prompt compliance usually is required, but where feasible, consult with legal counsel before responding.
 - ✓ A subpoena for the production of documents or other evidence (see samples in Appendix, items E & F): Immediate compliance is not required. Inform the officer that the shelter cannot respond to the subpoena until after it has been reviewed by a designated administrator. Give your copy of the subpoena to the designated administrator or legal counsel as soon as possible.
 - ✓ A notice to appear (see sample in Appendix, item G): This document is not directed at the shelter. There is no obligation to deliver this document or facilitate service to the person named in the document. If you get a copy of the document, give it to your designated shelter administrator as soon as possible.
10. Document the officer's actions in as much detail as possible after he or she enters shelter premises, but without interfering with the officer's movements.
11. If the officer orders staff to provide immediate access to facilities, comply with the officer's order and also immediately contact a designated administrator. Do not attempt to physically interfere with the officer, even if the officer appears to be acting without consent or appears to be exceeding

the purported authority given by a warrant or other document. If an officer enters the premises without authority, [shelter] personnel shall simply document the officer's actions while at the facility.

12. [Shelter] staff should document the officer's actions while in [shelter] premises in as much detail as possible, but without interfering with the officer's movements.
13. [Shelter] staff should complete an incident report that includes the information gathered as described above and the officer's statements and actions.

Appendix I

Reference Guide — Immigration Enforcement Documents

Description of Legal Documents Presented by Immigration Enforcement

This document provides a brief overview of the types of documents that an immigration enforcement officer may present when seeking to enter a public facility, whether to conduct a search or an arrest or when requesting records. Not all documents authorize immigration enforcement to enter a facility or to obtain records. Samples of each document are found in the appendix to this guide.

When an immigration enforcement agent asks for permission to enter a nonpublic area of a state or local agency facility or for information about a state or local agency client, staff should first ask the immigration enforcement agent to present credentials. Staff should immediately notify designated personnel, a supervisor, or agency legal counsel of the request. Staff should also collect any documents presented by the immigration enforcement officer that purport to require compliance with the officer's request. Designated staff or legal counsel should review the sufficiency of any documents presented by the immigration enforcement officer before complying with a request.

Type of Legal Document	Issued By	Action(s) Required	Immediate Compliance Necessary?
ICE Administrative "Warrant"	Immigration enforcement officer (not always ICE).	No action required on the part of the state or local agency. The "warrant" only authorizes the officer to arrest an individual suspected of violating immigration laws.	No.
Notice to Appear (NTA)	Immigration enforcement agencies (usually ICE, CBP, or USCIS).	No action required on the part of the state or local agency. The NTA only notifies an individual that they are expected to appear before an immigration judge for a formal removal proceeding.	No.
Federal Court Arrest or Search Warrant	Federal judge (district court judge or magistrate judge).	A judicial search warrant authorizes a search of a specific location for evidence; a federal arrest warrant authorizes the arrest of a specific person.	Yes, but the scope of the warrant determines the extent of compliance.
Administrative Subpoena	Immigration enforcement officer.	No action required. Under California law, a notice to consumer may be required before any information or documents about the consumer are produced.	No.

Type of Legal Document	Issued By	Action(s) Required	Immediate Compliance Necessary?
Federal Judicial Subpoena	Federal judge or magistrate.	If valid, the production of records but immediately compliance is not required. Agency served with a subpoena may petition a court to squash or limit the scope of the subpoena.	No.
Court Order	Judge or magistrate.	A designated administrator or legal counsel should review the order and respond accordingly.	Yes.
Public Records Act Request	Requestor.	Before complying with the request, determine if it is in the public interest to withhold the information or if exemptions or privileges apply. If agency decides to produce a record, agency should first determine if redaction of non-disclosable information under state law or agency policy is required. Under California, a notice to consumer may be required before any information or documents about the consumer are produced.	No.

ICE Administrative “Warrant”

An ICE administrative “warrant” is issued by certain immigration enforcement officers at ICE or other agencies within DHS (see Appendices A and B). The “warrant” authorizes the officer to arrest a person suspected of violating immigration laws, but it is not a warrant within the meaning of the Fourth Amendment to the U.S. Constitution.

When presented with an ICE administrative “warrant,” personnel are not required to cooperate with the officer’s request(s), including helping apprehend the person named in the “warrant” or consenting to an officer’s search. Subject to a few exceptions, an agency cannot voluntarily consent to an officer seeking access to a nonpublic area. However, staff should not physically interfere with an officer in the performance of their duties.

Notice to Appear

A notice to appear (NTA) is issued by ICE, CBP, or the USCIS to commence formal removal proceedings against an individual before an immigration court (see Appendix G). An NTA notifies an individual that they are expected to appear before an immigration judge on a certain date, but it does not authorize authorities to arrest the individual.

When presented with an NTA, staff are not required to take any action or cooperate with requests from authorities, including authorizing access to nonpublic areas of an agency or allowing authorities to search agency records.

Federal Search or Arrest Warrant

A federal court warrant is issued by a district judge or a magistrate of a U.S. District Court based on a finding of probable cause. A search warrant authorizes the search or seizure of property, entry into a nonpublic area to arrest a named person while an arrest warrant authorizes the arrest of a named person.

Staff should carefully review the federal court warrants, which come in two types: (1) a federal search-and-seizure warrant allows an officer to conduct a search authorized by the warrant (see Appendix C), and (2) a federal arrest warrant allows an officer to arrest the individual named in the warrant (see Appendix D).

The warrant should include a judge's signature and identifying details about the place to be searched (e.g., address). While it typically specifies the exact area an officer is authorized to search, the warrant may not grant permission to search the entire shelter. When presented with a valid federal court warrant, prompt compliance is typically required. Where feasible, designated staff or legal counsel should review before an agency responds.

Administrative Subpoena

An administrative subpoena is issued by an immigration enforcement officer to request the production of records (see Appendix E). The subpoena will contain the file number, subpoena number, mailing address, list of applicable regulations, request for information, and signature(s) of the officer(s).

When presented with an administrative subpoena, staff generally need not comply immediately. If the officer arrives with a pre-designated subpoena, agency staff may decline to produce records and challenge the subpoena before a federal judge in a U.S. District Court. Therefore, agency staff should immediately contact designated staff, a supervisor, or legal counsel upon receipt of the subpoena.

Federal Judicial Subpoena

A federal judicial subpoena requests the production of records. It does not require staff to grant access to a particular place or person. The subpoena will identify a federal court and the name of the issuing judge or magistrate (see Appendix F).

When presented with a federal judicial subpoena, staff generally are not required to comply immediately. A subpoenaed agency may challenge the subpoena before the issuing court. Therefore, agency staff should immediately contact designated staff or legal counsel upon receipt of the subpoena.

Court Order

A court order is a directive signed by a judge that requires a person or organization to do something or stop doing something. Whoever it is directed at must comply. If an immigration enforcement officer arrives with a court order, a designated staff or legal counsel should review the order and respond consistent with the scope of the order.