



# PREPARING YOUR NONPROFIT FOR IMMIGRATION ENFORCEMENT

UPDATED SEPTEMBER 2025



The new federal administration is taking escalating actions focused on mass deportations as well as aggressive and harsh immigration policies. If fully implemented, the human cost to immigrant New Yorkers will be staggering. The administration has expanded enforcement priorities, rescinded the former “protected areas” policy in place for decades, and broadcasted arrest activities to instill fear in immigrant communities and the nonprofit sector.<sup>1</sup> In the New York region, enforcement actions have already included high-profile arrests, daily quotas, and the involvement of multiple federal law enforcement agencies (including the Federal Bureau of Investigation, Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms and Explosives, and Internal Revenue Service). Congress has expanded mandatory detention and the administration has forcibly transported many immigrants to a detention facility in Guantanamo.

Community-based organizations and nonprofits provide mission-driven services to hundreds of thousands of immigrants in the state. Thousands in the sector have asked for guidance on how they can conduct their work in a lawful manner that will best permit their clients and members to participate safely. In response, New York Lawyers for the Public Interest and Lawyers Alliance for New York issued this Guidance to Nonprofits Regarding Immigration Enforcement in December 2024. Our unique positions allow us to be nimble and responsive to the needs and growing concerns of the nonprofit sector. We mobilized resources quickly to issue one of the first comprehensive documents outlining best practices for New York nonprofits when assisting and protecting immigrant clients amidst heightened immigration enforcement. We have developed this guide (now updated as of September of 2025) to outline nonprofits’ rights and establish best practices.

This guidance reflects information known at the time of writing. Much of the guidance reflects rights grounded in the United States Constitution, particularly the Fourth Amendment, that should remain relatively stable unless they are challenged in new litigation that reaches the United States Supreme Court. Other guidance, however, reflects policies and practices at the federal, state, and local levels that are far more susceptible to sudden change. Accordingly, we will update this guidance as enforcement practices and relevant laws, regulations, policies, and practices change.

This alert is meant to provide general information only, not legal advice. If you have any questions about this guide, please contact NYLPI via <https://bit.ly/ClearinghouseIntake> or the Lawyers Alliance Legal Resource Call Hotline at (212) 219-1800 x224 or [ResourceCall@lawyersalliance.org](mailto:ResourceCall@lawyersalliance.org). For information about our organizations, visit [www.nylpi.org](http://www.nylpi.org) and [www.lawyersalliance.org](http://www.lawyersalliance.org).

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### How likely is it that immigration agents might come to a nonprofit service provider?

No one can be sure given the shifts in immigration enforcement priorities. However, as of the issuance of this document, we have not seen any pattern of enforcement actions by Immigration and Customs Enforcement (ICE) at or near nonprofit service providers. Given the promised increase in immigration enforcement, including, as described below, enforcement in and around “protected areas”—formerly referred to as “sensitive locations”—nonprofits serving immigrant communities should establish policies to ensure that their staff, clients, members, and others are protected to the fullest extent of the law when using their facilities and services (see model policies in Appendix A).

### How likely is it that New York law enforcement might assist immigration agents who come to a nonprofit service provider?

New York City and New York State have laws in place that restrict what kinds of assistance state and city law enforcement can give to federal immigration enforcement, and where immigration enforcement actions can take place.

**New York City** law prohibits the New York Police Department (NYPD), the New York City Department of Correction (DOC), and New York City Department of Probation (DOP) from honoring requests by ICE to detain individuals suspected of violating civil immigration law unless ICE presents a judicial warrant and the individual (i) has within the last five years been convicted of a “violent or serious crime” as defined by law or (ii) is on the terrorist watch list.<sup>2</sup> Note: it is not the practice of federal immigration authorities to obtain judicial warrants for detaining such individuals. As described below, New York City Administrative Code § 4-210 creates additional protections from ICE enforcement operations on city property and as to certain private contractors doing business with the city.<sup>3</sup>

However, the law does not prohibit joint or coordinated local and federal law enforcement activity, such as criminal investigations, that are not related to the enforcement of civil immigration laws.

**New York State** law prohibits federal immigration officials from making civil arrests in state and municipal courts unless such arrest is supported by a judicial warrant or judicial order.<sup>4</sup> Additionally, New York law does not authorize state and local law enforcement to effectuate arrests for civil immigration law violations absent a judicial warrant.<sup>5</sup>

However, there are no laws that we are aware of that would prevent local law enforcement from working with federal immigration authorities on enforcement actions occurring outside of the specifically legislated areas.

“Sanctuary” policies are subject to change. Given the shifting legal and political landscape, nonprofit entities should remain informed about news developments relating to state and local immigration enforcement.

### Can a nonprofit deny immigration agents entry into its facility?

Whether immigration agents can enter into a particular location, including locations within nonprofit facilities, is largely a Fourth Amendment question. Fourth Amendment protections against unreasonable searches and seizures are greatest in nonpublic spaces and where no judicial warrant has been obtained.<sup>6</sup>

Areas open to the general public (*i.e.*, public spaces—such as a reception area or a library reading room) are open to immigration agents, and agents may enter those public spaces without a warrant. When operating in public spaces, however, immigration agents must observe the same rules that any member of the public would. For example, immigration agents operating without a warrant would not have the right to disrupt the nonprofit’s activities or mission. Note that immigration agents may take photographs in public spaces.

Immigration agents – and any other federal agents enforcing civil immigration laws – must have a valid **judicial** search or arrest warrant to lawfully access nonpublic areas (*i.e.*, areas not open to the public—such as private offices or areas in a shelter where people sleep).<sup>7</sup> To be valid, a judicial search warrant must, among other things, be signed by a judge or magistrate no more than 14 calendar days before the immigration agents use it to try to obtain access, and must identify specific areas to be searched (see example of a judicial search warrant at Appendix B).<sup>8</sup> In other words, a judicial search warrant is valid only (a) if signed by a judge or magistrate, (b) for the areas identified in the warrant, and (c) on or before the date indicated as being the date by which it must be used, which will be no more than 14 days after it was signed. Note, judicial arrest warrants are not subject to time limitations and unlike search warrants, will not indicate a time frame by which they must be executed. An arrest warrant may allow officers to enter a specific nonpublic area to detain someone, but does not give officers blanket permission to enter any nonpublic area.

Instead of having a valid judicial warrant, immigration agents may have “administrative” warrants signed by an immigration officer, not signed by a judge or magistrate. Administrative warrants, unlike judicial search warrants, do **not** authorize ICE entry to nonpublic areas (see excerpt of an administrative warrant at Appendix C). If agents seek entry into nonpublic areas with an administrative warrant, not a judicial warrant, it is lawful to deny entry—so a nonprofit can instruct staff not to consent to entry in such circumstances.

Nonprofits should consider expressly demarcating nonpublic spaces, for example, by affixing signs reading “Private” or similar wording, on doors leading to nonpublic areas. Other methods include creating separate, nonpublic client/family/participant-only waiting areas after a check-in process; physical barriers around nonprivate spaces; visual shields; and locks or keycards. Nonprofits should additionally consider designating specific employees as persons authorized to consent to entry into nonpublic spaces and instruct all other staff to refer anyone seeking admittance to nonpublic space to those authorized individuals.<sup>9</sup>

Note that immigration agents sometimes wear uniforms that say “Police,” even though they are not police officers. Immigration agents may also say things to gain entry without a warrant, such as, “We are investigating a crime. Can you help us identify this person?” and “Is [name] here? We just need them to step into the hallway to talk to them.” Staff may ask whether those seeking entry are police or immigration agents. No matter the agency involved, the same judicial warrant requirement applies—meaning that both police and immigration agents must have a judicial search warrant to enter nonpublic areas. If immigration agents do not have a judicial warrant, staff should ask the agents to wait to enter any nonpublic areas until the staff contacts counsel, and staff may ask the agents to leave the premises. If immigration agents do have a judicial warrant, staff may ask the agents to wait to enter any nonpublic area until staff contacts counsel, but the agents need not wait if the judicial warrant authorizes them to enter nonpublic areas.

Nonprofits should not provide information about clients without consulting legal counsel unless immigration agents have a judicial warrant, or the client consents to the release of the requested information. Where immigration agents have a valid judicial search warrant, staff should provide access only to the areas specified in the warrant. Staff should promptly notify senior staff and counsel that immigration agents have entered private areas pursuant to a judicial warrant. If immigration agents enter with a subpoena rather than a judicial warrant, further considerations apply. See the discussion below for more information. Immigration agents may not require access to information contained on a personal phone or email account without a judicial warrant. However, any information saved on a publicly accessible computer (e.g., in a library reading room) can be accessed without a warrant.

New York City laws applicable to business conducted on city property and to some city contractors impose additional restrictions on immigration agents' access. For example, as of 2018, New York City law requires "any contractor having regular contact with the public in the daily administration of human services at any location, whether or not on city property, where such services are provided under a City contract," to refuse access to nonpublic areas by immigration agents in most circumstances.<sup>10</sup> This requirement is subject to several limited exceptions, including when immigration agents present a judicial warrant, or are working in cooperation with city and state officials on joint enforcement actions.

### **What can staff tell clients and others during an immigration enforcement action?**

Staff members should tell clients and others that they have the right to: ask for an attorney, remain silent if immigration agents ask questions, or say "I do not want to answer any questions." Staff should also encourage any such individuals to remain calm and not attempt to leave while immigration agents are present. Staff should not, however, hide or conceal any person on the premises. This does not mean that staff is obligated to produce a client for immigration agents, unless the agents have a judicial arrest warrant (*i.e.*, a warrant signed by a judge authorizing the arrest of a specific individual).

### **What should staff members do if immigration agents question them?**

Staff members should ask immigration agents if they are free to go. If the agent says "yes," the person is free to leave. If the agent says "no," the person should ask to consult with an attorney and otherwise remain silent.



Staff should **never** make a false statement (e.g., if ICE agents ask about an individual who is in the building, staff should not say the person is not there). Staff should instead explain that they can't respond until they consult with their supervisor and legal counsel.

### Are there special protections for certain nonprofits based on the nature of service provided?

No. The same general rule applies to all nonprofits: immigration agents may enter any space open to the public and must have a judicial arrest or search warrant to enter space not open to the public. Previously, ICE adopted policies to discourage enforcement actions at certain, sensitive locations such as schools, hospitals, and institutions of worship. That policy guidance, however, was rescinded on January 20, 2025,<sup>11</sup> but it is subject to several legal challenges that are currently pending.<sup>12</sup>

### What if a person is detained in or near the nonprofit facility?

Staff has the right to observe from a reasonable distance but should not interfere with the actions of immigration agents. Staff may ask for the names of immigration agents. If agents are in plainclothes, staff may ask to see credentials and make note of agents' names and badge numbers. Staff may lawfully take video to make a record of the action.<sup>13</sup> Staff may ask immigration agents' permission to obtain from a detained person the contact information of anyone who should be informed of the person's detention (e.g., a family member, friend or attorney). Staff may also ask where the person will be detained. If the person being detained authorizes them to do so, staff may provide all information obtained from ICE agents to the friend or family member so identified.

### May nonprofits provide clients and others with “Know Your Rights” resources?

Yes. Nonprofits may offer written materials or presentations for clients. Note that many civil rights and immigrants’ rights organizations have prepared informative “Know Your Rights” guides.<sup>14</sup>

### How can a nonprofit service provider proactively prepare for potential immigration enforcement?

Create an internal plan on what to do if law enforcement shows up at the office (see Appendix A for model policies and guidance). Ensure all staff are trained on this internal plan.

In addition, nonprofit service providers should prepare for a Form I-9 audit by ICE/Homeland Security Investigations (HSI). Federal law requires employers to properly complete a Form I-9 for every individual they hire (whether a citizen or non-citizen), and employers must maintain these forms on file for the longer of either three years from the date of hire or one year after the employment ended.

### What can a nonprofit expect with respect to a Form I-9 audit?

If a nonprofit organization receives a Notice of Inspection indicating that there will be an audit of their Form I-9s, the organization will be afforded at least three business days’ notice to produce its I-9 Forms. Employers who commit severe Form I-9 violations can be debarred from federal contracts and other government benefits. Ideally, nonprofit service providers should contract outside counsel experienced in compliance and immigration to conduct an internal I-9 audit. Attorney-client confidentiality applies when an audit is conducted by counsel instead of non-attorney compliance officer(s). Nonprofit service providers

should draft holistic internal policies, including but not limited to policies regarding sending reminders to employees with expiring work permits and how the organization approaches gaps in work authorization. Ideally, an employment attorney should review these policies, as there are employment laws in each state around temporary employee suspension if employment authorization documents (“EADs”) are expired. This is particularly important as we anticipate a slowdown in EAD renewals under the current administration, allowing for more frequent and longer EAD gaps.

### What is the appropriate way to handle an administrative “subpoena” related to ICE enforcement activities?

A subpoena is a written request for information seeking to compel either a person’s testimony as a witness or the production of evidence. A subpoena is not a court order, is not typically signed by a judge, and always gives a certain amount of time to comply. In the context of immigration enforcement efforts, ICE officers may arrive at a nonprofit’s door with an *administrative* subpoena in hand. An administrative subpoena can be issued by a federal agency such as DHS and can be signed by either an immigration judge or an immigration officer (see an administrative subpoena at Appendix D.) Administrative subpoenas are distinct from judicial subpoenas, which are issued in federal or state judicial court cases. Unlike with judicial subpoenas, with an *administrative* subpoena, there are no penalties for failure to comply unless immigration officials seek to enforce the subpoena in federal district court.<sup>15</sup>

Accordingly, if ICE presents an administrative subpoena to nonprofit staff and requests information, nonprofit staff need not immediately comply and should instead elevate the matter to a supervisor. Upon receipt of an administrative subpoena, nonprofits should take note of the date it was served, method of service, and deadline for responding.

Nonprofits should then promptly engage counsel in order to determine to what extent compliance with the administrative subpoena is required. Subpoenas must be taken seriously because, for administrative subpoenas accompanied by a judicial court order or for valid *judicial* subpoenas, failure to respond may result in a contempt of court finding. If a nonprofit in receipt of a subpoena related to ICE enforcement does not have counsel, reach out to NYLPI and we will attempt to make an appropriate referral.

### Can a nonprofit avoid disclosure of information in response to an administrative subpoena?

As stated above, it is highly recommended that a nonprofit in receipt of any subpoena—whether administrative or judicial—seek counsel to obtain advice on to what extent compliance is required. In particular, for administrative subpoenas that are issued by DHS or an immigration judge, there may be no need to comply until the agency takes further action to enforce the administrative subpoena in federal district court. All subpoenas may be challenged or narrowed on a number of grounds, including through filing of a motion to “quash.” Indeed, federal law protects certain personal information from a subpoena. For instance, the Health Insurance Portability and Accountability Act (“HIPAA”) protects individually identifiable health information, which generally can only be disclosed in response to a subpoena after the nonprofit holding the requested information has taken certain steps, including notifying the patient or obtaining the patient’s authorization. The Family Educational Rights and Privacy Act (“FERPA”) protects students’ education records, which schools generally may not produce without taking certain steps to notify the student or parent. Other protections may apply depending on circumstances.

When responding to a subpoena, nonprofits, preferably acting through their attorneys, may only be required to turn over the specific documents requested, and only if those documents are not privileged or protected by a federal statute. A subpoena does not require a nonprofit to volunteer other information. Nonprofits will likely be most concerned about subpoenas that request clients' confidential information like names, addresses, phone numbers, Social Security numbers, and other personal identifying information.

In order to ensure maximum privacy for clients and others, nonprofits should consider what information about an individual's immigration status is actually necessary to provide consistent with legal requirements. Nonprofits should also consult with counsel concerning preservation of documents potentially responsive to the subpoena as well as appropriate document retention policies and practices for documents that do contain immigration status information. Organizations may also reconsider when sensitive information needs to be obtained from clients at all.

### **What if a subpoena is issued to nonprofit legal services providers?**

Nonprofit legal service providers should follow the recommendations above and immediately consult with counsel when a subpoena is received. Note in particular that legal services providers and other nonprofits must be careful not to produce privileged documents. Documents containing communications with an attorney for the purpose of obtaining/rendering legal advice are protected by the "attorney-client privilege" and should not be produced. Documents prepared for purposes of litigation by counsel, or prepared by a client at the direction of counsel, are protected by the "attorney work-product doctrine" and should not be produced. Instead, counsel for a nonprofit will produce a "privilege log" cataloging all such protected documents.

### What is a federal grand jury subpoena, and what should a non-profit do if it receives a federal grand jury subpoena?

A federal grand jury subpoena is a subpoena issued in federal criminal proceedings in order to compel a witness to appear and testify before a grand jury.<sup>16</sup> Grand juries, in turn, are convened to hear evidence and vote on whether federal prosecutors have presented sufficient evidence to justify charging someone with a crime. Accordingly, a subpoena issued by a federal grand jury is a sign that a federal criminal investigation is under way.

Unlike with judicial warrants, a federal grand jury subpoena does not need to be signed or authorized by a judge. Rather, it is signed by the clerk of the court and issued by prosecutors without seeking judicial approval or prior grand jury authorization. Prosecutors use such subpoenas as an investigative tool, and grand jury subpoenas are generally enforceable so long as the request is reasonable and specific and there is a reasonable possibility that the information sought by the government will produce information relevant to the investigation.<sup>17</sup> Typically, recipients of a grand jury subpoena will be given at least ten to fourteen days to comply.

If a nonprofit organization receives a grand jury subpoena, they should treat the matter with urgency and immediately consult counsel to determine how to respond. Ignoring or otherwise not responding to a grand jury subpoena could result in criminal charges, such as contempt of court.<sup>18</sup>

DATED: September 2025

## APPENDIX A<sup>19</sup>

### SAMPLE PROTOCOL REGARDING INTERACTIONS WITH IMMIGRATION AGENCIES

**Note:** This template is a generic protocol. We encourage each agency to consult with counsel to evaluate and provide advice as to appropriate policies and procedures.

*[Click here for an editable version of the [Organizational Policy Template](#)]*

#### POLICY

It is the policy of [Nonprofit] to ensure that our clients, community members, staff, and other invited guests (“guests”) are safe and protected when they use our facilities and services. [Nonprofit] will take steps to the greatest extent possible under the law to protect our guests and their information. It is the policy of [Nonprofit] not to allow agents or employees of U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) access to our facilities, records or information unless this is required by law or a valid judicial warrant. The same policies and procedures apply to police officers and others who may act with ICE to enforce the immigration laws. Only staff, clients, prospective clients, and invited guests are permitted [where].

#### PROCEDURES

Procedures regarding access to [Nonprofit] facilities/buildings:

If any agents or employees from ICE should attempt to enter [Agency]’s buildings or facilities, staff will follow this protocol:

1. Staff *[or insert front-line staff title]* should inform immigration agents that they do NOT have consent to enter the nonpublic areas of the facility unless they have a valid judicial warrant.
2. If immigration agents claim to have a warrant to enter the facility/building, reception staff should ask for a copy of the warrant, ask agents to wait at a specified location, and immediately contact a supervisor for assistance. *[include information on supervisor(s) to be contacted and how]*
3. Supervisor should review the warrant to ensure that a) it is signed by a judge or magistrate, b) it describes [Nonprofit]’s building as the place to be searched, c) it has the correct date and was issued within the past 14 days, and d) the search does not exceed the scope of the items authorized to be searched. Administrative warrants signed by an immigration officer, not a federal or state court judge, do not require ICE to be allowed to enter non-public areas of the facility.
4. Staff should be aware of common ICE statements to gain access without a warrant, such as, “We are investigating a crime. Can you help us identify this person?” and “Is [name] here? We just need them to step into the hallway to talk to them.”
5. If the immigration agents do not have a warrant, supervisor should say, “I do not want to answer any questions, please leave your contact information.”
6. Supervisors should be advised as soon as possible about the presence of immigration agents in the building, and to immediately contact legal counsel. *[include information on who should be contacted and how]*
7. Staff may advise clients that they have the right to remain silent, but *should not direct* clients not to answer questions. Staff may not assist clients in escaping or hiding.
8. Staff should not answer questions posed by agents without consulting a supervisor. In particular, staff should not answer questions about whether a particular person (client or staff) is currently in the facility, but instead state that they are not authorized to answer questions.
9. Staff should document the name/contact information of the immigration agents seeking access to the facility. This can be done by asking for a business card, or name and badge number.
10. Staff may record any interactions with the agents, but they must announce that they are doing so. Staff should remain a reasonable distance from such incidents so as not to interfere.
11. Staff and guests should know (or be informed) that if they are engaged in questioning by immigration agents, they can ask the agents if they are free to go. If the agent says yes, they are free to leave. If the agent says the person is not free to go, they should explain that they would like the opportunity to consult with an attorney and otherwise remain silent.

## APPENDIX A (continued)

### PROCEDURES (cont.)

Procedures regarding immigration agents' request for access to [Nonprofit] records/files:

If any immigration agent should request access to records or documents regarding [Nonprofit]'s clients or staff:

1. Staff—preferably a supervisor—should inform agents that [Nonprofit]'s policy is not to release information without a client's consent, unless disclosure is required by judicial order or judicial subpoena specifically requiring the release of the information, or otherwise required by law.
2. If agents claim to have a warrant or subpoena, staff should not release information without consulting with a supervisor. Staff—preferably a supervisor— should request a copy of the warrant or subpoena, ask for the agents' contact information and consult with a supervisor.
3. If such information is requested, a supervisor should immediately contact counsel, as above.

Procedures regarding completing a report after an ICE enforcement action:

1. Immediately after an enforcement action has concluded, a supervisor must complete a report on the enforcement action in order to collect the information identified below.

### INFORMATION TO BE COLLECTED BY EMPLOYEES AFTER AN ICE ENFORCEMENT ACTION

Date of enforcement action?

Time action began and ended?

Describe the enforcement action:

- How many agents?
- What agency conducted the action (i.e., ICE, local police or state police)?
- Names and/or badge numbers of the agents:
- How did their uniforms identify them?
- Why did they say they were there?
- Did you ask to see a warrant?
- Did the agents present a warrant?
- If not, did you deny them consent to enter? What did you say?
- How did they react if you denied them consent to enter?
- If the agents presented a warrant, was a supervisor alerted? Who?
- Was the warrant an administrative warrant, signed by an immigration official?
- If it was an administrative warrant, did you tell the agents that your organization has a policy of denying access to nonpublic areas in the absence of a judicial warrant? What did you say?
- How did the agents react if you denied them consent to enter based on an administrative warrant?
- Did the agents present a judicial warrant, signed by a judge?
- If so, please describe the warrant:
  - What was the date of the warrant?
  - What items or persons were the subjects of the search?
  - What areas were identified to be searched?
  - Which judge signed the warrant?
- Did you allow the agents entry based on a judicial warrant?
- If so, did you or another staff member accompany them on their search? Who?
- Did the agents stay within the areas they were authorized to search by the warrant? If not, what other areas did they enter? Did they look in closed closets, cabinets, or drawers? Did they ask permission first?
- Did they keep anyone from moving around freely? Who?



## APPENDIX A (continued)

### **SAMPLE PROTOCOL REGARDING INTERACTIONS WITH IMMIGRATION AGENCIES (cont.)**

- Did they arrest anyone? Who?
- Did they seize any items? What?
- Did they take pictures of documents? If so, whose? How did they get the documents?
- Did they take fingerprints? If so, whose?
- Were there children present? If so, whose? How many?
- Did the agents yell at anyone? Who? Why? Which agents (if known)?
- Did the agents have guns drawn or were they touching their weapons?
- Is there anything else to add about the enforcement action?

## APPENDIX B

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

**UNITED STATES DISTRICT COURT**  
for the  
District of New Jersey

In the Matter of the Search of )  
(Briefly describe the property to be searched )  
or identify the person by name and address) ) Case No. 17-1234  
123 Broad Street, Newark, NJ, Apt. 4 )  
)

**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 New Jersey  
(Identify the person or describe the property to be searched and give its location):  
123 Broad Street, Newark, NJ: Apt. 4 and all common hallways and lobby of building

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):  
John Doe, A-123-456-789, a deportable alien with convictions for crimes involving moral turpitude;  
Goods stolen from XYZ Retail at 123 Commerce Street, Newark, NJ, on April 1, 2017, in a robbery allegedly involving John Doe.

**YOU ARE COMMANDED** to execute this warrant on or before April 24, 2017 (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 Jane Smith, U.S.M.J.  
(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: 04/10/2017 10:00 am

City and state: Newark, NJ

\_\_\_\_\_  
Judge's signature  
Jane Smith, United States Magistrate Judge  
Printed name and title

This judicial search and seizure warrant is legally sufficient to allow agents into homes and other non-public places.

## APPENDIX C

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:

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(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:

This ICE Warrant is NOT legally sufficient to allow immigration agents into homes or the non-public areas of facilities, buildings, organizations, businesses, or other premises.


\_\_\_\_\_  
(Signature of immigration officer)

\_\_\_\_\_  
(Title of immigration officer)

\_\_\_\_\_  
(Date and office location)

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## APPENDIX D

1. To (Name, Address, City, State, Zip Code) <div style="background-color: black; width: 100%; height: 40px; margin-top: 5px;"></div>	<b>DEPARTMENT OF HOMELAND SECURITY</b>  <b>IMMIGRATION ENFORCEMENT</b> <b>SUBPOENA</b> to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number <div style="background-color: black; width: 100%; height: 15px; margin-top: 5px;"></div>	
2. In Reference To <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 60%;">           Administrative Proceedings  <small>(Title of Proceeding)</small> </div> <div style="width: 35%;"> <div style="background-color: black; width: 100%; height: 15px; margin-top: 5px;"></div> <small>(File Number, if Applicable)</small> </div> </div>	
By the service of this subpoena upon you, <b>YOU ARE HEREBY SUMMONED AND REQUIRED TO:</b>	
(A) <input type="checkbox"/> <b>APPEAR</b> 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) <input checked="" type="checkbox"/> <b>PRODUCE</b> 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 <div style="background-color: black; width: 100%; height: 15px; margin-top: 5px;"></div> Title Immigration Officer Address <div style="background-color: black; width: 100%; height: 20px; margin-top: 5px;"></div> Telephone Number <div style="background-color: black; width: 100%; height: 15px; margin-top: 5px;"></div>	(B) Date <div style="background-color: black; width: 100%; height: 15px; margin-top: 5px;"></div>  (C) Time <div style="background-color: black; width: 20px; height: 15px; margin-top: 5px;"></div> a.m. <div style="background-color: black; width: 20px; height: 15px; margin-top: 5px;"></div> p.m.
4. Records required to be produced for inspection Please verify if <div style="background-color: black; width: 100%; height: 15px; margin-top: 5px;"></div> has ever been a resident of <div style="background-color: black; width: 100%; height: 15px; margin-top: 5px;"></div> <div style="background-color: black; width: 100%; height: 20px; margin-top: 5px;"></div> Please also provide all records of residence with dates <div style="background-color: black; width: 100%; height: 15px; margin-top: 5px;"></div> <div style="background-color: black; width: 100%; height: 15px; margin-top: 5px;"></div> Verification of the information can be emailed to <div style="background-color: black; width: 100%; height: 15px; margin-top: 5px;"></div> uscis.dhs.gov or can be picked up in person.	
  <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">         If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.       </div>	5. Authorized Official <div style="background-color: black; width: 100%; height: 20px; margin-top: 5px;"></div> <div style="background-color: black; width: 100%; height: 15px; margin-top: 5px;"></div> (Signature) <div style="background-color: black; width: 100%; height: 15px; margin-top: 5px;"></div> (Printed Name) Chief Supervisory Immigration Officer <div style="background-color: black; width: 100%; height: 15px; margin-top: 5px;"></div> (Title) <div style="background-color: black; width: 100%; height: 15px; margin-top: 5px;"></div> (Date)

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## APPENDIX D (continued)

CERTIFICATE OF SERVICE AND ACKNOWLEDGMENT OF RECEIPT			
<b>A. CERTIFICATE OF SERVICE</b> I certify that on _____, I served this subpoena on the witness named in Block 1 in the following manner: <div style="text-align: center; margin-top: 10px;">                         _____  <small>(Date)</small> </div> <div style="text-align: center; margin-top: 20px;">                         _____  <small>(Details of how service was effected)</small> </div> <div style="text-align: center; margin-top: 10px;">                         _____  <small>(Signature of Official Serving Subpoena)</small> </div> <div style="text-align: center; margin-top: 10px;">                         _____  <small>(Printed Name of Official Serving Subpoena)</small> </div> <div style="text-align: center; margin-top: 10px;">                         Immigration Officer  <small>(Title of Official Serving Subpoena)</small> </div>			
<b>B. ACKNOWLEDGMENT OF RECEIPT</b> I acknowledge receipt of a copy of the subpoena on the front of this form. <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;">                         Signature  <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div> </div> <div style="width: 35%;">                         Title  <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 30%;">                         Date  <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div> </div> <div style="width: 30%;">                         Time  <div style="display: flex; align-items: center;"> <input type="checkbox"/> a.m.  <input type="checkbox"/> p.m.                             </div> </div> </div>			

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# ENDNOTES

1. For a comprehensive, searchable listing of all immigration-related changes made during the second Trump administration, please see the Immigration Policy Tracking Project, available at <https://immpolicytracking.org/home/>.
2. The NYPD may detain an individual for up to 48 hours if a search indicates that individual has been convicted of a violent or serious crime, or is on the terrorist watchlist. If ICE does not present a judicial warrant within that time period, NYPD is required to release the individual and cannot notify federal immigration authorities of the person's release. N.Y.C. Admin. Code § 14-154(b)(2). On April 8, 2025, the NYC mayor implemented an executive order authorizing federal immigration authorities to operate on Rikers Island to assist the correctional intelligence bureau in their criminal investigations. See N.Y.C. Executive Order No. 50 (Apr. 8, 2025), <https://www.nyc.gov/office-of-the-mayor/news/50-002/executive-order-50> (last visited Apr. 14, 2025). As of this writing, a New York state court has temporarily blocked New York City officials from implementing the Executive Order and allowing federal immigration authorities to operate on Rikers Island. See ECBAWM, Temporary Restraining Order Granted in ECBAWM Lawsuit Challenging Mayor Adams' ICE at Rikers Plan, available at <https://ecbawm.com/news/temporary-restraining-order-granted-in-ecbawm-lawsuit-challenging-mayor-adams-ice-at-rikers-plan/> (last visited July 18, 2025).
3. Local Law 246 of 2017, N.Y.C. Admin. Code § 4-210.
4. N.Y. Civ. Rts. Law § 28; N.Y. Jud. L. §§ 4-a, 212(2)(aa). On June 12, 2025, the U.S. Department of Justice filed a complaint against the State of New York challenging state laws that block immigration officers from making arrests at or near courthouses. See Office of Public Affairs, U.S. Department of Justice, Justice Department Files Lawsuit to Stop New York's Unlawful "Protect Our Courts Act" from Obstructing Immigration Enforcement, available at <https://www.justice.gov/opa/pr/justice-department-files-lawsuit-stop-new-yorks-unlawful-protect-our-courts-act-obstructing> (last visited July 18, 2025).
5. *People ex rel. Wells v. DeMarco*, 168 A.D.3d 31, 43 (2d Dep't 2018).
6. Whether a space is considered "public" or "private" under Fourth Amendment standards depends on whether a person or entity has a "reasonable expectation of privacy" in the object of the challenged search. *Katz v. United States*, 389 U.S. 347, 360 (1967) (Harlan, J., concurring). This is a highly fact-specific inquiry that would be unique to a particular nonprofit facility.
7. While a warrant is generally required, in certain circumstances law enforcement may enter non-public areas without a warrant and/or make an arrest without a warrant. Typically those limited exceptions to the warrant requirement are triggered by some urgency related to an investigation of specific criminal activity (e.g., an "exigency"). However, a warrant is required for immigration enforcement actions as described here, which target individuals simply based on their undocumented status.
8. See Fed. R. Crim. P. 41(e).
9. See *Make the Road New York, ICE AND THE WORKPLACE*, available at <https://maketheroadny.org/wp-content/uploads/2020/12/KYR-if-ICE-shows-at-workplace-ENG.pdf> (last visited Apr. 14, 2025).
10. Local Law 246 of 2017, N.Y.C. Admin. Code § 4-210.
11. Press Release, Department of Homeland Security, Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole (Jan. 21, 2025), <https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse> (last visited Apr. 14, 2025).



12. See Compl., Philadelphia Yearly Meeting of the Relig. Soc’y of Friends v. U.S. Dep’t of Homeland Sec., No. 8:25-cv-243-TDC, ECF 1 (D. Md. Jan. 27, 2025); Compl., Mennonite Church USA v. U.S. Dep’t of Homeland Sec., No. 1:25-cv-403, ECF 1 (D.D.C. Feb. 11, 2025); Compl., Denv. Pub. Schs. v. Noem, No. 1:25-cv-474, ECF 1 (D. Colo. Feb. 12, 2025).
13. Nonprofits may elect to advise employees to first announce their intent to video—not because doing so is legally required in this context—but in order to prevent a dispute with ICE agents who may not understand the relevant legal protections.
14. Among others, the Immigrant Defense Project’s “Know Your Rights” guides are available at <https://www.immigrantdefenseproject.org/know-your-rights-with-ice>; Make the Road New York’s “Know Your Rights” guides are available at <https://maketheroadny.org/immigration-know-your-rights>; and the New York Immigration Coalition “Know Your Rights” guides are available at <https://www.nyic.org/resources-training/kyr/#2> (all last visited Apr. 14, 2025).
15. National Immigration Law Center, Warrants and Subpoenas: What to Look Out for and How to Respond, at 4 (Jan. 28, 2025), [https://www.nilc.org/wp-content/uploads/2025/01/2025-Subpoenas-Warrants\\_.pdf](https://www.nilc.org/wp-content/uploads/2025/01/2025-Subpoenas-Warrants_.pdf) (last visited Apr. 14, 2024).
16. See Fed. R. Crim. Proc. 17(a).
17. U.S. v. R. Enterprises, Inc., 498 U.S. 292, 297-300 (1991).
18. See Fed. R. Crim. Proc. 17(g).
19. See also Lowenstein Sandler LLP, Advisory to Nonprofit Organizations and Social Service Providers Regarding Immigration Enforcement, Appendices C and D (2025), available at: [advisory-for-nj-nonprofits-on-immigration-enforcement-125.pdf](https://www.casaesperanza.org/wp-content/uploads/2025/01/NWIRP-Advisory-to-Nonprofit-Organizations-and-Social-Services-Providers-Jan.-2025.pdf) (last visited Apr. 14, 2025); Northwest Immigrant Rights Project, Advisory to Nonprofit Organizations and Social Service Providers Regarding Immigration Enforcement, Appendix A (Jan. 28, 2025), available at: <https://www.casaesperanza.org/wp-content/uploads/2025/01/NWIRP-Advisory-to-Nonprofit-Organizations-and-Social-Services-Providers-Jan.-2025.pdf> (last visited Apr. 14, 2025).



## ABOUT THE NONPROFIT RESILIENCY NETWORK

The [Nonprofit Resiliency Network](#) strengthens and protects the nonprofit sector by providing informational resources, relationship-building, practical training, and legal advice and representation to nonprofits and CBOs dealing with the changing landscape at a time when nonprofits are needed more than ever. It will foster collaboration, build capacity, and distribute essential resources and legal advice to build resilient nonprofits.



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New York Immigration Coalition  
Nonprofit New York**

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