

New DHS Guidance on Immigration Enforcement Near Protected Areas

On October 27, the Department of Homeland Security (DHS) again issued [new guidance](#) for ICE and CBP enforcement actions “near areas that require special protection.” This is essentially a new memo on what were previously referred to as “sensitive locations.” The memo states that “[t]o the fullest extent possible, [ICE and CBP] should not take an enforcement action in or near a location that would restrain people’s access to essential services or engagement in essential activities.” Enforcement actions subject to the guidance include, but are not limited to, arrests, civil apprehensions, searches, inspections, seizures, service of charging documents or subpoenas, interviews, and immigration enforcement surveillance.

The memo gives examples of protected areas where enforcement should not take place, but the list is not exhaustive. Those examples include:

- Schools
- Medical or healthcare facilities
- Places of worship or religious study, whether a permanent structure like a church or a temporary facility or location where religious activities are taking place
- Places where children gather, like playgrounds, recreation centers, childcare centers, before- or after-school centers, group homes for children, or a school bus stop
- “Social services establishment[s],” which includes community-based organizations, a food bank or pantry, domestic violence shelter, and “other establishment[s] distributing food or other essentials of life to people in need”
- Places where disaster or emergency response relief is being provided, including along evacuation routes
- Places where funeral, rosary, wedding, or other religious or civil ceremonies or observances occur
- Places where there is an ongoing parade, demonstration, or rally

Similar restrictions apply to immigration enforcement actions near [courthouses](#), but that is covered under separate guidance issued in April 2021. The memo does not draw a clear line on what constitutes being “near” a protected site, but discusses proximity, visibility from the protected area, and the potential that enforcement action in the area would restrain people’s access to the protected area itself. The memo also lists a number of exceptions, including enforcement involving hot pursuit against an individual who poses a public safety threat. In order to take enforcement action in or near a protected area, and agent or officer is directed to seek prior approval from the Agency’s headquarters.

NDWA will be sharing out community education materials from partner organizations as they become available. If you have any questions, contact trudy@domesticworkers.org.