

[DEPARTMENT] ICE PROCEDURES

BACKGROUND

U.S. Immigration and Customs Enforcement (ICE) is the immigration enforcement division of the Department for Homeland Security (DHS). Homeland Security Investigations (HSI) is DHS's criminal investigations agency. Under the Trump Administration, HSI has also been charged with immigration enforcement.

ICE and HSI must operate in accordance with the Constitution, the Bill of Rights, and the laws of the United States. [8 U.S. Code § 1357](#) defines the powers of immigration officers and employees. **The statute allows ICE or HSI agents to interrogate undocumented immigrants, or persons believed to be undocumented immigrants, without a warrant, about their right to be or remain in the United States.** The statute also authorizes immigration officers to arrest any person in the United States when there is "reason to believe" (also phrased as "reasonable suspicion") the person is present in the United States in violation of federal immigration law. **ICE and HSI agents may enter places open to the public, question people in public places, and conduct inquiries according to their statutory powers.**

If ICE or HSI agents make inquiries about city staff or city-held records, they must present a court-issued subpoena, court order, or judicially-signed warrant to obtain information.

If an ICE or HSI agent shows up without any court-issued warrant and does not assert a statutory authority to act in the absence of a warrant (see [8 U.S. Code § 1357](#)), generally, there is no legal obligation to turn over any information or records. Exception: All employers must comply with the federal law requiring employers to verify the identity and employment authorization of each person they hire, including the requirement that the employer retain a Form I-9.

ICE/HSI agents can employ two different types of warrants:

- **Administrative warrants:** These are issued pursuant to Section 287(g) of the Immigration and Nationality Act (INA) and are issued by an ICE/HSI official or agent. Because they are not reviewed or issued by a court of law, **administrative warrants do not authorize ICE/HSI agents to enter residences or non-public areas of a business** without express consent.
- **Court-issued subpoenas and warrants:** These are issued by a judge or magistrate and have the same force and effect as any other court-issued warrant. They **may** authorize ICE/HSI agents to enter non-public spaces without consent.

This is a good resource for understanding the differences between these documents and provides examples: <https://www.nilc.org/wp-content/uploads/2020/09/2025-Subpoenas-Warrants.pdf>
See pages 14-22 for examples of the different kinds of warrants and subpoenas.

PREPARATION

- Department Heads should review the areas in the building which are considered "public" and "private".
- Areas that are private should be clearly marked.
 - Even if areas of a Department's building require key card access, best practice is still to post signs indicating "City Employees Only Beyond This Point."

- The City Attorney's Office will be responsible for handling law enforcement requests. Department Heads (or the most senior office manager available) should call the City Attorney's Office front desk: 802-865-7121. If there is no answer, call City Attorney Jessica Brown directly: 802-735-8460.
- A court order may require providing requested documentation. Department Heads should first call the City Attorney's Office and then follow the procedure outlined below.
- All **[Department]** staff will be trained on law enforcement inquiries, visits, warrants, & subpoena procedures.

IF ICE or HSI SHOWS UP AT CITY HALL

- ICE or HSI agents may enter places open to the public and question persons present in public places and conduct inquiries in accordance with their statutory powers under [8 U.S. Code § 1357](#).
- **If ICE/HSI has an "administrative warrant"**: Please follow the procedure outlined below and contact your Department Head and the City Attorney's Office immediately. ICE agents cannot enter non-public areas of **[Department/Building]** with only an administrative warrant. **Administrative warrants do not come from a court but rather will say "Department of Homeland Security" and are on Forms I-200 or I-205.** Please let your Department Head and the City Attorney's Office know immediately if ICE/HSI has entered **[Department/Building]**.
- **If ICE/HSI has court-issued subpoenas or warrants that are issued by a judge:** Please follow the procedure outlined below and contact your Department Head and the City Attorney's Office immediately. Such warrants have the same force and effect as any other court-issued warrant. This documentation will be signed by a judge or magistrate. Scan the document for the word "warrant" or "subpoena"; usually, the document will be titled or labeled as one or the other.
- When ICE/HSI agents make inquiries about city staff or city-held records, they must present a court-issued subpoena, court order, or judicially-signed warrant to obtain information.
- If an ICE/HSI agent shows up without any court-issued warrant and does not assert a statutory authority to act in the absence of a warrant (see 8 U.S. Code § 1357) there is no legal obligation to turn over any information or records.

PROCEDURE

1. Meet the officer in a public area of the building.
2. Request and document the name and badge/ID number of the officer, phone number of the officer's supervisor, purpose of the visit, and reason(s) why the officer is visiting **[Department/Building]**.
3. Obtain any documentation from the officer (e.g., subpoena; search warrant; arrest warrant).
 - a. Because it is difficult for an untrained person to determine whether a warrant has been validly issued by a judge, it is vitally important to obtain a copy of the warrant and contact your Department Head and the City Attorney's Office before allowing any access pursuant to a warrant. If a non-local law enforcement officer, including an ICE/HSI officer, presents a warrant of any type, provide the warrant to the City Attorney's Office and await further instructions.

- b. Sample Script: “I do not have the authority to provide any information, consent to a search, or sign anything without my Department Head or City Attorney. I will call them right now. Please wait in the (public area of the building).”**
- 4. Notify your Department Head who will then call the City Attorney’s Office and provide them with the details and documentation obtained from the officer. **Do not provide any information or take any action until you obtain instructions from the City Attorney’s Office.**
- 5. If a non-local law enforcement officer fails to comply with instructions, do not physically attempt to interfere with any enforcement action. In these situations, obtain as much information as possible from the officer and notify the City Attorney’s Office.

**** IF THERE IS ANY INTERACTION WITH LAW ENFORCEMENT, ACT PROFESSIONALLY AND CALL YOUR DEPARTMENT HEAD! ****