



ICE ENFORCEMENT CLINIC RESOURCES

July 19, 2018

In addition to the heated political rhetoric regarding immigration and the heightened media attention over the past 18 months, there has been an escalation of enforcement activity by the Immigration Customs and Enforcement (ICE) division of the US Department of Homeland Security (DHS). NWA has received multiple reports of ICE presence outside of WIC clinics, exacerbating an already significant chilling effect on families and discouraging participants from entering clinics.

With increased concern from participants and in response to member inquiries, NWA seeks to highlight the following guidance for WIC clinic staff:

YOU MAY WISH TO CONSULT STATE OR LOCAL LAWS, OR YOUR AGENCY'S POLICY, TO ENSURE THAT YOU ACT IN FULL COMPLIANCE. THIS DOCUMENT SHOULD NOT BE CONSTRUED AS LEGAL ADVICE, NOR AS A SUBSTITUTE FOR ANY RELEVANT POLICIES OF YOUR ORGANIZATION.

- **WIC CLINIC STAFF ARE UNDER NO LEGAL OBLIGATION TO ASSIST ICE IN ENFORCEMENT ACTIVITIES, ABSENT A COURT ORDER.** Before providing any information, clinic staff should immediately ask ICE agents to identify themselves and request to see any legal authority for their presence within the clinic. Clinic staff should also alert their supervisor.
- **ICE ADMINISTRATIVE WARRANTS LACK LEGAL FORCE AND ARE DIFFERENT THAN COURT ORDERS.** ICE administrative warrants are not issued by a judge, and therefore they do not legally require action or the production of information from non-ICE agents. Clinic staff have the right to request that ICE agents produce a warrant. Check to make sure that the warrant is actually a court order – issued by a U.S. District Court and signed by a federal judge, usually a magistrate judge.
- **WIC DATA IS CONFIDENTIAL AND CANNOT BE SHARED FOR THE PURPOSES OF IMMIGRATION ENFORCEMENT.** USDA regulations maintain the confidentiality of applicant and participant information by permitting its use only for purposes related to WIC program administration, with limited exceptions. WIC staff should not share any applicant or participant information with federal agencies or officials for other purposes, such as immigration enforcement. As



WIC seeks to serve all eligible individuals, WIC agencies generally do not collect citizenship or immigration status information.

- **WIC CLINICS LACK PROTECTION FROM ICE ENFORCEMENT.** ICE policy largely limits enforcement actions in ***SENSITIVE LOCATIONS*** – such as schools or houses of worship. Current ICE policy considers “medical treatment and health care facilities, such as hospitals, doctors’ offices, accredited health clinics, and emergent or urgent care facilities” as sensitive locations. Unless they are housed within a medical treatment or healthcare facility, WIC clinics generally lack protection under the sensitive locations policy. As of July 2018, NWA has not yet learned of an incident where an ICE enforcement action took place within a WIC clinic.
- **WIC CLINIC STAFF CAN REQUEST, OR EVEN DEMAND, THAT ICE AGENTS LACKING A COURT ORDER LEAVE THE CLINIC OR NEARBY AREAS.** ICE agents, like other members of the public, have the right to be present in any public space. However, if they are disruptive to your clinic’s operations, you may request or even demand that they leave unless they have a valid court order.
- **WIC CLINIC STAFF CANNOT OBSTRUCT A COURT ORDER, LIE TO OR THREATEN ICE AGENTS, OR FAIL TO COMPLY WITH A JUDICIAL WARRANT OR SUBPOENA.** Although clinic staff is not obligated to assist ICE unless there is a valid court order, ICE agents are still law enforcement officers. It is against the law to lie to or threaten ICE agents, obstruct the administration of justice, or fail to comply with a valid court order.
- **FOR FURTHER INFORMATION** about immigration policy’s intersection with WIC, please consult NWA’s immigration resources webpage [here](https://www.nwica.org/immigration-resources) (https://www.nwica.org/immigration-resources). For additional resources on immigration policy and know-your-rights, consider [this document](#) – prepared by the Immigrant Legal Resource Center and SEIU-California – which provides detail for public sector employees who may have to interact with ICE. You may also wish to explore the resources available at the [Immigrant Legal Resource Center](#) or [IAmerica](#).



Should ICE enter or approach your clinic, it is imperative that WIC clinic staff communicate this to their WIC state agency *and* to [the National WIC Association](#). Here are some helpful steps that staff can take to document ICE activity and share with NWA:

- **DOCUMENT THE INCIDENT IN WRITING.** Note the exact time and place of the incident, and any details of the van, including license plate numbers. Write down any action the ICE agents may take, such as stopping people on the sidewalk. Request and record the names of any ICE agents involved in enforcement action. If ICE agents enter the clinic, write down an account of the scenario, including any requests the agents made to WIC staff.
- **TAKE PHOTOGRAPHS AND VIDEO.** If feasible, take photographs of the van and agents, and record video of any action ICE agents take in the area of the clinic.
- **DOCUMENT THE IMPACT.** Keep track of the number of clients who cancel appointments at times when ICE is present outside the clinic. If you have to move clients to other clinics due to ICE presence, document how many clients were moved, and any impact on the receiving clinic as a result.
- **SHARE WITH NWA.** Please share all incidences of ICE presence in the area of WIC clinics with NWA by contacting [Brian Dittmeier](#).

If you have any questions, NWA is ready to assist you – please contact Brian Dittmeier at bdittmeier@nwica.org.