



# Sensitive Locations FAQs

In 2011, U.S. Immigration and Customs Enforcement (ICE) issued a memorandum on “[Enforcement Actions at or Focused on Sensitive Locations](#)” (the “ICE memo”).<sup>1</sup> The memo describes ICE’s policy on immigration enforcement actions (such as arrests, interviews, searches, and surveillance operations) at “sensitive locations.” U.S. Customs and Border Protection (CBP) released its own [memo](#) regarding CBP operations at sensitive locations in 2013.<sup>2</sup> The CBP memo is similar but not identical to the ICE policy.

## What places qualify as sensitive locations?

According to the ICE memo, sensitive locations include:

- Schools (pre-schools, primary schools, secondary schools, post-secondary schools, colleges and universities, and other learning institutions such as vocational or trade schools);
- Hospitals;
- Churches, synagogues, mosques, or other institutions of worship, such as buildings rented for the purpose of religious services;
- Site of a funeral, wedding, or other public religious ceremony; and
- Public demonstrations, such as a march, rally, or parade.

## Have there been any updates to the sensitive locations memos?

While the memos have not been revised, ICE and CBP have published additional information on this policy via their Frequently Asked Questions (FAQ) pages. The ICE FAQ page can be found [here](#),<sup>3</sup> and the CBP FAQ page can be found [here](#).<sup>4</sup>

## Are school bus stops and courthouses sensitive locations?

School bus stops are not specifically noted in the ICE memo. The [ICE FAQ](#) on this policy, however, does state that school bus stops are considered sensitive locations

if they are “marked and/or known to the [ICE] officer, during period when school children are present at the stop.”<sup>5</sup> Unfortunately, [reports](#) show that ICE has not always followed this stated interpretation of its policy.<sup>6</sup>

According to the ICE, courthouses do not qualify as sensitive locations. The unfortunate implications of leaving courthouses off the sensitive locations list has become clear in recent weeks. Reports indicate that on February 9, 2017, ICE officers apprehended a domestic violence victim in an El Paso courthouse when she was filing a protective order against her abuser; in fact, her abuser may have tipped ICE off to her location.<sup>7</sup> In reaction, the judge overseeing her protective order stated: “There’s no place for that — especially in family court.”

## Does that mean ICE or CBP can never enter sensitive locations?

No. While ICE typically will not carry out enforcement actions in sensitive locations, it may do so if officials have obtained prior approval or if there is immediate need due to exigent circumstances. Exigent circumstances include instances of a national security threat, pursuit of a dangerous felon, imminent risk of harm, or risk of destruction of evidence in a criminal case.

The sensitive locations policy does not apply to certain enforcement operations conducted within 100 miles of the border, such as activities undertaken when there is a reasonable certainty that the immigrant just crossed the border or when DHS has maintained surveillance since the immigrant crossed the border. In addition, the sensitive locations policy does not apply to certain ICE activities, such as obtaining records, serving subpoenas, or participating in official functions or community meetings.

## Is the sensitive locations policy still in effect?

Yes. The sensitive locations policy currently remains in effect. However, as it is not set forth in statute or regulation, it could be withdrawn or modified by DHS at any point.



Are there any visual materials that can be used to help explain this policy?

Yes. In February 2016, CLINIC, the Catholic Legal Immigration Network, created an infographic available in [English](#) and [Spanish](#) that is a helpful tool to explain this policy.

What can I do to make sure this policy is upheld?

You can urge ICE and CBP to maintain the policy and ensure that their officials are properly trained on its requirements.

Where can I report potential violations of the policy?

You can file a complaint by contacting:

- ICE Enforcement and Removal Operations by phone at (888)351-4024 or via email at [ERO.INFO@ice.dhs.gov](mailto:ERO.INFO@ice.dhs.gov);
- ICE's Office of Diversity and Civil Rights - Civil Liberties Division by phone at (202) 732-0092 or via email at [ICE.Civil.Liberties@ice.dhs.gov](mailto:ICE.Civil.Liberties@ice.dhs.gov).
- CBP's Information Center by phone at 1-877-227-5511 or online at <https://help.cbp.gov>.

In addition to reporting potential violations to ICE and CBP, we ask that you please contact USCCB/MRS at [jfi@usccb.org](mailto:jfi@usccb.org). Sharing your experience can help ensure that others are not apprehended in violation of this policy.

---

## Endnotes

1 John Morton, *Memorandum on "Enforcement Actions at or Focused on Sensitive Locations,"* (Oct. 24, 2011), available at <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>

2 David Aguilar, *Memorandum on "U.S. Customs and Border Protection Enforcement Actions at or Near Certain Community Locations,"* (Jan. 18,

2013), available at <https://foiarr.cbp.gov/streaming-Word.asp?i=1251>.

3 *Sensitive Locations FAQs, ICE*, <https://www.ice.gov/ero/enforcement/sensitive-loc> (last visited Feb. 27, 2017).

4 *Sensitive Locations FAQs, CBP* (Aug. 22, 1026), <https://www.cbp.gov/border-security/sensitive-locations-faqs>.

5 *ICE Sensitive Locations FAQs, supra note 3.*

6 CARA PROJECT, UPDATE ON RECENT ICE ENFORCEMENT ACTIONS TARGETING CENTRAL AMERICAN FAMILIES 9 (2016), [HTTPS://CLINICLEGAL.ORG/SITES/DEFAULT/FILES/ADVOCACY/CARA-RAIDS-UPDATE-PUBLIC-DOCUMENT-FINAL.PDF](https://cliniclegal.org/sites/default/files/advocacy/cara-raids-update-public-document-final.pdf).

7 *ICE Agents Reportedly Arrest Alleged Domestic Violence Victim at Texas Courthouse*, FOX NEWS (FEB. 16, 2017), [HTTP://WWW.FOXNEWS.COM/US/2017/02/16/ICE-AGENTS-REPORTEDLY-ARREST-ALLEGED-DOMESTIC-VIOLENCE-VICITM-AT-TEXAS-COURTHOUSE.HTML](http://www.foxnews.com/us/2017/02/16/ice-agents-reportedly-arrest-alleged-domestic-violence-victim-at-texas-courthouse.html).

