

FREQUENTLY ASKED QUESTIONS

Immigration and Customs Enforcement (“ICE”) in Hospitals

Given recent news regarding possible ICE enforcement in hospitals, should I be concerned that ICE agents will enter my hospital and target patients?

Hospitals are a place of healing and patients and visitors should not be afraid that they will be harassed or detained by ICE while seeking to access health care. Since 2011, the Department of Homeland Security (“DHS”) has maintained standing guidance requiring ICE to refrain from immigration enforcement actions in certain areas known as “Sensitive Locations” which included healthcare facilities, schools, and places of worship. On January 20, 2025, the Trump Administration rescinded this guidance, creating concern that ICE will target healthcare facilities for immigration enforcement.

However, this action does not change the United State Constitutional requirements regarding unlawful search and seizure. Under the United States Constitution, ICE agents are not permitted to access patient care areas in a hospital without either the hospital’s consent or a warrant signed by a Judge, which explicitly identifies the hospital as a location to be searched.

How will my hospital react if ICE attempts to enter?

We are in the process of requesting and reviewing hospital-specific policies regarding immigration enforcement and will convey this information when we receive it. We are also planning to raise this issue at all labor-management meetings.

What if ICE enters my hospital and starts asking questions about a patient?

You should politely inform ICE that you will not answer their questions as you are not authorized to provide them with information or access to patient care areas. When dealing with law enforcement, it is best to remain calm and professional. Alert your manager/house supervisor, security and the hospital liaison to ICE (if known) immediately if you see ICE entering your unit. Alert your NYSNA rep as well as soon as you can.

What if ICE tries to detain or arrest a patient or visitor at my hospital?

If ICE enters your hospital and attempts to detain a visitor or patient, immediately alert hospital security, your manager/house supervisor and the hospital liaison to ICE (if known) and ask for assistance. Unless your hospital consents to ICE being present, ICE is not permitted in patient care areas without producing a warrant or court order signed by a Judge, which explicitly identifies the hospital as the location to be searched. The hospital liaison to ICE should review any warrant or judicial order that ICE provides. You may also ask for the name and badge number of the ICE agent

who approaches you and inform the ICE agent that they will need to wait for the hospital liaison before entering the unit.

What if ICE comes into my hospital and requests patient care records?

Patient care information is protected by New York and federal laws, including HIPAA. This means that RNs cannot legally share protected health information with ICE agents. Patients' immigration status, name, date of birth and discharge date are all examples of protected health information under HIPAA. Healthcare workers, therefore, should refer all ICE inquiries to their manager/house supervisor and the hospital liaison to ICE (if known).

What else should I do if ICE visits my facility?

Carefully document your encounter with any ICE agent, including the agent's name, badge number, documents seized, and whether any individuals were questioned or arrested. Reassure your patients that you are not authorized to provide any information to ICE. Do not forget to notify your NYSNA rep of any encounter you have with ICE.

