



Enforcement Guidelines Are Important to Know

UPDATE FROM CHA'S ADVOCACY OFFICE

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Questions about interactions between health providers and the federal agents whose task is enforcement of current immigration laws continue to arise for Catholic health providers, particularly as some of the enforcement actions have become more aggressive and have garnered publicity.

In addition to the confusion over actual enforcement actions in health care settings, a secondary concern has been the chilling effect some of the recent publicity has had on immigrants seeking health care services. The Catholic health ministry has responded by reinforcing our commitment to serving all, regardless of immigration status, and reaching out to immigrant communities to assure them that Catholic facilities remain open to them. But it is also important for everyone involved to be aware of the current federal guidelines for enforcement actions and how they pertain to community locations such as health care facilities.

In 2011 and 2013, the U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) agencies released guidance around enforcement actions at or focused on what they termed “sensitive locations.”^{1,2} The actions defined in the guidance include arrests, interviews, searches and surveillance. “Sensitive locations” include hospitals, schools and places of worship. Exceptions to the guidelines, which limit enforcement actions in those locations, include immediate needs due to “exigent circumstances” and actions with prior approval from agency superiors.

This federal guidance is still in effect as of this writing. However, because it does not have the force of law, the guidance can be withdrawn or modified at any time.

The Catholic Health Association encourages everyone affiliated with health care facilities to become familiar with these guidelines. We also can recommend further resources from the National Immigration Law Center (NILC), an advocacy group founded in 1979 that has become one of the leading organizations in the U.S. exclusively dedicated to defending and advancing the rights of low-income immigrants.

The Catholic health ministry has responded by reinforcing our commitment to serving all, regardless of immigration status, and reaching out to immigrant communities to assure them that Catholic facilities remain open to them.

The NILC document *Health Care Providers and Immigration Enforcement: Know Your Rights, Know Your Patients' Rights* is particularly helpful for Catholic health providers.³ In addition to spelling out the information in the federal guidance, this resource also makes reference to subsequent memoranda from both ICE and CBP on enforcement actions; other federal and state legal protections; the issues of warrants and consent to searches; and other tips for establishing policies and best practices for health facilities.

In several of the most highly publicized recent enforcement actions, some federal agents have pushed the bounds of what is permissible under the current guidelines. Knowing the guidelines is one of the most powerful tools to make sure federal officials abide by the rules.

CHA will continue to work with our Catholic partners in the Justice for Immigrants coalition and the Catholic Legal Immigration Network, Inc., both affiliated with the U.S. Conference of Catholic Bishops, to advocate on behalf of all immigrants and be a strong, faith-based voice in ongoing policy debates. Although we and our partners continue to seek a more permanent solution to the many issues surrounding immigration in our country through comprehensive reform legislation, we also will support other, more limited legislative initiatives.

One such bill, the *Protecting Sensitive Locations Act of 2017* (HR 1815/S. 845), would codify the federal guidance discussed above and preserve it

from being arbitrarily changed or withdrawn. It also codifies and expands the definition of “sensitive locations” to include areas not currently protected, such as courthouses. We encourage the ministry to support this legislation and to keep up with all of our efforts on behalf of the immigrant community.

For more information, see the CHA website's immigration page at www.chausa.org/advocacy/issues/immigration.

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NOTES

1. John Morton, “Enforcement Actions at or Focused on Sensitive Locations,” memorandum from the director, U.S. Office of Immigration and Customs Enforcement, Oct. 24, 2011. <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>.
2. David V. Aguilar, “U.S. Customs and Border Protection Enforcement Actions at or near Certain Community Locations,” memorandum from the deputy commissioner, U.S. Customs and Border Protection, Jan. 18, 2013. <https://foiarr.cbp.gov/streamingWord.asp?i=1251>.
3. National Immigration Law Center, “Health Care Providers and Immigration Enforcement: Know Your Rights, Know Your Patients' Rights,” website, April 2017. https://www.nilc.org/issues/immigration-enforcement/healthcare-provider-and-patients-rights-immenf/#_ftn5.

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