



Preparing Nonprofits for ICE Interventions Frequently Asked Questions (FAQs)

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Overview and Context

- **Immigration enforcement in our current climate**
 - President Trump issued several Executive Orders addressing immigration during 2025
 - Congress dramatically increased funding for ICE as part of the One Big Beautiful Bill Act
 - The Secure America Act signed into law on June 10, 2026 allocated an additional \$38 billion to ICE
 - The Department of Homeland Security (DHS) lowered the minimum age for ICE agents from 21 to 18, and shortened the required training program, and ICE agents often conceal their identities with masks, plain clothes, and unmarked vehicles
 - ICE enforcement efforts have ramped up and ICE is now permitted to enter “sensitive locations” that used to be “off limits” for routine enforcement
 - State and local responses have varied
 - Legislation pending in the PA General Assembly
 - Bill to keep ICE enforcement off of PA-owned properties
 - Counties/Cities/Municipalities
 - Example: Philadelphia “ICE Out Package”
 - Over 50 law enforcement agencies in PA have agreements in place to cooperate with ICE
- **Practical tips for preparing for and handling ICE interactions**
 - Assess your organization’s risks (mission, programs, activities, physical space)
 - Prepare and practice a Response Plan
 - Establish procedures to follow should ICE show up
 - Select a Designated Response Person who has authority to provide access and/or information to ICE
 - Work with legal counsel (line up counsel in advance)
 - Address what you can and cannot do under the law
 - **NOTE:** Your Response Plan will be based upon applicable law. However, if ICE chooses to act outside of the law, the safety of your team and clients generally means complying with ICE in the moment (and documenting the events for legal counsel).

FAQs

Please note that the information provided below is for educational purposes only and does not constitute legal advice.

Are we **required to cooperate** with ICE?

Can we **prevent ICE from entering** our building? Our offices? Our outside spaces?

Can we **require ICE to unmask** (if that is a requirement to enter our facility?)

Can ICE demand **access to client information** in our files? What **confidentiality** rights apply?

Are there certain **activities we should refrain from engaging in** to try to avoid ICE interactions?

What can we do to **protect the safety of our team members and clients**?

What if ICE **injures one of our team members** and/or **destroys our property**?

What about **staff who work outside our offices** “in the field”?

Does my organization need legal counsel? Under what circumstances, and for what?

What about **Form I-9 audits**? What are the risks and how can we prepare?

QUESTION: Are nonprofit organizations required to cooperate with ICE?

- There is no general duty to cooperate with or assist ICE, but if ICE has a judicial warrant, your organization must provide access to the specific areas and documents identified in the warrant. Note, however, that you are prohibited from impeding ICE, interfering with their activities, or lying to ICE agents.
 - Staff are not required to provide information about programs or persons your organization serves and should not answer questions from ICE agents without direction from a Designated Response Person and/or legal counsel. If questioned directly, staff members may state that they are not authorized to answer.
 - Your Designated Response Person may inform staff, volunteers, and/or people served by your organization who are questioned by ICE agents that they may ask the agents whether they are free to leave. If agents advise them that they are not, your Designated Response Person may inform these individuals that they have the right to consult legal counsel and the right to remain silent.
- **Note: While your Designated Response Person may advise individuals of their right to remain silent, they may not *direct* them to be silent**



- You are permitted to record the activities of ICE agents, but should follow best practices when recording, including making an announcement that recording has begun.

QUESTION: Can we prevent ICE from entering our building? Our offices? Our outside spaces?

- Unless you consent, ICE agents cannot enter your organization’s nonpublic spaces without a valid *judicial* warrant. If your office or facility has public spaces (such as a lobby or waiting area), you cannot prevent ICE agents from being in those public spaces. If a space is private and not open to the public (such as an office or conference room which you control access to), you may deny ICE entry into those spaces — unless they have a judicial warrant. Note, however, that ICE may assert that an “exigent circumstance” (emergency) exists, such that they must enter immediately without a judicial warrant.
 - Judicial warrants require you to provide access to ICE — vs. administrative warrants, which do not require you to provide access — although the current position of the Department of Homeland Security (DHS) is that administrative warrants do provide a right of entry.
- It is more challenging to assert that outside spaces are nonpublic.

QUESTION: Can we require ICE to unmask (if that is a requirement to enter our facility)?

- Because current DHS/ICE policy allows ICE agents to wear masks, it would be challenging for an organization to require ICE agents to unmask in order to enter their office or facility. In addition, the provision in Philadelphia’s ICE Out legislation banning law enforcement agents from wearing masks was blocked by a federal judge in July 2026.

QUESTION: Can ICE demand access to client information in our files? What confidentiality rights apply?

- In order to access information in your files, ICE must have a judicial warrant that describes the information sought with particularity. In addition, other privacy



laws (such as HIPAA and FERPA) may apply when turning over client information. It is critical that you consult with legal counsel before turning over client files/information.

- Your Response Plan should provide that only the Designated Response Person is authorized to provide client files/information to ICE and, specifically, that your reception person and other frontline staff are not authorized to provide such access.
- Note: Unless there is a reason you are required to collect immigration status (such as a requirement from a funder), it is best practice not to collect this information. If you receive federal funds (either directly or through the state), you may be required to collect this information. Your organization should review/revisit your data collection/data protection/privacy policies, as well as IT security and cyber insurance coverage.

QUESTION: Are there certain activities we should refrain from engaging in to try to avoid ICE interactions?

- The answer to this question is very fact-specific and can only be determined on a case-by-case basis. As part of your organization's specific risk assessment, you should evaluate your activities and consider factors such as your location (public or nonpublic spaces, if activities are conducted outdoors), population served, and the current status of ICE enforcement in your area (have you seen ICE agents near your facility, have peer organizations reported interactions with ICE).
- Your organization will need to balance the risks involved vs. the importance of your activities toward achieving your charitable purposes and staying true to your mission. After review and consideration, you may decide to refrain from or modify certain activities.

QUESTION: What can we do to protect the safety of our team members and clients?

- Your Response Plan should consider and provide a plan for the safety/security of all persons who may be at your office or facility during an ICE interaction, such as staff,

volunteers, and clients and their families. Part of your organization's Response Plan should focus on efforts to prevent escalation or de-escalate an ICE interaction.

- If your staff/volunteers are facing aggressive ICE agents, including those who may be operating outside of the law, it is safer to comply with the ICE agents' demands. Your office or facility may already have security measures in place (for example, locked doors with limited access at a childcare facility). In the absence of a valid judicial warrant, you are not required to provide access to ICE.
- For example, if ICE agents arrive and show their credentials and/or a warrant to a receptionist through a window/glass door, your Response Plan should provide that your receptionist will take a picture of these documents and immediately send them to the Designated Response Person for review, and that the Designated Response Person will send these pictures immediately to legal counsel. Legal counsel will then advise you whether you are required to grant access to ICE.

QUESTION: What if ICE injures one of our team members and/or destroys our property?

- If ICE injures someone and/or destroys property during the course of an interaction, the Federal Tort Claims Act (FTCA) provides a mechanism for pursuing claims against ICE. The process starts by filing a complaint directly with ICE. If satisfactory relief is not obtained at the administrative level, then a claim may be filed in federal court.
- If a staff member is injured by ICE while performing their job duties, workers' compensation may be available. Consult with legal counsel in this situation.

QUESTION: What about staff who work outside our offices "in the field"?

- If your organization has staff members who work outside of your offices "in the field," it is important to train them about potential ICE interactions in these field locations. If your staff will be working at the premises of a partner organization, communications between you and the other organization in advance are helpful, so that you know the details of that organization's ICE Response Plan. If your partner organizations do not have a Response Plan, and you have capacity to assist them in developing one, that may be beneficial.



- When on-site at another organization, your staff members should follow that organization's Response Plan.
- If your staff members are approached directly by ICE agents at another organization, they should state clearly that they are not staff members of that organization and should direct ICE agents to the other organization's staff (or the Designated Response Person, if your staff members know who that person is and they are available).

QUESTION: Does my organization need legal counsel? When and for what?

- Legal counsel serves an important role before, during, and after ICE interactions.
- It is best to line up legal counsel *in advance* so that they can help prepare your Response Plan and so that you have their contact information (including after hours and weekends) available should ICE arrive at your organization.
- If ICE agents arrive at your organization, counsel should be contacted immediately. Counsel can evaluate a purported warrant, communicate with the lead ICE agent on the scene, and advise your organization how to proceed.
- After an ICE interaction has taken place, counsel can determine next steps (for example, revising your Response Plan, asserting that certain information must be treated as confidential, or filing claims against ICE).

QUESTION: What about Form I-9 audits? What are the risks, and how can we prepare?

- The purpose of US Citizenship and Immigration Services (USCIS) Form I-9 (Employment Eligibility Verification) is to verify the identity and employment authorization of individuals hired for employment in the United States. On Form I-9, an employee indicates the basis for their work authorization and provides supporting documentation to the employer for inspection. The employer inspects that documentation and records this information on the Form I-9.
- Forms I-9 are required to be completed for all individuals working in the United States. Employers are required to retain Forms I-9 on file for all

current employees. In addition, employers are required to retain Forms I-9 for former employees for a certain period of time as required by law.

- A Form I-9 audit is when a government agency (usually the Department of Homeland Security/ICE, but the Department of Labor and the Department of Justice are also authorized) reviews and inspects an employer's Forms I-9 for completeness and accuracy. An effective way to prepare for a potential Form I-9 audit is to conduct a "self-audit" to identify and correct any deficiencies.
- For more information on conducting a self-audit, see the following:
 - U.S. Citizenship and Immigration Services, [*Self-Audits and Correcting Mistakes*](#)
 - i9 Intelligence, [*I-9 Audit Checklist: Every Item to Check Before an ICE Inspection*](#)