

KNOW YOUR RIGHTS

Health Care Providers and Immigration Enforcement: Know Your Rights, Know Your Patients' Rights

Jan 24, 2025 Information for health care providers on how to prepare for and respond to enforcement actions by immigration officials and interactions with law enforcement. Originally published in April 2017.

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Know Your Rights, Know Your Patients' Rights

The threat of immigration enforcement raises concerns among immigrant families, some of whom may forego necessary medical services out of fear that they could be putting themselves and their family members at risk. This factsheet provides advice to hospitals, medical centers, community health centers, other health care facilities, and advocates on how to prepare for and respond to (a) enforcement actions by immigration officials and (b) interactions with law enforcement that could result in immigration consequences for their patients.

Immigration Enforcement Power is Limited by the Fourth Amendment

U.S. Immigration and Customs Enforcement (ICE) is the interior enforcement agency within the U.S. Department of Homeland Security (DHS). U.S. Customs and Border Protection (CBP), another agency within DHS, is responsible for enforcement at or near the nation's borders.

ICE and CBP's power to enforce immigration law is limited by our constitutional protection against *unreasonable search and seizure*. Under the Fourth Amendment to the U.S. Constitution, the permissibility of a search depends on whether a person has a *reasonable expectation of privacy* in the area searched. The test is: at the time of the search, was it the person's subjective, actual expectation that the place or things searched were private, and was that expectation objectively reasonable, i.e., would it be generally recognized by society? Your patients thus may be more vulnerable to immigration enforcement actions when they are in areas of your facility that are open to the public than when they're in areas that are considered private.

Federal and state privacy laws provide additional protections that limit the disclosure of patient information—including immigration status-related information—to law enforcement officials.

Health Care Providers and Their Patients Have Legal Rights



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