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Attorney General Guidance: **General Information for Massachusetts Service Providers Regarding Immigration Enforcement**

All members of our community should feel encouraged to seek assistance and reassurance in times of need. Our office has heard concerns about how changes in the federal government's approach to immigration enforcement might impact our immigrant communities and those who provide them services. This guidance is meant to provide information to service providers¹ (hereinafter "organizations") about serving immigrant residents, and a broad overview of steps these organizations can do to prepare for potential encounters with Immigration and Customs Enforcement (ICE) officials and answer some questions people may have about the ability of immigrants to access financial or other government assistance because of their immigration status.

This guidance is not legal advice or a formal legal opinion of the Attorney General. An organization should consult with legal counsel about specific questions and concerns and to determine how the considerations discussed below affect any particular organization.

QUESTIONS AND ANSWERS

Should an organization collect information on immigration status?

In most cases it is not necessary to collect information about a person's immigration status to provide services. If personal information is not needed, it should not be collected. Organizations that provide immigration-related services may need to collect information about immigration status; these organizations can help assure individuals by explaining what information will be collected, why the information is necessary, and how the organization limits access to the information.

When collecting any personal information, including information about immigration status, an organization should ensure that personal documents containing sensitive information are shielded from view by others, and that conversations regarding such information cannot be easily overheard.

¹ For the purposes of this guidance, services providers include, but are not limited to, charitable institutions, service organizations, and non-profit organizations generally.

Where does ICE conduct enforcement activity?

Many organizations are concerned about the possibility of ICE enforcement activity, particularly given the recent rescission of ICE guidelines that generally prohibited ICE agents from conducting enforcement activities in or near “sensitive” or “protected” areas² such as schools, places of worship, social service establishments, and healthcare facilities. The language of the updated directive does not include concrete rules or procedures for ICE agents to follow but instructs agents to use “common sense” when determining where to engage in immigration enforcement.

What steps can an organization take to prepare for ICE activity?

Organizations should consider adopting comprehensive policies and procedures that apply to any law enforcement activity, including immigration enforcement activity by ICE. Recommended policies include:

Training and Preparation: Organizations can hold “Know Your Rights” trainings; provide rights cards; and consult guidance from other organizations and state agencies, such as the Office for Refugees and Immigrants, the MIRA Coalition, and the National Immigration Law Center. Organizations may also consider, where applicable, engaging in emergency planning with those they are serving to prepare for the possibility of arrest or detention by ICE. For more information on emergency planning, please see the Attorney General’s Emergency Planning Guide for Parents with Uncertain Immigration Status.

Designation of Private Areas: Organizations may develop policies on how to designate private areas that are not accessible to the general public. Designating such areas through signage, key cards, or locks can promote a safe environment conducive to the organization’s mission. Like other law enforcement agencies, ICE cannot gain access to such designated private areas without the organization’s consent or a judicial warrant or court order.³

Organizations should train all staff members and, if possible, designate a staff member for potential interactions with ICE or other law enforcement officials.⁴ Any response may include the following steps:

² See [Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole](https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse) at <https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse>.

³ The authority of ICE like that of other law enforcement agencies is governed by the Fourth Amendment to the U.S. Constitution, which protects against ***unreasonable search and seizure***. Whether a search is permissible in any particular area depends on whether a person has a reasonable expectation of privacy in the place ICE seeks to be entered. If a reasonable expectation of privacy exists, the U.S. Constitution prohibits access without consent, a judicial warrant signed by a judge, or certain exigent circumstances that excuse the warrant requirement.

⁴ If the organization works with municipal, state, or campus police, you should ask if their practices are consistent with *Lunn v. Commonwealth*, 477 Mass. 517 (2017). In this case, the Massachusetts Supreme Judicial Court ruled

- (1) Ask the officer for their name, identification number, and the name of the agency with which they are affiliated;
- (2) Ask the officer if they have a judicial warrant or court order, and if so, ask for a copy of the document;
- (3) Inform the officer that you are not attempting to obstruct their actions, but that you are not authorized to respond to the request and need to contact the appropriate person before you can provide access; and
- (4) Ask the officer to wait outside (or in a public space) while you contact your organization's legal counsel or other appropriate point person.

What types of documents may an ICE official present when conducting immigration enforcement activity and what should you look for?

Immigration officials may present a variety of documents, not all of which are warrants in the constitutional sense. Organizations are not required to consent to a search of the private areas of their premises unless presented with a judicial warrant, signed by a judge or magistrate, and based on probable cause. Subpoenas, whether administrative or judicial, are documents that request the production of documents or testimony. They generally do not require immediate responses and can be challenged in court. If feasible, a designated staff member should review all documents presented by immigration officials with the assistance of legal counsel. Organizations may want to advise staff not to physically interfere with the actions of immigration officials or any law enforcement officers.

If presented with a warrant or other court document by immigration or other law enforcement officials, a designated staff member at an organization should review whether the document: (1) is a valid judicial warrant; (2) is signed by a judge or magistrate judge; (3) states the address of the premises to be searched; (4) if indicated, is sought to be executed during the time specified on the warrant.

ICE Administrative Removal Warrants (Form I-200) or Arrest Warrants (Form I-205) authorize ICE officers to arrest a person suspected of violating the immigration laws. These are not warrants within the meaning of the Fourth Amendment to the U.S. Constitution, are not signed by a judge or magistrate judge and are not based on a showing of probable cause of a criminal offense. These warrants do not require organizations to grant ICE officers access to non-public areas.

that law enforcement officers may not hold an individual "solely on the basis of a Federal civil immigration detainer."

Federal Arrest Warrants (Form AO 442) or Search and Seizure Warrants (Form AO 93) are issued by a federal court judge or magistrate judge based on a finding of probable cause and authorize the search and seizure of property in a specified location or the arrest of a person named in the warrant, including in non-public areas. Prompt compliance with these warrants is usually required. If feasible, an organization should review the document and consult with legal counsel.

How do the services an organization provides impact a recipient's immigration status?

Under current federal policy⁵, the receipt of non-cash benefits for which one is eligible does not impact an individual's immigration status. These include, among others, SNAP (Supplemental Nutrition Assistance Program), Head Start, Workers' Compensation, Medicaid (MassHealth) (other than for nursing home care), and CHIP (Children's Health Insurance Program). Assistance from private organizations is **not** considered a public benefit under the public charge rule.

A public charge inadmissibility determination is based on a noncitizen's likelihood of becoming primarily dependent on the government for subsistence and focuses on the receipt of public cash benefits for income maintenance or long-term institutionalization at the government's expense. The public charge test **does not** apply to green card renewals, those seeking immigration status as a refugee, asylee, Temporary Protected Status, holders of U and T visa, Special Immigrant Juveniles, or self-petitioners through the Violence Against Women Act.

What are some resources that an organization can provide if an individual is detained?

In the event an individual is detained by immigration authorities, organizations should consider referring them or their family member(s) to the following resources.

ICE Detainee Locator

The ICE detainee locator (<https://locator.ice.gov/odls/homePage.do>) can help people determine if their family member has been detained and where the family member is being held. In using the ICE detainee locator, it is helpful to know the individual's date of birth, country of birth, and 'A-Number' (Alien Registration Number), if there is one. Please note: The ICE detainee locator is intended only for locating individuals who are already detained. If someone has general questions about his or her immigration status, they should consult legal counsel.

⁵ The current rule was promulgated in 2022. The public charge designation cannot be changed through Executive Order. Changes to the rule require a lengthier federal rulemaking process.

Legal Assistance

Immigration lawyers in private practice, accredited representatives (who are affiliated with Recognized Organizations and assist immigrants in immigration proceedings), or legal aid organizations may be able to provide legal assistance to secure the release of a detained individual or help arrange for family members to visit them. The following resources may be helpful to you in finding legal representation: [Detention & Deportation | Massachusetts Legal Help](#) and <https://www.mass.gov/info-details/finding-a-lawyer>.

Information about whether a lawyer is licensed and in good standing can be found through the Board of Bar Overseers (<https://www.massbbo.org/s/>). A list of Recognized Organizations in Massachusetts accredited by the Board of Immigration Appeals (BIA) to represent immigrants before the Department of Homeland Security (DHS) and the Executive Office Immigration Review (EOIR) can be found here: <https://www.justice.gov/eoir/page/file/942306/dl#MASSACHUSETTS>.

Consulate or Embassy

The consulate or embassy of an individual's country of origin may be able to offer additional information and assistance. For a list of consulates in Massachusetts visit mass.gov/consular-corps-in-massachusetts/locations?page=0.

Who can the organization contact at the AGO with questions or to report an incident?

If you have questions or need further assistance, you may contact the Office of the Attorney General at (617) 963-2917.

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