

WHAT TO DO IF IMMIGRATION OFFICIALS COME TO TEXAS HOSPITALS



The Trump Administration has rescinded the U.S. Department of Homeland Security’s (DHS) “sensitive locations” or “protected areas” policy. This means that U.S. Immigration and Customs Enforcement (ICE) agents can now go enter public spaces within campuses, hospitals, and faith institutions. However, ICE agents still need a warrant to access private spaces, and patients have legal protections.

Hospitals should be aware that in addition to ICE agents, local and state law enforcement may engage in immigration enforcement. Federal law currently provides safeguards that hospitals should know to protect patients from potential civil rights violations.

PATIENTS HAVE THE RIGHT TO DECLINE TO ANSWER A HOSPITAL’S QUESTIONS ABOUT THEIR IMMIGRATION STATUS.

- Texas Governor Greg Abbott issued an executive order August 8, 2024, directing hospitals to ask patients their immigration status. His stated goal is to collect data on the cost of care for, and number of discharges/visits by, “patients who are not lawfully present.”
- If asked by hospital intake staff about their immigration status, patients can request an interpreter and/or decline to answer the question.
- A patient’s immigration status and/or refusal to answer the question cannot affect the care they receive.

LAW ENFORCEMENT AND/OR IMMIGRATION AGENTS MAY ONLY ENTER A HOSPITAL IF THEY HAVE A WARRANT THAT IS SIGNED BY A JUDGE.

- The Fourth Amendment protects hospitals and patients from unreasonable searches and seizures. This means that law enforcement and/or immigration agents would need a judge-signed warrant to enter areas where there is a reasonable expectation of privacy, such as hospital rooms, hospital administrative offices, and areas intended for patients and family members.
- An administrative ICE warrant that is signed by an ICE official is not sufficient for the law enforcement and/or immigration agents to enter areas of the hospital that are not open to the public.
- Law enforcement and/or immigration agents may ask for permission to enter even if they don’t have a warrant or only have an ICE administrative warrant. You do not have to allow them in.

HOSPITALS SHOULD CLEARLY INDICATE WHAT AREAS OF THE PROPERTY ARE PRIVATE.

- Establish a written policy designating private areas and limit access to only those who are receiving or providing care, or who are otherwise necessary.
- Barriers between the public and private areas of the facility should be clearly marked with signs or locked doors.
- Remind all patients and other individuals present that they have the right to remain silent and not answer any questions.

HOSPITAL ADMINISTRATION SHOULD HAVE A PLAN FOR WHEN/ IF LAW ENFORCEMENT AND/OR IMMIGRATION AGENTS COME TO A HOSPITAL, INCLUDING THE FOLLOWING CONSIDERATIONS:

- Designate one or two people at hospital whose job it is to talk to the law enforcement and/or immigration agents.
- If a law enforcement and/or immigration agents approaches an employee that is not the designated person, the employee can direct them to the front office to meet the designated person.
- The designated person should identify the law enforcement and/or immigration agents, identify what agency they are with, and ask to see a warrant. Look to confirm that the warrant is issued by a court and signed by a judge. [Here's an example \(tinyurl.com/3pw2ytf3\)](https://tinyurl.com/3pw2ytf3). Also read the warrant to determine where the law enforcement and/or immigration agents are authorized to search and what they can seize to ensure they limit their search.
- If law enforcement and/or immigration agents ask permission or attempt to enter a private area, the designated person should state explicitly that they do not consent to the officer/agent(s) entering without a warrant.
- Hospital staff and patients have the right to refuse to answer any questions.
- If law enforcement and/or immigration agents detain a patient, promptly notify the patient's family.
- Request patient consent before any requested search by law enforcement officials.
 - In the absence of a judicial warrant or voluntary consent to a search, medical personnel should not conduct a search or share any medical history subject to HIPAA protections obtained from such a procedure.
 - To properly verify whether a patient voluntarily consented to a search or sharing of medical history, medical personnel should, outside of the presence of immigration officials, independently obtain consent from the patient.

There are many steps hospitals can take to support their patients. For more information, [attend an upcoming webinar \(aclutx.org/kyrimmigration\)](https://aclutx.org/kyrimmigration) or request a [KYR presentation \(action.aclu.org/webform/tx-kyrpresentations\)](https://action.aclu.org/webform/tx-kyrpresentations). If you feel your rights have been violated, you can seek legal assistance from a variety of organizations, including the [ACLU of Texas \(aclutx.org/intake\)](https://aclutx.org/intake).

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