



## Can ICE Immigration Officers Question and Arrest People at Food Banks and Partner Agencies? Know Your Rights, Understand ICE's Authority

- **Can ICE agents enter food banks or partnering agencies? Open areas yes, private areas no, unless they have a warrant.**
  - ICE agents can enter areas open to the **public**, such as a parking lot, without a search warrant or consent.
  - If ICE agents want to enter **private** areas, they must have a valid search warrant issued by a court, or receive consent from the food bank or agency. An area is considered private if the individual reasonably expects it to be private, such as a locked or otherwise restricted area. Food banks may take precautionary measures such as 1) placing locks on doors to restricted areas; 2) posting signage identifying areas as private/restricted/employees only; and 3) establishing a policy to identify which areas of the food bank are open to the public and the circumstances when non-employees may enter restricted areas, including a policy that does not allow anyone into private areas without a manager's approval.
  - Generally, individuals who work at a food bank/agency may consent to searches of areas they have control over. A search warrant is different than an ICE administrative warrant (sometimes called a "removal warrant"), which does not grant ICE agents permission to enter private areas.
  - Currently, there is a special policy for "**sensitive locations**," such as schools, hospitals, and places of worship. ICE should not carry out enforcement actions such as arrests, interviews or searches in these locations, though this policy is subject to change.
- **Can ICE stop and question individuals at food banks and partnering agencies regarding their immigration status? Generally, yes.**
  - ICE agents can question any person they believe to be an alien to determine whether he or she is legally present in the United States.
  - A person's ethnicity or race is never, by itself, sufficient to stop that person for questioning, but may be considered along with other factors, such as inability to speak English, nervous or evasive behavior, or information from a reliable informant.
  - Noncitizens should always carry immigration papers and produce them to an ICE agent if requested. Failure to produce immigration papers can result in detention.
- **Can ICE take data or documents from food banks or partnering agencies? No, unless they have a warrant.**
  - ICE agents need a warrant to seize data or documents unless the food bank or agency consents to the search. ICE administrative warrants do not grant agents a right of entry into a private area or the right to take documents or data.
  - If ICE does seize evidence illegally, it may still be used in civil deportation proceedings.
- **Is anything different for food banks or agencies near the border? Yes, ICE has more authority.**
  - ICE has additional authority to search vehicles within 25 miles of a US border. It may stop a vehicle and question the occupants if the agent suspects that the vehicle contains undocumented persons. ICE may also enter private land to question people without a warrant, though it may not enter places where people live for this purpose.

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