

FAQ Regarding ICE in our Hospitals

Our role as nurses is to advocate for our patients ensuring they receive the care they need regardless of immigration status. Management is responsible for maintaining a safe work environment. Hospitals must remain a refuge where patients can seek care. As nurses we must remain calm and rely on established hospital protocols when Immigration and Customs Enforcement (ICE) operatives enter the facility with a patient or request access to one.

Here are some frequently asked questions to help you understand your rights, and obligations pertaining to our patients, during encounters with ICE at the hospital.

What should I do if ICE or other law enforcement agents appear in my unit?

The best practice is to remain calm and prioritize patient safety. By now, your employer should have designated areas of the hospital that are “non-public,” including treatment rooms, inpatient units, and offices. A judicial warrant, signed by a judge, is the only document that gives ICE the right to enter these non-public areas and access patient information. The hospital should have a designated liaison to interact with ICE and review any legal documents.

HIPPA protects both patients and health care workers by strictly limiting the disclosure of protected health information. If you encounter an agent and are asked to provide them with patient information or access nonpublic areas, advise them that you do not have the authority to share or grant entry, and that HIPPA regulations prohibit you from doing so. Inform them that you will contact the appropriate hospital representative to deal with them. Be sure to document the incident with as much detail as possible: date, time, location of encounter, names of ICE operatives, and actions taken. Contact your nurse representative and labor representative immediately and consider filing an ADO.

What if ICE or other law enforcement agents are uncooperative with the process?

If you’ve exhausted the hospital’s protocols and law enforcement insists on taking custody of a patient, accessing a non-public area of the hospital, and/or patient information without a valid

judicial warrant do not attempt to interfere with their actions. Reassure your patient and let them know their safety and care are your top priorities. Avoid becoming confrontational or putting yourself in a position where you are physically interacting with ICE. Immediately contact your supervisor or hospital liaison for guidance.

Should we advise our immigrant patients of their rights?

Nurses should not provide legal advice; however, you may inform patients of their basic rights. These include the right to remain silent, the right to decline signing any documents, and the right to legal counsel. You are encouraged to hand out “Know Your Rights Red Cards,” or use the QR code to direct patients and their families to our website, where they can access this information in six different languages.

Can management retaliate against me for advocating for my immigrant patient?

As union nurses we are committed to ensuring that our hospitals remain a sanctuary for everyone. Our union contracts give us the legal right to advocate for safe working conditions free of retaliation. Your employer has a legal obligation to maintain a safe working environment free of hazards and many of our contracts contain workplace violence language. Any attempts by management to discipline nurses for advocating for their immigrant patients violate our rights as nurses and as union members are unlawful. We speak with a unified voice and will use our collective power to hold management accountable if they retaliate against union nurses.

**OUR PATIENTS’
RIGHTS HAVE
NO BORDERS**



OUR PATIENTS. OUR UNION. OUR VOICE.

