



Messaging Guide: Immigration Enforcement in Sensitive Locations/Protected Areas

Updated February 21, 2025

Per a [DHS statement](#) on January 21st, the 2021 protected areas policy was rescinded on January 20th and replaced with a new directive advising enforcement agents to use “common sense.” See [this explainer](#) from NILC on the policy rescission.

Sections

What is the protected areas policy?	1
Timeline	2
What happens now that protected areas policy has been rescinded?	2
Talking points for the media and policymakers:	2
Talking points for community members:	4

What is the protected areas policy?

- The [protected areas policy](#) is a policy that was put in place to replace the “Sensitive Locations” policy that was first implemented in 1993 and has been in place ever since, even under the last Trump Administration. The policy states that except in limited circumstances, Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) agents are prohibited from conducting enforcement actions at certain locations, including but not limited to:
 - Hospitals, health clinics, vaccination and testing sites;
 - Child care centers, schools, post-secondary institutions, after-school programs, and other places of learning;
 - Places where children gather, such as playgrounds;
 - Places of worship;
 - Places that provide disaster relief, domestic violence shelters, food pantries, and other places that provide social services; and
 - Mass demonstrations and sites of funerals and weddings.
 - The policy also provides guidance about not carrying out enforcement locations “near” protected areas.

Timeline

- [1993](#): Under Clinton, INS issued a memo restricting immigration enforcement in institutions of education, places of worship, funerals, and other religious ceremonies.
- [2008](#): Field guidance under Bush affirms the 1993 guidance.
- [2011](#): Federal policy preventing agents from making arrests in sensitive locations without approval started with a 2011 memo sent by ICE Director John Morton.
- [2018](#): ICE issued official guidance authorizing ICE agents to enforce inside courthouses.
- [2021](#): The Biden Administration issued additional guidance expanding the list of “protected areas” superseding the 2011 memo.
- [2025](#): Rescission of protected areas guide via DHS memo.

What happens now that protected areas policy has been rescinded?

- ICE and CBP agents will now be able to use their own discretion or “common sense” while carrying out enforcement actions in locations the policy previously protected.
- On January 31st, DHS issued [additional guidance](#) stating that local ICE supervisors can provide written or verbal prior authorization for enforcement actions in or near sensitive locations on a case-by-case basis. Additional consultation must occur for actions taken at or near public demonstrations.
- However, while we no longer have this official Department of Homeland Security policy in place, it is important to know that many locations listed under the policy continue to have rights, and we can still protect families and keep programs safe from most immigration enforcement actions.

Talking points for the media and policymakers:

- The protected areas policy is an important policy that has been in place since 2011, including under the previous Trump Administration. In fact, some form of the policy has been in place since 1993. The principles behind the policy are rooted in the bipartisan recognition that immigration enforcement actions should not unnecessarily deter immigrants, many of whom are parents of U.S. citizen children, from carrying out essential activities, such as dropping their children off at school, visiting the doctor, or attending religious services.
- The simple act of rescinding the policy—regardless of whether immigration enforcement actions are actually carried out in such locations—can create a chilling effect, deterring immigrant families from carrying out essential activities and preventing even U.S. citizen children from accessing important programs and services. It is likely that this chilling

effect can lead to increased absenteeism in schools and lower enrollment in child care programs.

- Should the presence of immigration enforcement agents increase in places like schools or child care settings, children will be more likely to witness a parent's arrest. Research has found that such experiences are particularly traumatic for children, leading to longer-term impacts on their mental health.
- Rescinding the policy will not only harm immigrants and their families but undermine the health and safety of entire communities. It will also create hardship for those who work at such locations, requiring them to take extra measures to assure immigrants that it is still safe to access services. Recent natural disasters in North Carolina and California, as well as the COVID-19 pandemic, are examples of the importance of ensuring all residents are able to access life-saving assistance and medical care, including testing and vaccination services.
- Rescinding this policy in conjunction with other ramped-up immigration enforcement measures—such as mass deportation and increased collaborations between local law enforcement and immigration agents—will further contribute to a climate of fear, especially in states that already have anti-immigrant policies.
- [Research](#) shows that concerns related to immigration enforcement can create toxic stress for entire families, limit access to critical services, and lead to limited mobility and reduced outings, even to places like libraries and playgrounds. This type of anxiety is harmful to children's development, especially for young children.
- Congress must take action to pass federal legislation that would codify the protected areas policy. State and local policymakers should consider legislation and/or policy guidance to restrict immigration enforcement actions in places that fall under the protected areas policy. Examples include California's [AB 699](#) and a [district-wide policy](#) by New York City Schools regarding how to handle immigration enforcement encounters at school facilities.
- It is also important to ensure that providers who fall under the policy are supported to know what rights they continue to have to keep their locations safe from enforcement actions.
- See sample press statements:
 - Regarding rescission of the policy (January 2025):
 - [CLASP Statement](#)
 - [AAP Statement](#)
 - On possible rescission of the policy (December 2024):
 - [Center for Law and Social Policy Statement](#)
 - [National Immigration Law Center Statement](#)
 - [Church World Service Statement](#)

■ [Women's Refugee Commission Statement](#)

Talking points for community members:

- Even without a federal policy in place, schools, hospitals, child care centers, churches, and other places of worship continue to have the right to restrict the ability of immigration agents to enter their facilities. Some states and localities also have additional protections in place.
- Many places, like schools, are also required to protect personal information and only use it to enroll people in their programs. They do not share that information with immigration agents. Those privacy laws remain in place.
- If you have concerns about accessing a certain location—like a school, community health care center, child care center, or food pantry—you should share your concerns with staff at the location so they can provide information on steps they are taking to protect you and your family. You can also reach out to a trusted community-based organization to ask questions about changes in the protected areas policy, what that means for you, and any other questions or concerns you have about new policy changes.
- Immigrants and their families are not alone, and advocates and providers are ready to help support you in the weeks and months ahead.
- Please also see [these additional resources](#) on how to keep places safe from immigration enforcement. They will be updated as policy changes happen.
- All people, regardless of immigration status, have the constitutional rights to be free from unreasonable search and seizure (4th Amendment) and to stay silent (5th Amendment).