

**ACLU Recommendations to DHS on Sensitive Locations Enforcement****March 2014**

Current Political Landscape: The Department of Homeland Security (DHS) has historically recognized that immigration and border enforcement actions should not take place at, near, or focused on certain “sensitive locations,” including schools, hospitals, institutions of worships, and sites of religious ceremonies, except in limited exigent circumstances. U.S. Immigration and Customs Enforcement (ICE) issued a memorandum in October 24, 2011 codifying this. However, courthouses are not included on this list, and ICE agents have used courthouse grounds for enforcement or information gathering activities. Countless cases around the country document ICE agents interrogating, detaining, and even deporting individuals, as they attempt to pay for traffic citations, appear for court hearings, meet with an interpreter, get married, obtain a domestic violence restraining order, or provide interpretational or emotional support for family members and friends. This practice obstructs the ability of immigrants to access the courts, endangering public safety, and runs counter to ICE’s stated priorities.

DHS should issue new sensitive locations enforcement guidance that:

- Applies to all DHS components to ensure consistency, particularly on the issues of sensitive location sites, exigent circumstances, exemption from restrictions, and prior approval requirements
- Specifies that all courthouses (other than immigration courts) and their premises are “sensitive locations”;
- Instructs all DHS personnel to stop using courts and other sensitive locations as places to review and access records for immigration enforcement actions, unless the individual has been convicted of a crime (other than a State or local conviction that relates to a non-citizen’s immigration status) for which he or she served more than one year’s imprisonment completed within the past five years, and which has not been expunged, set aside, or the equivalent;
- Instructs DHS personnel not to undertake enforcement actions based on requests from employees or others at sensitive locations sites and courthouses, absent exigent circumstances;
- Collects and publicizes data on enforcement actions at or near sensitive locations;
- Restricts enforcement at sites where court-ordered activities take place (such as mediation or supervised visitation); and
- Includes special protections for juveniles.

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