

## **How do I interact with Immigration Agents? FAQs for City Employees**

### **1. What does it mean when people say Portland is a “sanctuary city”?**

When we say Portland is a sanctuary city, we mean that the City does not cooperate with federal immigration enforcement except to the extent required by law. The City prohibits the use of City funds, personnel, or equipment to enforce immigration law unless state or federal law requires it.

In March 2017, City Council passed a resolution affirming that Portland is a “sanctuary city.” For more information, you can read the resolution at <http://efiles.portlandoregon.gov/Record/10774926/>

### **2. What is the difference between police officers and ICE agents?**

U.S. Immigration and Customs Enforcement (“ICE”) is a federal agency charged with enforcing federal civil immigration laws. ICE identifies, arrests, detains, and departs undocumented immigrants.

Portland Police Bureau (“PPB”) is a City bureau that works with all members of the community, including immigrants, to reduce crime and the fear of crime. They do not assist ICE except to the extent required by law.

If you are approached by law enforcement while on the job, try to find out whether the person is a local police officer or an ICE agent. They may have a similar appearance, but they have different functions. Portland police officers will identify themselves as local police officers when asked.

### **3. Who can help me know what to do if an ICE agent approaches me while I’m working?**

A lawyer from the City Attorney’s Office. You can call the main line at 503-823-4047. Let them know why you are calling and if it is urgent. After regular business hours, for urgent concerns about ICE contact or these FAQs, you can call 503-823-6418 or 503-349-0873.

These FAQs are designed to answer some general questions. However, if you have further questions about how to interact with ICE while at work, contact the City Attorney’s Office. Let them know you have a follow-up question about the City’s FAQs.

If an ICE agent permits you to call for advice during an encounter, call the City

Attorney's Office and tell them you need urgent assistance in addressing an immediate situation with ICE. If the ICE agent instructs you not to call anyone or to put down the phone, comply with the agent's orders. After the ICE agent leaves, then call the City Attorney's Office.

If you are unable to contact the City Attorney's Office during an encounter with ICE, call the office after the agent leaves.

#### **4. What if an ICE agent approaches me at work and begins asking me questions? Can I refuse to answer the ICE agent's questions?**

It depends. As a general rule, law enforcement officers, including ICE agents, cannot require you to answer questions unless they have at least a reasonable suspicion you are involved in illegal activity.

If an ICE agent approaches you while you are working for the City and asks you a question, remain calm and courteous. Ask the agent for identification, but if the agent refuses to provide it, do not argue. Before giving the agent any information, ask the agent: "Am I required to answer your questions?"

If the agent answers "yes," answer the agent's questions. Do not lie to the agent. If you do not know the answer to a question, answer truthfully, "I don't know." Do not volunteer additional information if the agent has not asked for it. After the agent leaves, document the agent's name if you know it, and what was said during the interaction. Contact the City Attorney's Office promptly and share this information. Notify your supervisor of what occurred.

If the agent answers "no," remain polite and calm. Tell the agent, "I need to speak with the City Attorney's Office first." Call the City Attorney's Office and tell them you need urgent assistance in addressing an immediate situation with ICE. Call your supervisor. Do not answer the ICE agent's questions until you have received advice from the City Attorney's Office. If the ICE agent questions your need to contact the City Attorney's Office, politely inform the agent that this is a required protocol for all City employees.

If the agent refuses to show you any identification, argues with you, or threatens you, remain calm and polite. Do not argue with the agent. Do not lie to the agent. If the agent orders you to do something, comply with the order. Ask the agent if you may contact the City's Attorney's office. If the agent allows you to do so, contact the office. Otherwise, contact the office after the agent has left.

#### **5. Can an ICE agent come inside a City park, office, or other facility?**

It depends. Without a warrant, an ICE agent enjoys the same rights of access and entry as a member of the public. If the public can enter a City facility or park without

paying, an ICE agent can do the same. If the public must pay admission for entry, the ICE agent must also pay admission. If the area is closed or off-limits to the public, it is generally off limits to an ICE agent without a warrant. If an ICE agent requests special access and does not present a warrant, contact the City Attorney's Office.

If an ICE agent presents a valid judicial warrant for a City park, office, or facility, the ICE agent has the right to enter without paying admission and to enter areas off limits to the public. If an ICE agent presents what is known as an administrative warrant, their search must be limited to public areas. Do not attempt to determine the type or validity of a warrant. Call the City Attorney's Office for urgent assistance.

## **6. What do I do if an ICE agent presents me with a warrant?**

If ICE agents approach you while you are working and present you with a warrant, be calm and polite. Ask if they can wait while you contact the City Attorney's Office and your supervisor. When you call the City Attorney's Office, state that you have an urgent matter involving an ICE warrant.

If the ICE agents refuse to wait, do not interfere with the agents. While they begin their search, call the City Attorney's Office and your supervisor. Remain calm. Do not argue with the agents.

If the ICE agents permit you to do so, create a scanned copy of their warrant or take a photo of it with your mobile phone. Then, share the image with the City Attorney's Office and your supervisor. Also, ask the agents for identification. If the agents refuse your requests, do not argue with them.

After the agents leave, document their names if you know them, and what occurred during the interaction. Contact the City Attorney's Office promptly and share this information.

## **7. Can I hide someone from ICE or stop an ICE agent from arresting someone?**

No. You should never lie to ICE agents, hide from them someone you know or suspect is an undocumented immigrant, or attempt to physically interfere with ICE agents. All of these actions could lead to arrest and criminal liability.

It is a federal crime to knowingly act to hide, harbor or shield an undocumented immigrant from ICE. It is also a crime to attempt to do so or to assist someone else in doing so.

Also, you should never physically interfere with an ICE agent, even if you believe the ICE agent is acting outside the scope of the agent's authority. It is a federal crime to physically interfere with ICE agents acting in their official capacity.

**8. What do I do if ICE sends me paperwork, a letter, an email, a text, or a voicemail in my capacity as a City employee?**

Do not respond without further instruction. Promptly contact the City Attorney's Office and have them review the communications from ICE. Also, inform your supervisor.

**9. Remind me—What is that number I should call if I have questions about ICE or immigration matters on the job?**

Please call the main line of the City Attorney's Office at 503-823-4047. Tell the receptionist whether you are calling in regards to a general immigration question, a question about the FAQs, or whether your call relates to a current contact with ICE agents. Let the receptionist know if your call concerns an urgent and ongoing situation. After regular business hours, for urgent concerns about ICE contact or these FAQs, you can call 503-823-6418 or 503-349-0873.