



## Safe Communities Act Model Policy for Shelter Facilities

Every person in New Jersey has an equal right to seek shelter without fear, no matter their ancestry, national origin, religion, or nationality, including citizenship status. The Safe Communities Act, P.L. 2025, c. 401, directs the New Jersey Attorney General to develop model policies for sensitive locations, including shelters, to safeguard access to essential services for all New Jerseyans. *Id.* § 4(a). The law also requires that the New Jersey Department of Human Services, the New Jersey Department of Children and Families, and the New Jersey Department of Community Affairs either subsequently adopt this model policy or a policy providing greater protections and publish their policy on their websites. *Id.* § 4(c)(3).

This model policy outlines basic practices that shelters should follow to prepare for the possibility that federal immigration officers will seek or gain access to their premises for civil immigration enforcement; to respond to requests for physical access or information during an in-person encounter with federal immigration officers; and to appropriately document and escalate for action any information about that encounter. Consistent with the scope of the Safe Communities Act, the protocols described below primarily address civil immigration enforcement efforts that target members of the public at sensitive locations. They do not address enforcement efforts targeting staff members at these locations or provide guidance for members of the public on their individual rights. Facilities seeking guidance on workplace rights and protections and members of the public seeking guidance on their rights when interacting with immigration enforcement may wish to consult counsel or the resources compiled on the State of New Jersey's [Know Your Rights](#) website.

This model policy is intended for shelter facilities<sup>1</sup> whose primary function is to provide emergency, temporary, or transitional housing. For simplicity, this model policy refers to individuals housed in any shelter facility as “clients” or “residents.” This terminology is not intended to express any opinion on the fact-sensitive legal question of whether, and under what circumstances, residency is established in a shelter. Examples of covered facilities include but are not limited to emergency shelters, family shelters, youth shelters, domestic

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<sup>1</sup> As used in this policy, the term “facility” refers to the physical location where a sensitive location operates. It is not intended to determine whether a particular location is subject to any agency’s licensing or other regulatory requirements.

violence shelters, and veterans' housing (including the State-run Veterans Haven North and Veterans Haven South facilities that are classified as boarding houses).<sup>2</sup>

Many shelter facilities have already adopted policies of their own addressing the topics covered in these materials. This model policy is not intended to supplant more protective policies but is intended to provide guidance on the minimum protocols and protections that operators of shelter facilities are expected to institute to guarantee uninterrupted community access to essential services and maintain public trust. Under the Safe Communities Act, New Jersey shelter facilities must “adhere to the model policies developed by the Attorney General or policies that provide greater protections” “[t]o the fullest extent possible and consistent with State and federal law.” P.L. 2025, c. 401, § 4(a).

The Office of the Attorney General does not represent or provide legal advice to individuals or private entities. When possible, operators of sensitive locations should consult with their own attorney if they have specific legal questions about their rights and obligations, including any questions on work authorization-related compliance and how best to prepare staff for the possibility of immigration enforcement on site. Some best practices in this model policy recommend consulting with legal counsel. However, legal counsel may not be readily accessible to all operators of sensitive locations, and such consultation is not required in order to comply with the protocols set forth below.

## I. Practices for Shelter Facilities to Adopt and Follow

Section I.A. recommends internal protocols for shelter facilities to prepare for potential immigration enforcement. Section I.B. describes best practices for when immigration authorities seek to enter a shelter facility, including how to review warrants and other legal documents to determine whether immigration officers have authority to enter nonpublic portions of the facility. Shelter facilities should also develop internal operational policies to clearly communicate protocols to staff by either developing their own template or by customizing the template provided in Section II. In addition, shelter facilities should prepare public messaging materials to educate members of the public about their commitment to safeguarding access and set expectations about what to expect when visiting the facility.

This model policy does not address all aspects of the federal government's interactions with shelter facility operators, including protocols regarding written requests for information or subpoenas directed at the operator; work authorization-related compliance and other federal immigration issues arising from the operator's role as employer; or questions regarding federal funding and the rights and obligations associated with such funding.

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<sup>2</sup> Some of these programs have eligibility requirements under State or federal law that may restrict non-citizens from accessing program benefits. Nonetheless, non-citizens who do not directly qualify for such programs may still visit eligible clients or residents.

Additionally, because this model policy is intended to provide actionable guidance for shelter facility operators, it does not address the rights and obligations of members of the public who may be present on the premises during civil immigration enforcement operations.

### **A. Preparing for Potential Immigration Enforcement**

Generally, a facility that serves the public<sup>3</sup> may limit access to all or particular areas of the premises if allowing unrestricted public access would interfere with the intended function or purpose of the space. This principle recognizes that certain environments, such as shelter facilities, require controlled access to fulfill their missions effectively. Limiting public access to spaces within these facilities is therefore both permissible and necessary to ensure client safety and privacy.

Certain shelter facilities that operate on State property must also comply with [Executive Order 12](#), signed by Governor Sherrill on February 11, 2026. Executive Order 12 prohibits all executive branch departments and agencies from allowing federal immigration officers entry to, access to, or use of “nonpublic areas of State property for the purpose of facilitating federal enforcement of civil immigration law,” except when authorized by a judicial warrant. It also advises that, absent a judicial warrant, executive branch departments and agencies should not permit or consent to federal immigration officers “using State property as a staging area, processing location, or operations base for the purpose of facilitating federal enforcement of civil immigration law.”

If federal immigration officers seek to access the premises of a shelter facility, facility operators may legally decline to allow those officers to enter areas not generally open to the public unless the officers present a warrant or court order signed by a judge or demonstrate exigent circumstances, as discussed in Section I.B.(3).<sup>4</sup> However, in order to actively control access to the premises, the facility must proactively institute a facility policy that (a) defines which spaces are generally accessible to the public, if any, and which spaces are subject to more specific restrictions, and (b) sets specific conditions for access. This section outlines the legal foundations for restricting access, federal law requirements, State law requirements, and specific steps shelter facilities should take to develop and implement effective access control policies.

As discussed below, essential preparatory steps that a shelter facility should take include: (1) establishing a written access policy; (2) posting signage about access restrictions; (3)

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<sup>3</sup> Sensitive locations with access restrictions remain places of public accommodation and must comply with all applicable anti-discrimination laws, including the New Jersey Law Against Discrimination, N.J.S.A. § 10:5-1 et seq. For more information see [njcivilrights.gov](http://njcivilrights.gov).

<sup>4</sup> Exigent circumstances are rare occasions that are so time-sensitive (such as threats to public safety or someone’s life) that the officers assert they are unable to obtain a judicial warrant before entering designated nonpublic areas.

identifying staff responders; and (4) training staff on protocols. For information regarding immigration officers' legal authorization to conduct searches and arrests, including the difference between judicial warrants and court orders and administrative warrants and orders, see Section I.B.(3).

### **1) Establish or Update a Written Policy to Govern Access to Nonpublic Spaces**

To protect clients, limit the risk of disruptive immigration enforcement, and maintain community trust, shelter facilities should establish a comprehensive policy governing access to buildings and grounds for members of the public and for federal civil immigration authorities. The policy should articulate whether access to the nonpublic areas is reserved for particular purposes or to those who follow certain procedures (e.g., by appointment); explain the parameters of what paperwork federal immigration officers will be required to present in order to engage in immigration enforcement actions in nonpublic areas; and establish an explicit expectation that immigration enforcement access to nonpublic areas will be denied absent a judicial warrant, other judicial order, or emergency that creates exigent circumstances as described in Section I.B.(3).

#### **a) Specific privacy considerations for shelter facilities.**

In considering access policies for shelter facilities, facility operators must consider their clients' reasonable expectation of privacy and the extent to which their clients are protected in their living and sleeping spaces from warrantless entry searches under the Fourth Amendment.

For facilities with legal counsel, a Fourth Amendment analysis should be performed. The degree of Fourth Amendment protection depends on two factors: (1) whether the individual has a subjective expectation of privacy, and (2) whether that expectation is objectively reasonable under the circumstances. Whether the space is shared, whether the individual keeps their belongings at the shelter, the client's degree of control over access to the space, the terms of the shelter facility's policy, and the length of stay are relevant factors in this fact-specific analysis.

When a resident has exclusive or substantial control over their room (such as through a key or key card), shelter facility staff generally lack the authority to consent to warrantless entry on behalf of that resident.

Regardless of the level of privacy protection, facilities should treat sleeping spaces as nonpublic areas. In many contexts, only the client will be authorized to consent to searches undertaken without a judicial warrant or order.

**b) Identify nonpublic areas of the facility.**

Shelter facilities are spaces that the public may access with special permissions, such as eligibility criteria. While some shelters permit walk-ins, the facility may restrict access to those in need of shelter and exclude all other persons from the facility, including immigration enforcement in the absence of judicial warrants or orders or exigent circumstances.

Some nonpublic areas, such as sleeping areas, showers and restrooms, recreational activity rooms, non-residential hallways, medical and skilled nursing offices, counseling and rehabilitation offices, and administrative offices, are spaces where facilities limit access because unrestricted access would undermine the primary function of the space, and limiting access is necessary to preserve client privacy, dignity, and confidentiality.

Operators of shelter facilities should proactively assess each area of their property and establish or update access policies that restrict access to nonpublic areas. Note that while designating space as nonpublic allows the facility to control access as property owner, it does not automatically establish Fourth Amendment privacy protections. The review and policy setting process should include the following steps:

- i. Review policy regarding public access to facility and grounds.
- ii. Inventory spaces within property grounds under the control of the operator. If feasible, prepare and maintain a list or map that addresses all such spaces.

Facilities that share a parking lot, lobby, or other facilities with other entities may not be able to unilaterally designate those shared spaces as nonpublic or impose access restrictions at all times. A best practice for effective building access policies in these circumstances is to coordinate with other building partners to create a joint approach to access policies.

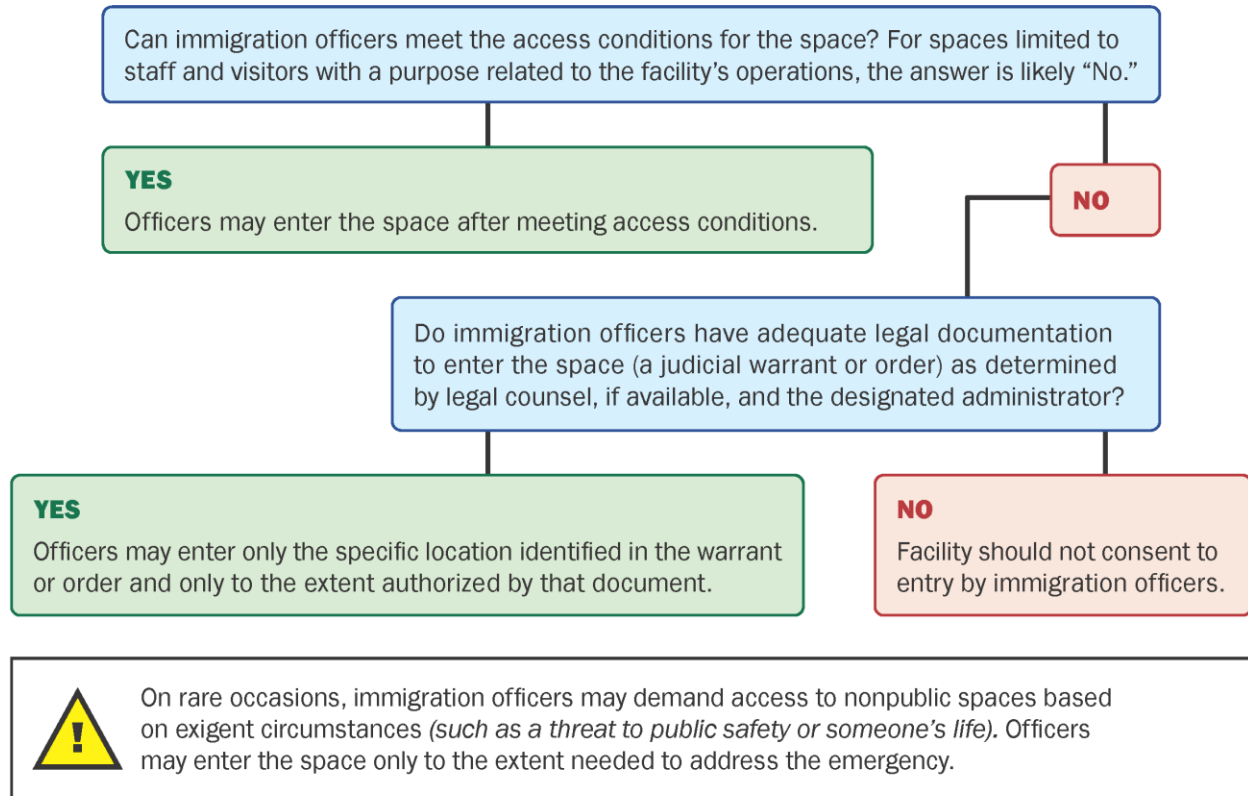
- iii. Review any facility-specific policies or applicable laws or regulations that require heightened privacy protection for certain areas or types of information. Areas where protected information is regularly discussed should be designated as nonpublic spaces.
- iv. Identify any public spaces.

- a. Identify if any portions of the property are “public spaces,” meaning those that are generally accessible to the public at large without restriction (like sidewalks or lobby areas where people who do not have pending business at the facility are allowed to remain).
  - b. Take into account whether areas that members of the public can access are, or should be, subject to access conditions. Ask, for example, the following questions: Are potential shelter facility clients required to make an appointment in advance? Are walk-in clients required to show identification to anyone and/or state the purpose of their visit? Are shelter clients permitted to have visitors, and if so, are the visitors required to show identification and how long are they permitted to remain on the premises? Does a facility employee meet with clients to perform intake or to discuss confidential information in this space? Is the space shared with other clients? Are there procedures for visitors to enter this space, such as visiting hours, visitor badges, or a sign-in sheet? If the answer to any of those questions is yes, the space likely can be characterized as not open to the public at large.
  - c. Immigration officers have the same degree of access to such “public spaces” as any member of the public (i.e., without having to present additional legal documentation).
- v. Identify any nonpublic spaces.
- a. “Nonpublic spaces” include any areas subject to access restrictions where entry is subject to the operator’s consent. Spaces should be designated as nonpublic when unrestricted public access would undermine their intended purpose.
  - b. Such “nonpublic spaces” include areas that the public generally cannot access (e.g., areas that are for staff only) and areas in which authorized persons may be present only if they meet specific access conditions, or areas where access rules may vary depending on the time of day or other circumstances.  
  
Examples of relevant access conditions include presenting identification, going through a reception desk or checkpoint before entering the nonpublic space, having to make an

appointment in advance, or establishing that a person has pending business with the shelter facility.

- c. Access conditions for nonpublic spaces may vary within the facility with some spaces having more restricted criteria for entry. For instance, some portions of the facility may be limited to clients or staff.
- d. Access conditions apply equally to entry by immigration enforcement and to other members of the public. Thus, immigration enforcement may enter a nonpublic space if they are able to meet the access conditions for the space.
  - i. If immigration authorities cannot meet the access conditions to enter the space—for example, if the space is restricted to shelter clients and staff—facility operators have the same right to withhold consent to entry by immigration officers that they have to exclude from the premises any individual who does not meet access conditions or has exceeded their authorization to be in the relevant space.
  - ii. To establish that they are entitled to access nonpublic spaces in these circumstances, immigration officers must produce adequate documentation of their legal authority (e.g., a judicial warrant or order) or articulate that exigent circumstances exist, as discussed in Section I.B.(3).
- vi. The infographic below shows how designating areas as “public” or “nonpublic” affects whether a facility can limit immigration enforcement entry to all or portions of their property. Use this overview alongside the step-by-step guidance above.

To determine if immigration enforcement may enter a nonpublic space, ask the following questions:



**b) Update policies to reflect designation of nonpublic spaces and access conditions.**

Comprehensive building and visitor policies with access conditions, based upon the shelter facility's designation of public and nonpublic spaces, are necessary to operationalize limitations on public access to different portions of the premises. These policies should designate nonpublic spaces, if any; control entry through identified access points; determine visitor screening and registration requirements, if any; address verification of visitor identity and purpose; and require an assessment of safety and potential disruption to client privacy, dignity, and confidentiality before permitting entry.

Facility operators may also consider instituting policies limiting access to shelter property that is used beyond the grounds owned or operated by the shelter, such as vehicles, and describing what steps staff should take in the event they see immigration officers at vehicle stops.

Facilities should avoid storing client and visitor information in public spaces to protect client and visitor information.

## **2) Mark Spaces with Clear Signage**

Signage communicates access restrictions to staff, clients, and other members of the public and supports facility operators' ability to control entry to nonpublic areas. Therefore, shelter operators should develop and display signage identifying the facility's access rules:

- a) At main entrances: display signs, such as "Entry Limited to Authorized and Registered Individuals," to notify visitors if they must register with reception or other designees, satisfy any other applicable conditions for entry, and receive approval before entering.
- b) In any additional nonpublic spaces: display signs stating "Private" or "Entry Limited to Authorized Persons" on spaces identified through the inventory process.

## **3) Identify Responsible Staff**

Shelter facility operators should designate particular administrators who are authorized to interact with immigration officers at all hours during which the facility is open and notify all staff of the identity of those points of contact. While designating administrators who are on-site is a best practice, facilities may need to designate on-call administrators if they do not have administrators on site at certain times when the facility is open. Written protocols should identify any additional individuals who need to be notified in the event of immigration enforcement on the premises. Facility protocols should require all individuals who interact with the public to contact designated administrators immediately in the event of the presence of immigration authorities and should clearly establish both permissible and prohibited actions for staff interactions with immigration officers while awaiting the designated administrator's response. When possible, facilities should make advance arrangements to allow for rapid consultation with legal counsel in the event of immigration enforcement presence.

Facilities providing temporary or emergency shelter, such as Code Blue and Code Red shelters, should consider coordinating their decision-making process with their municipal emergency management coordinator, N.J.S.A. § App.A:9-43.19. A best practice is to designate the municipal emergency management coordinator as the designated administrator for immigration enforcement purposes.

## **4) Provide Staff Training on Facility Protocols**

Upon adopting and/or revising facility-specific access protocols for visitors, including immigration officers, shelter facility operators should provide training on its protocols to all

staff, administrators, regular volunteers, security, and others who work at or for the shelter facility. Any individual who is likely to encounter immigration enforcement officials, such as security, front-office staff, receptionists, secretaries, and any designated administrators, should be trained as soon as practicable, ideally within 30 days of adoption and at least annually thereafter to ensure that the facility is prepared to implement and comply with protocols in the event of immigration enforcement presence. New employees should receive training at onboarding. Training should address:

**a) Visitor entry protocols.**

Facility staff should receive training to actively monitor and enforce access restrictions. Posting signage alone will not prevent unauthorized individuals from entering nonpublic spaces.

**b) Legal framework.**

If designated administrators will determine whether to authorize entry based on legal authorization, training should include practice exercises and competency testing to ensure administrators can accurately distinguish between administrative and judicial legal documents. This should include reviewing sample documents (such as U.S. Immigration and Customs Enforcement administrative warrants vs. federal judicial warrants) and successfully identifying which documents do and do not authorize entry into nonpublic areas. Staff training should also include examples of both permitted and prohibited conduct related to obstruction of immigration enforcement to ensure that the facility is compliant with federal law during encounters with immigration enforcement.

**b) Staff roles and responsibilities.**

**c) Response procedures.**

**d) Shelter facility operators' obligations to maintain client privacy and confidentiality.**

**e) Practical exercises to simulate responding to immigration authorities.**

All other staff, administrators, volunteers, and others should be trained as soon as practicable, ideally within 90 days of adoption. This training should address their roles and responsibilities, including their obligation to contact the designated administrator, not to consent to entry by immigration enforcement officials consistent with the facility's policies, not to obstruct immigration enforcement, and response procedures such as system-wide communications.

## **B. Responding to the Presence of Immigration Officers**

Protocols for responding to immigration presence should address the following: (1) contact with the designated administrator; (2) collection of information from immigration authorities; (3) review of asserted legal authorization to enter nonpublic areas of the facility; (4) response to any requests for information during the encounter with immigration officers; (5) notification to legal guardians for clients with limited capacity; (6) emergency contact notification; (7) instructions not to interfere with or obstruct immigration enforcement; (8) documentation of the encounter; and (9) recording of the encounter.

### **1) Contact Designated Administrator**

To ensure facility compliance with its policies, a shelter facility operator should require staff to: (a) immediately contact the designated administrator to inform them of the presence of immigration authorities as soon as staff become aware that they are on or near the shelter facility property; (b) inform the immigration officers that the staffer has contacted the designated administrator and that the designated administrator will respond to their request for access; and (c) request that immigration officers wait for the designated administrator in a public area suitable for that purpose, which can be outside of the facility. If space permits, facilities should designate a waiting area that is removed from the general public.

### **2) Collect Information from Immigration Officers**

New Jersey law generally requires law enforcement officers, including federal officers, to identify themselves except in limited circumstances.<sup>5</sup> S3114/P.L. 2026, c. 3. A facility should not consent to entry by any officers who fail to identify themselves, should follow the facility's instructions regarding notification of designated administrators, and, where possible, contact legal counsel.

Facility staff responsible for screening visitors should collect the names, badge numbers, and business cards from immigration officers, and document that information in a standardized format. Staff should also inquire as to the immigration officers' purpose for their visit and ask to review any legal documents. When immigration authorities are present at a sensitive location, facility staff should presume that the purpose of the visit is immigration enforcement unless otherwise indicated.

### **3) Review Any Legal Documents Presented by Immigration Officers**

Shelter facilities are entitled to request, inspect, and copy or photograph the legal documents that the immigration authorities are seeking to serve or execute. Designated

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<sup>5</sup> Exceptions apply when: "(1) the release of sufficient identification may compromise the integrity of an authorized investigation; (2) a supervisor determines stealth is necessary; or (3) a law enforcement officer reasonably believes the officer's personal safety is at risk." *Id.* at § 4(b).

administrators should review those documents and, when possible, consult with legal counsel to determine whether the facility operator may legally withhold consent for those immigration officers' entry into nonpublic areas of the facility.

Civil immigration enforcement is often carried out through administrative warrants, rather than judicial warrants or orders. Administrative warrants are signed by immigration judges, who are employees of the U.S. Department of Justice, or immigration enforcement officials, rather than members of the judiciary. Administrative warrants do not authorize entry into nonpublic spaces of a facility. Immigration authorities may effectuate arrests, based upon administrative warrants, in public spaces or in nonpublic spaces if the facility consents to entry. Administrative warrants will typically include the words "Immigration and Customs Enforcement" or "U.S. Department of Homeland Security" on their letterhead.

Two common examples of administrative warrants that are often used by immigration officers are the U.S. Department of Homeland Security Warrant for Arrest of Alien (Form I-200) and Warrant of Removal (Form I-205). Sample warrants are included below.

**U.S. DEPARTMENT OF HOMELAND SECURITY****Warrant for Arrest of Alien**

File No. \_\_\_\_\_

Date: \_\_\_\_\_

**To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations**

I have determined that there is probable cause to believe that \_\_\_\_\_ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**YOU ARE COMMANDED** to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

\_\_\_\_\_  
(Signature of Authorized Immigration Officer)

\_\_\_\_\_  
(Printed Name and Title of Authorized Immigration Officer)

**Certificate of Service**

I hereby certify that the Warrant for Arrest of Alien was served by me at \_\_\_\_\_  
(Location)

on \_\_\_\_\_ on \_\_\_\_\_, and the contents of this  
(Name of Alien) (Date of Service)

notice were read to him or her in the \_\_\_\_\_ language.  
(Language)

\_\_\_\_\_  
Name and Signature of Officer

\_\_\_\_\_  
Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement  
**WARRANT OF REMOVAL/DEPORTATION**

**File No:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**To any immigration officer of the United States Department of Homeland Security:**

\_\_\_\_\_  
(Full name of alien)

who entered the United States at \_\_\_\_\_ on \_\_\_\_\_  
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
- a designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

\_\_\_\_\_  
(Signature of immigration officer)

\_\_\_\_\_  
(Title of immigration officer)

\_\_\_\_\_  
(Date and office location)

By contrast, a judicial warrant is a written court order signed by a member of the federal or State judiciary (i.e., a judge or magistrate), who is independent from the immigration enforcement executive agencies, and typically will include both the name of the judge or magistrate and the court on the face of the warrant. A judicial warrant confers legally adequate authorization to search the specific location listed on the warrant itself or apprehend the person named. As a result, a judicial warrant requires a facility to permit access to nonpublic areas on the premises. Facility staff have the right to accompany the agents enforcing a judicial warrant and to limit further access to the facility once agents have located the person or records identified in the warrant. Facility staff, however, should exercise these rights with caution as certain conduct may be seen as obstruction and can result in criminal prosecution and individual liability. If immigration authorities are investigating criminal activity, such as illicit drug or human trafficking, they are likely to have judicial warrants.

The graphic below compares the judicial warrant with an administrative warrant:

# How to Tell the Difference Between a Judicial Warrant and an Administrative Warrant

## A judicially issued warrant will:

- List the name of a federal or state court at the top (e.g. “Superior Court of New Jersey” or “United States District Court”).  
*Note: “Immigration Court” is not a court for these purposes.*
- Be signed by a federal or state judge or magistrate, and will generally include the term “Honorable,” “Hon.,” “Judge,” “Justice,” or “Magistrate” before or after their name.
- Authorize a search or seizure (including arrest) based upon a finding of probable cause.

## An administrative warrant will:

- Direct various federal immigration enforcement agents to arrest the person named in the warrant for civil violations of immigration law, not criminal charges.
- List the name of the federal agency at the top (e.g. U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP)).
- Be signed by an immigration agent or officer.
- Not be reviewed by a judge for probable cause.

### Example of Federal Judicial Search Warrant:

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT  
for the  
District of New Jersey

In the Matter of the Search of )  
(Briefly describe the property to be searched )  
or identify the person by name and address ) Case No. 25-1234  
123 Broad Street, Apt. 100, Newark NJ )  
)  
)  
)

**SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the Government requests the search of the following person or property located in the District of New Jersey  
(Identify the person or describe the property to be searched and give its location):  
123 Broad Street, Apt. 100, Newark NJ, and all common hallways and lobby of building

I find that the affidavit(s), or any recorded testimony, establish a probable cause to search and seize the person or property described above, and that such search will reveal (Identify the person or describe the property to be seized):  
John Doe,  
Good stolen from ABC Convenience Store, 456 Broad Street, Newark NJ, in a robbery involving John Doe

**YOU ARE COMMANDED** to execute this warrant on or before February 1, 2025 (not to exceed 14 days)  
 in the daytime 6:00 a.m. to 10:00 p.m.  at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Jane Smith, U.S.M.J. (United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)  
 for \_\_\_\_\_ days (not to exceed 30)  until, the facts justifying, the later specific date of \_\_\_\_\_.

Date and time issued: 01/31/2025 12:00 am  
City and state: Newark, NJ  
Jane Smith, United States Magistrate Judge  
*Jane Smith*  
Printed name and title

### Example of Administrative Warrant (typically on forms I-200 or I-205):

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. \_\_\_\_\_  
Date: \_\_\_\_\_

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that \_\_\_\_\_ is removable from the United States. This determination is based upon:

the execution of a charging document to initiate removal proceedings against the subject;

the pendency of ongoing removal proceedings against the subject;

the failure to establish admissibility subsequent to deferred inspection;

biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or

statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**YOU ARE COMMANDED** to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)  
(Printed Name and Title of Authorized Immigration Officer)

**Certificate of Service**

I hereby certify that the Warrant for Arrest of Alien was served by me at \_\_\_\_\_ (Location)  
on \_\_\_\_\_ (Name of Alien) on \_\_\_\_\_ (Date of Service), and the contents of this notice were read to him or her in the \_\_\_\_\_ (Language) language.

\_\_\_\_\_  
Name and Signature of Officer

\_\_\_\_\_  
Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 9/14)

On rare occasions, immigration officers may demand access to nonpublic spaces without a warrant based on exigent circumstances (such as a threat to public safety or to someone's life) that are so time-sensitive that the officers claim they do not need to obtain a judicial warrant before entering designated nonpublic spaces. When immigration enforcement demands entry on this basis, facility staff should ask the officers to identify the nature of the emergency, if safe to do so. Staff should comply with the request for access, even if they disagree with the claimed emergency, and follow the facility's policy regarding notification of the designated administrator, supervisors, and legal counsel for facilities with access to counsel. Staff should also contact local law enforcement to inform them of the emergency, and they may wish to report federal officers' entry in exigent circumstances to the Office of Attorney General through its [reporting portal](#).

If immigration enforcement presents adequate legal documentation or articulates exigent circumstances, then shelter facilities must permit immigration enforcement to enter nonpublic spaces to the extent (a) specified in the warrant or order; or (b) necessary to address the emergency.

#### **4) Responding to Information Requests During the In-Person Encounter**

Shelter facility staff are not required to answer questions, assist immigration officers, or provide information without a judicial warrant or court order. Because responding to information requests requires understanding restrictions on sharing information under State and federal law, facility staff should consult with legal counsel for facilities with access to counsel before providing information when feasible. Whether immigration officers have sufficient authority to request, or are entitled to have, any particular item of information requires independent and fact-specific legal analysis.

Some facilities will have additional privacy concerns, depending on their shelter clients and the services that they provide, and may need to consider the following laws and regulations, discussed briefly below.

- a) Health Insurance Portability and Accountability Act (HIPAA). Shelter facilities that create, receive, maintain, or transmit protected health information must comply with HIPAA before providing information to federal civil immigration officials. HIPAA generally prohibits providers from disclosing protected health information (PHI), whether verbally or in writing, without patient consent unless one of the enumerated exceptions in 45 C.F.R. § 164.512(f) applies to permit disclosure to law enforcement.
- b) Crime Victim Protections. Facilities that serve victims of domestic violence, sexual assault, hate crimes, human trafficking, and other similar crimes, and receive grants to serve this population must comply with the

confidentiality requirements under the Violence Against Women Act (34 U.S.C. § 12291(b); 28 C.F.R. § 90.4(b)), the Victims of Crime Act (28 C.F.R. § 94.115), the Family Violence Prevention and Services Act (42 U.S.C. § 10406(c)(5); 45 C.F.R. § 1370.4), and the Victims of Trafficking Act (22 U.S.C. § 7115(b)). These laws generally prohibit grant recipients from disclosing any personally identifying information collected in connection with services requested, and they are also prohibited from revealing such information without the written, informed, reasonably time-limited consent of the individual unless compelled by statute or court order. *Facilities risk violating federal law if they acknowledge the presence of a client on the premises.*

- c) Facility operators should also evaluate whether New Jersey laws and regulations create additional privacy safeguards and rights for the public and/or impose additional operator obligations. For example:
  - i. The recently enacted P.L. 2026, c.4, entitled the “Privacy Protection Act,” imposes specific restrictions on governmental entities’ ability to collect, use, and disclose certain client information with specific exceptions for uses related to administering services and when required by federal law, judicial orders, or subpoenas.
  - ii. Shelter facilities, subject to regulation by the New Jersey Department of Health and New Jersey Division of Consumer Affairs, must protect clients’ rights to privacy and confidentiality of their personal, social, financial, and medical records, in compliance with N.J.A.C. § 8:39-4.1 and N.J.A.C. § 5:15-3.1.
  - iii. Licensed professionals who provide social services may have additional confidentiality requirements issued by the New Jersey Division of Consumer Affairs that may apply to responses to information requests.

## **5) Legal Guardian Notification for Clients with Limited Capacity**

Shelter facilities should take extra precautions to protect clients who may lack capacity to give their consent to immigration authorities. Unless required by a judicial warrant or order, shelter facilities should not produce an individual with limited capacity to consent for an interview with immigration enforcement without prior notification and consent from the individual’s family or legal guardian. An “individual with limited capacity to consent” includes, but is not limited to, minors, individuals with cognitive impairments stemming from dementia or related disorders, individuals with intellectual and developmental disabilities,

individuals with brain injuries, or similar conditions, and individuals with psychiatric conditions that impair capacity to consent. If immigration officers are seeking to contact, speak to, or detain a specific client who has a guardian, the facility must immediately alert the guardian to the presence of immigration enforcement and inform immigration enforcement that the client has a guardian.

#### **6) Emergency Contact Notification of Detention**

In the event a client at the facility is detained by immigration enforcement, the designated administrator should contact any of the client's known emergency contacts whom the client has previously authorized to be notified.

#### **7) Prohibition on Interference and Obstruction of Immigration Enforcement Operations**

Facility protocols should clarify that staff are prohibited from interfering with immigration enforcement and may not provide misleading answers, obstruct access, impede immigration enforcement, hide individuals from authorities, or engage in other similar obstructive conduct. Such actions could result in criminal prosecution and individual liability because federal law makes it a crime for a person to "conceal, harbor, or shield from detection" another person with knowledge or "in reckless disregard of the fact" that they have "come to, entered, or remain in the United States in violation of law." 18 U.S.C. § 1324(a)(10)(A)(iii). This prohibition applies in all circumstances.

If immigration authorities enter a facility without permission, staff protocols should make explicit that staff should not interfere or obstruct access. While staff may wish to call local law enforcement, local law enforcement will not be able to intercede during federal immigration actions. Misconduct by immigration authorities, including unauthorized illegal entry, should be reported to the Office of Attorney General through its [reporting portal](#).

#### **8) Documentation of Encounter**

Facilities should document any encounter with immigration officers. Documentation of an encounter does not constitute obstruction so long as individuals do not interfere with, impede, or obstruct immigration officers. A best practice is to develop a template form for staff to complete and instruct staff to timely provide the form to the designated administrator.

Following any immigration incident, shelter facility operators should conduct a comprehensive review of the incident, provide or refer support services for those impacted, assess the effectiveness of protocols, and update the protocols and training as needed. A facility may report any misconduct of immigration authorities, including unauthorized illegal entry, on the Attorney General's reporting portal at <https://www.njoag.gov/portal/>.

## 9) Recording of Encounter

Individuals have a right to record an encounter with immigration officers from a safe distance as long as they do not interfere with immigration enforcement activity.

### C. Communication with Community Members

Shelter facility operators should post information about their access policies on their websites and on public notice boards, in English and in the languages most commonly spoken by individuals with limited English proficiency whom they serve. To further community trust, shelter facility operators should address:

- The areas of the shelter, if any, that are open to all;
- The areas of the shelter designated as nonpublic or restricted access;
- The facility's policy on immigration enforcement access (e.g., that immigration enforcement will not be permitted in nonpublic areas without a judicial warrant or order or emergency);
- The facility's commitment to serving all individuals regardless of immigration status; and
- The purpose of access restrictions (protecting client privacy and ensuring staff and client safety).

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Section II below includes a customizable optional template that facilities may use to establish detailed internal protocols. These internal policies contain specific response procedures, staff roles and responsibilities, and operational details, and are not intended for public distribution.

Facilities are encouraged to supplement this template with additional safeguards for community members, such as reminding community members of their rights during interactions with immigration enforcement officers and that they may ask immigration officers the name of the detention center where an individual will be detained.

## II. Template for Safe Communities Act Model Policy for Internal Use by Shelter Facilities

### 1) Purpose

The purpose of this policy is to direct the actions of our employees if, in the course of their work, they encounter federal officers who seek physical access to the premises of [Name of shelter facility] to conduct federal civil immigration enforcement.

### 2) Nondiscrimination Policy

This facility is committed to serving all community members without regard to their national origin, ancestry, nationality, including citizenship status, or other protected characteristic, in compliance with the New Jersey Law Against Discrimination.

### 3) Facility Access Policy

[Shelter facility] does not consent to federal immigration authorities entering areas of the facility that are not generally open to the public absent a judicial warrant, other judicial order, or emergency that creates exigent circumstances.

Only [Designated Administrator - specify title] is authorized to review legal documentation and make determinations about immigration enforcement access to nonpublic areas. If immigration officers request access to the building or other nonpublic areas of the property to conduct civil immigration enforcement, [Designated official] may not authorize such access without:

- a) Obtaining a copy of the document;
- b) Confirming that the warrant was issued by a court (State or federal) and not the U.S. Department of Justice or the U.S. Department of Homeland Security;
- c) Confirming that it specifies the location or person to be searched or seized; and
- d) If possible, consulting with legal counsel on an expedited basis.

### 4) Public and Nonpublic Spaces

List Public Spaces and Nonpublic Spaces:

- a) Public spaces.

All areas in [shelter facility] are nonpublic spaces, except the following: [List spaces that are open to the general public: e.g., reception, main lobby, unrestricted hallways, parking lot.]

- b) Nonpublic spaces.

Access to nonpublic spaces is limited to [List authorized categories of persons, such as staff, vendors, clients, residents, authorized family members, and other individuals granted approval.]

[Identify any applicable access conditions, e.g., by appointment, for facility business, etc.].

## 5) Responding to the Presence of Immigration Officers

### a) Identify responsible staff to receive required notifications.

Designate the following staff members and make each designated staff member aware of their role in responding to the presence of immigration officers.

- i. Designated Administrator [title/name/contact], who will be notified upon the presence of immigration officers.
- ii. Alternative Administrator [title/name/contact], who will be notified upon the presence of immigration officers if the Designated Administrator is unavailable.
- iii. Legal Counsel [title/name/contact], if available, who will be notified upon the presence of immigration officers in addition to the Designated Administrator.
- iv. Designated Staff [title/name/contact], who will assist the Designated Administrator and accompany agents within the facility.

### b) Contact Designated Administrator.

- i. As early as possible, staff should notify [Designated Administrator] and, if available, legal counsel of any request by an immigration enforcement officer to access facilities or clients.
- ii. Designated Administrators are the ONLY personnel authorized to review sufficiency of legal documents in consultation with counsel and authorize or deny entry.
- iii. Staff may advise the immigration officers that before proceeding to respond to their request, staff must first notify and receive direction from [Designated Administrator].
- iv. Staff are prohibited from answering questions about individuals, consenting to entry, or providing access to records.

### c) Request credentials from immigration agents.

- i. Ask federal immigration officers to identify themselves. Record for each agent, their name, badge number, and agency, using the template form attached to this policy [enclose facility-specific form].

- ii. Request each agent's business card.
- iii. Request to copy or photograph identifying credentials.
- iv. Ask about the purpose of the encounter and the extent of access that the immigration officer is seeking.

**d) Review any documents presented by immigration officers to enter facility premises.**

- i. If immigration officers declare that exigent circumstances exist and demand immediate access to the property, personnel should comply with the officers' orders and immediately contact the Designated Administrator, supervisors, and, if available, legal counsel. Staff should also contact local law enforcement to inform them of the emergency, and they may wish to report federal officers' entry in exigent circumstances to the Office of Attorney General through its [reporting portal](#).
- ii. If the immigration officers are not claiming exigent circumstances, [Designated staff member] should request to review and copy or photograph the agents' warrants and/or other legal documents and, if available, consult with legal counsel.
- iii. [Designated Administrator] should determine if the warrant is an administrative warrant by identifying if the document is signed by an administrative judge or immigration enforcement officer and is on stationery from the U.S. Department of Homeland Security or Immigration and Customs Enforcement. If so, inform authorities that the facility does not authorize entry to nonpublic areas except on advice of counsel.
- iv. If [Designated Administrator, in consultation with legal counsel where possible] determines that the immigration officer has presented a judicial warrant (i.e., authorized by a federal District Court or Court of Appeals judge, a federal magistrate, or a New Jersey state judge) that lists the facility among the places to be searched for a wanted person or evidence, staff must permit entry to the facility as required by the judicial warrant. Designated staff may accompany agents at a safe distance within the facility.
- v. If Designated Administrator believes that the search exceeds the scope of the warrant, Designated Administrator should contact legal counsel immediately, if available.
- vi. If immigration officers demand immediate access to nonpublic spaces without waiting for [Designated Administrator] or without presenting a judicial warrant or order, staff shall state they do not consent to such access but should not attempt to stop or impede

the immigration officers. Staff should immediately contact [Designated Administrator], supervisors, and legal counsel.

**6) Responding to Information Requests During the In-Person Encounter with Immigration Officers**

**a) General Principles:**

- i. Facility staff are not required to answer questions, assist immigration officers, or provide information, including information about individuals or their whereabouts, without a judicial warrant or court order.
- ii. Facility authorizes [designated staff] to answer questions and respond to information requests.
- iii. Designated staff should consult with legal counsel, if available, before providing any personally identifiable information to ensure compliance with federal and State laws.
- iv. Staff who are not authorized to answer questions from immigration enforcement may wish to inform agents that staff are prohibited from providing any information.
- v. The Designated Administrators should immediately notify parents or guardians for information requests related to a minor client.
- vi. The Designated Administrator should notify family members or legal guardians for information requests related to individuals with limited capacity.

**b) Privacy protections.**

- i. [Shelter facility] staff member should not consent to warrantless entry into a client's sleeping quarters.
- ii. The Health Insurance Portability and Accountability Act (HIPAA) provides clients protection over their identifiable health data.
- iii. The Violence Against Women Act, the Victims of Crime Act, the Family Violence Prevention and Services Act, and the Victims of Trafficking Act generally prohibit grant recipients from disclosing any personally identifying information collected in connection with services requested and from revealing such information without consent of the individual. [Shelter facility name] shall not permit access to information, records, or areas beyond that specified in a court order, judicial warrant, or other legal requirement.
- iv. P.L. 2026, c.4, entitled the "Privacy Protection Act," imposes restrictions on government entities' ability to collect, use, and disclose information about individuals, with specific exceptions for

uses related to administering services and when required by federal law, judicial orders, or subpoenas.

#### **7) Emergency Contact Notification of Detention**

In the event a client at the facility is detained by immigration enforcement, the Designated Administrator should contact any of the detained person's known emergency contacts to alert them of the arrest.

#### **8) Prohibition on Interference with or Obstruction of Federal Immigration Enforcement**

Staff should not interfere with immigration officers, impede them, attempt to make them leave a public space, attempt to conceal any person, or attempt to assist any person in evading immigration enforcement under any circumstances.

#### **9) Documentation of Encounter**

During the encounter with immigration officers, [shelter facility] personnel shall take written notes of all interactions, including the following, on the facility's form:

- a) List or copy of the officers' personal credentials and contact information.
- b) Identity of all personnel who communicated with the officers.
- c) Details of the officers' request.
- d) Whether the officers presented a warrant or subpoena to accompany their request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was authorized by a federal District Court or Court of Appeals judge, a federal magistrate, or a New Jersey state judge.
- e) Personnel's response to the officers' request.
- f) Any further action taken by the immigration officers.
- g) Photographs or copies of any documents presented by the officers.

#### **10) Phone, Video, or Voice Recording**

Staff may record immigration encounters at a safe distance if they do not interfere with immigration enforcement activity.