



## **Guidance for Federal Civil Immigration Enforcement at DCF Facilities**

DCF's mission is to assist all New Jersey residents to be safe, healthy, and connected. As such, the department is committed to ensuring the safety and well-being of every client and staff member that enters its facilities. The following guidance is provided to ensure legally appropriate response by staff to federal civil immigration enforcement operations.

### **Access to DCF Locations:**

- A. **Public Spaces:** Immigration officials can enter areas without permission if the public is generally permitted to enter unless the activities will cause disruption of operations or threats to the security of the premise. Public areas in DCF buildings include areas in which a person does not have to show ID to enter.
- B. **Private Spaces:** Immigration agents can only enter a private area if they have consent, a judicial warrant, or if exigent circumstances exist. **DCF facilities/office/locations should affix visible signage that identifies where public spaces end and private spaces begin** and ensure that the private space is secure.
  - i. **Consent:** Due to the sensitive nature of the agency's operations, DCF does not consent to Immigration Officials accessing DCF locations/facilities not open to the general public under any circumstances. DCF administrators and other DCF personnel may not give consent.
  - ii. **Judicial Search or Arrest Warrants:** Consistent with the rule of law, DCF personnel must honor **valid** judicial search or arrest warrants, court orders, and subpoenas signed by a judge. Because it is difficult for an untrained person to determine whether the documents being presented are legitimate, **it is vitally important for DCF representatives to obtain a copy of any judicial search or arrest warrant, court order, or subpoena, or any other documents presented and provide it to the Office of Legal Affairs and your Cost Code Manager before taking any action in response to immigration officials' requests.**

For example, an ICE Warrant for Arrest of Alien ([Form I-200](#)) is a warrant often used by immigration officers but is not a **judicially-issued** warrant.
  - iii. **Exigent Circumstances:** If the Immigration Official declares the existence of an exigent circumstance and demands immediate access, **comply immediately** with the request and contact: the Office of Legal Affairs, your Cost Code Manager, and the Security Advisor assigned to your location and advise them of the situation.

### **Protocol for Physical Access:**

If an Immigration Official seeks to or enters a DCF location or facility in an official capacity:

- a. Immediately contact the Office of Legal Affairs and your Cost Code Manager.
- b. Meet the Immigration Official in the public area of that location or at the door.
- c. While at the door, request the Immigration Official's name and credentials, phone number of the Official's supervisor, and the purpose of the visit.
- d. Obtain any documentation from the Immigration Official that authorizes access to the facility.  
**Do not permit the Official to enter any private area of the building until the documentation (subpoena, search or arrest warrant) has been verified and you receive instructions from the Office of Legal Affairs.**
- e. Inform the Immigration Official that prior to responding to their request, you must notify and receive guidance from legal counsel.
- f. Advise the Immigration Official that they must wait outside the building while you obtain guidance from legal counsel.
- g. Notify the Office of Legal Affairs and your Cost Code Manager with the details and documentation obtained from the Immigration Official.
- h. If the Immigration Official declares the existence of an exigent circumstance and demands immediate access, comply with the request and immediately notify the Office of Legal Affairs and your Cost Code Manager and the Security Advisor.
- i. **If the Immigration Official fails to comply with instructions provided, do not physically attempt to interfere with any enforcement action.**
- j. Following the incident, please fill out the attached Enforcement Report and provide to your Cost Code Manager.

### **Information Requests:**

Pursuant to state and federal confidentiality laws and regulations, including N.J.S.A. 9:6-8.10a, the Health Insurance Portability and Accountability Act (HIPPA), and Family Educational Rights and Privacy Act (FERPA), etc., DCF is responsible for ensuring the security of sensitive personal information the agency handles daily for its clients. The provision of personal client information by staff to any outside entity, including law enforcement officials and federal immigration officials, must comply with legal exceptions to those laws. Therefore, **if a federal immigration official makes a request for information about a client(s), refer either the request or the requestor to the Office of Legal Affairs.** If the matter for which the information is sought is a litigated case, the assigned DAG should be consulted.

Office of Legal Affairs: 609-888-7222    DCF Immigration e-mail: *Immigration@dcf.nj.gov*.

### **Related Guidance:**

The Office of New Americans' "Know Your Rights for Businesses and Organizations"  
[https://www.nj.gov/humanservices/njnewamericans/newcomers/docs/KnowYourRights-Bus\\_en.pdf](https://www.nj.gov/humanservices/njnewamericans/newcomers/docs/KnowYourRights-Bus_en.pdf).