



Seattle
Office of Immigrant
and Refugee Affairs

Seattle Protocol

Immigration Enforcement: Compliance and Readiness

OIRA



City of Seattle

Agenda

1. Regulatory Landscape:

- Historic perspective
- Federal, State and City laws
- Department policies

2. Uniformed response protocol to Immigration Enforcement:

- Immigration enforcement agencies
- Response protocol
- Enforcement in public vs non-public spaces

- Warrants
- Sensitive Locations

3. Requests for information

City of Seattle

所有人在這裡都是被歡迎的
我們自豪地為移民和難民服務。

الجميع مرحب بهم هنا.
نفتخر بخدمة المهاجرين واللاجئين.

Maligayang pagdating,
sa inyong lahat.
Buong kapurihan namin maghatid
ng mga imigrante at mga takas.

All are welcome here.

Todos son bienvenidos aquí.
Estamos orgullosos de servir
a inmigrantes y refugiados.

We proudly serve
immigrants & refugees.

Dhamaan ku soo dhawaada halkaan.
Waxaa sharaf inoo ah in aan
soo dhaweyno dadka Ajnabiga
iyo Qaxootiga.

خوش آمدید.
ما با افتخار در خدمت مهاجران
و پناهندگان هستیم.

Tất cả mọi người được chào đón ở đây.
Chúng tôi hân hạnh phục vụ những
người nhập cư và tị nạn.

seattle.gov/welcoming

Training Goals

1. Guide department policy analysis to support compliance with federal, state and local laws related to immigration,
2. Create a uniform response protocol with the City of Seattle for visits and requests by any federal immigration enforcement authority,
3. Support personnel's ability to identify and know how to reach and communicate with the appropriate department designated representative,
4. Educate the City staff on what constitutes nonpublic, restricted locations within the City of Seattle spaces, as well as who may access those restricted locations,
5. Create a basic understanding of how immigration enforcement can be conducted in public spaces,
6. Educate designated department representatives about the differentiate between administrative warrants and judicial warrants signed by a judge or magistrate judge,
7. Establish best practices for documenting any immigration enforcement activity, inquiry, or incident within the City of Seattle.



Regulatory Landscape



Federal Immigration Policies: Historic Perspective

Key Policy Actions (2016–2020)

During this period, several immigration policies and executive actions sparked national debate and legal challenges:

- **Public Charge Rule:** Expanded the criteria for determining public charge, discouraging families from accessing essential public services and creating a "chilling effect."
- **Attempt to Terminate DACA:** Threatened protections for undocumented youth, causing widespread instability.
- **Travel Ban:** An executive order restricted entry for individuals from several countries, primarily Muslim-majority nations, separating families and disrupting communities.
- **Family Separations:** Policies separated children from parents during detention, raising humanitarian concerns.
- **Legal Immigration Restrictions:** Procedural changes created delays and barriers for naturalization and other lawful immigration processes.

Applicable Federal Laws and Policies

Federal Law: Immigration law and enforcement is exclusively a federal function.

- On January 20, 2025, President Trump issued a number of immigration-related executive orders, including "**Protecting the American People Against Invasion**," which has introduced sweeping changes to U.S. immigration policy with significant impacts on local governments:
- **Sec. 9. Efficient Removals of Recent Entrants:**
Directs expedited removal of undocumented immigrants in the United States.
- **Sec. 11. Federal-State Agreements:**
Authorizes state and local law enforcement to act as immigration officers for investigations, apprehensions, and detentions.
- **Sec. 17. Sanctuary Jurisdictions:**
Prohibits federal funding to sanctuary jurisdictions and mandates actions to enforce compliance with federal laws.
- **Sec. 18A. Information Sharing:**
Directs enhanced federal guidance for state and local governments to align with law enforcement and immigration status verification requirements.
- **Sec. 20. Denial of Public Benefits to Illegal Aliens:**
Stops public benefits, including education, healthcare, and transportation grants, for unauthorized immigrants.

Applicable State Laws and Policies

Keep Washington Working Act (2019):

- Prohibits law enforcement from inquiring about immigration or citizenship status unless linked to a criminal investigation.
- Bars sharing nonpublic personal information with federal immigration authorities unless required by law.
- Forbids detaining individuals solely for determining immigration status or based on civil immigration warrants.
- Disallows contracts allowing state/local agencies to detain individuals for federal civil immigration violations.

Courts Open to All Act (2020):

- Restricts court officials from collecting or sharing immigration information unless tied to a criminal case.
- Prohibits civil arrests at or near court facilities, except when federally mandated.

Applicable City of Seattle Laws and Policies

- **Not Hindering:** The City’s focus is on using its resources on City business, but the City does not interfere with federal agencies acting under judicial orders or otherwise within the law. Chapter 4.18 SMC states that City officers and employees:
 - Are to cooperate with, and not hinder, enforcement of federal immigration laws, and
 - Are not prohibited from cooperating with federal immigration authorities *as required by law*.
- **But Also, Not Inquiring or Seeking to Ascertain:** Chapter 4.18 SMC also states that “notwithstanding” the “not hinder” description above:
 - Unless otherwise required by law or court order, no Seattle City officer or employee shall inquire into the immigration status of any person, or engage in activities designed to ascertain the immigration status of any person.
 - There is a limited exemption to this directive related to SPD and an individual who is committing or has committed a felony criminal law violation.
- **Seattle Resolution 31730 (2017):** Provides that City services are accessible to all residents, regardless of immigration status.



Mayoral Directive Regarding Federal Immigration Enforcement, January 10, 2025

Lead Staff:

- All City departments must designate a lead staff member on immigration issues and provide their contact information to the Mayor's Office General Counsel and Deputy Mayor Greg Wong.

Policy Review:

- Department directors are required to review internal policies, practices, and materials compliance with City and State laws on federal immigration enforcement.

Compliance:

- City employees must comply with all applicable laws governing interactions with residents and federal immigration authorities.

Training:

- Departments are responsible for identifying relevant staff, participating in planning, and facilitating attendance in "train-the-trainer" sessions.

ICE Requests:

- All requests from ICE or other federal authorities for access to non-public areas or information must be referred to the Mayor's Office for review and approval, so no action is taken without proper authorization.

City Services

Local governments provide many services that are used by citizens and noncitizens alike, either independently or in cooperation with nonprofit or other nongovernment entities. Public libraries, social services, and local utility services are examples of these types of public services.

What City services are implicated by Keep Washington Working Act requirements?

- Shelters
- Courthouses
- Public Health Clinics
- Schools



Department Policies and Procedures

- Each department should evaluate collection and retention of information about people receiving services to confirm such policies are consistent with City and State laws regarding federal immigration enforcement while also complying with our City retention guidelines and the PRA in terms of our record keeping.
- The KWW prohibits certain entities, including state agencies and state and local law enforcement, from collecting, using, or disclosing information for immigration enforcement purposes, except as required by state or federal law, or as a necessary condition of federal funding to the state.
- Only collect and retain information needed to serve the public; do not collect citizenship or immigration-related information unless required, and set up nondiscriminatory access to benefits and services. Consider adopting a policy reflecting this practice.
- To avoid inadvertent sharing of information in this context, it is best not to collect it in the first place, unless required by law.



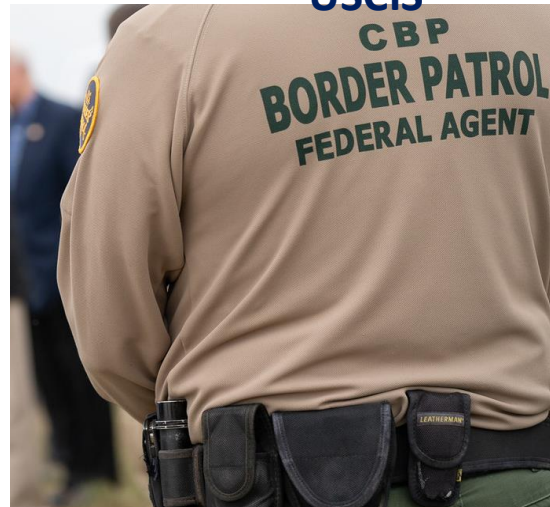
Uniform Response Protocol to Immigration Enforcement



Immigration Enforcement

Immigration and Customs Enforcement and other tasked agencies:

- Drug Enforcement Administration
- Bureau of Alcohol Tobacco and Firearms
 - US Marshals Service
 - Federal Bureau of Prisons
- Customs and Border Protection and Border Patrol
 - Homeland Security Investigations
 - USCIS



Enforcement in Non-Public Areas

- **Non-Public Area**
- Non-public: “reasonable expectation of privacy” both subjectively and objectively
 - Ex. Private office, clearly marked, and inaccessible to visitors
- Non-public areas should be clearly demarcated as such
 - “Employees only,” “Key Card Access,” etc.
- Officers need a judicial warrant for entry and search unless an exception applies
- An immigration enforcement officer **does not** need a warrant to enter and search a non public/private area, otherwise protected by the Fourth Amendment, if:
 - Consent for entry is given by an employee who has apparent authority
 - There are exigent circumstances, an emergency, or a hot pursuit

Response Protocol: Employee & Request to Access Non-Public Space

1. Ask officers to wait in public space.
2. Do not consent to entry into non-public space.
3. Notify and wait for direction from the highest-ranking person on site/designated department representative and Mayor's Office.
4. If enforcement is happening in public space – do not interfere but can document.
5. Make a contemporaneous written record of any actions taken by any federal immigration authority, including:
 - Name(s) of the officer(s)
 - Documents presented
 - Requests made
 - Oral statements
 - Actions taken
 - Refusal by the officer to comply with a request to wait



Notification Protocol

1. City employees who are contacted by federal immigration authorities for federal immigration enforcement purposes shall immediately contact:
 - the highest-ranking City official or designated supervisor on site; and
 - the City agency or department **designated representative**.
2. Designated department representative shall immediately notify Mayor's Office General Counsel Jeremy Racca and Deputy Mayor Greg Wong.

Know:

Your Department Designated Contact Person

Their phone number

Response Protocol: MO Protocol

The Mayor's Office will:

- Check identification and write down the name of the federal immigration authority, badge number, and their supervising officer.
- Ask for, review, and make a copy a court order or judicial warrant authorizing the search of City premises or to enter non-public City areas.
- If a signed judicial warrant is presented, accompany any federal immigration authority during any search.
- Take notes of any actions by the federal immigration authority during the search.
- Request a list of any items seized.
- Document any refusal by any federal immigration authority to comply with any request.

Immigration Enforcement in Public Area

- Public: area open to the public or viewable by the public (reception or waiting area, parks, etc.).
- Immigration enforcement officers can operate in public places without a warrant.
- Entry to public spaces is not a trespass.
- Do NOT interfere with immigration enforcement in a public area.
 - **Immediately** contact your on-site supervisor and the department's designated representative so they can inform the Mayor's Office as soon as possible.
- Officers may arrest an individual in a public space without a warrant if they have probable cause to believe that individual is in the U.S. unlawfully.
 - It is not the City employee's job to determine whether this exists. It will be determined by a court at a later time.

Why Immediate Reporting Matters

- Reporting up the chain of command immediately for direction is important because these can be complicated issues made under stressful situations
- Employees are not put in the position of individually assessing whether there is a judicial or administrative warrant – the Mayor's Office and City Attorney's Office will do that
- By way of example, MO and LAW will have to decide if it is a judicial order signed by a judge
 - Will have name of a state or federal court at the top
 - Signed by a judge
 - If the signature is by an immigration judge, it is not a judicial warrant
 - Has correct name and identifying information of the person they are pursuing
 - Accurately identifies the location where they are attempting to enter
 - Has an effective date that has not expired
 - Judicial warrant must be complied with

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

UNITED STATES DISTRICT COURT

for the _____

In the Matter of the Search of _____)
 (Briefly describe the property to be searched)
 or identify the person by name and address)) Case No. _____)
 _____)
 _____)

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 _____
 (identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish 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):

YOU ARE COMMANDED to execute this warrant on or before _____ (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 _____
 (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: _____

 Judge's signature

City and state: _____

 Printed name and title

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)

Administrative Warrants

- Issued by federal agency, such as DHS, and signed by an immigration officer or immigration judge
 - May have “U.S. Department of Homeland Security” at the top
 - May authorize a seizure or arrest (in public area)
- **DOES NOT** authorize search of non-public areas
 - Can refuse the officer entry to search premises or seek to obtain evidence
- Protocol is to allow MO and LAW to make this determination



Know and Mark Your Spaces

- Make sure every employee is aware of and trained on the City guidance for encounters with immigration enforcement.
- Create clear demarcation of public vs. non-public areas of your organization's premises.
- Put up explicit signs, make sure non-public areas are not otherwise visible or open to visitors.
- Create a visitor access policy.

Enforcement in Non-City “Sensitive Locations”

- **Previously Recognized “Sensitive Areas”**
 - Schools/childcare locations & places where children gather
 - Medical/healthcare facilities
 - Places of worship
 - Social services establishments
 - Places for religious or civil ceremonies or observances (funerals, gravesides, weddings)
- **Federal Law & Policy**
 - Federal law **does not** prohibit immigration enforcement in “sensitive locations”
 - Trump Admin has **revoked** Biden-area policy that prohibited arrests by enforcement officers at “sensitive locations” (Jan. 21, 2025 DHS Directive)

Requests for Information



Enforcement Officers Authority to Ask Questions

- Immigration enforcement officers – either with or without a warrant – may ask any questions about an individual’s immigration status or others matters.
- All individuals have the right to refuse to answer.
- Note, however, that City employees are ***not to instruct*** individuals to remain silent or to refuse to answer questions.

Requests for Information

- Immediately report any requests for information or direct communications by and/or with any federal immigration authority to the designated department representative.
- Designated department representative shall consult with Mayor's Office General Counsel Jeremy Racca and Deputy Mayor Greg Wong to determine the course of action regarding the information request or any other communication from any federal immigration authority.
- All public records requests should be processed in the normal course and in accord with state law by your public records officer.

Resources and Next Steps

- WA Attorney General website: <https://www.atg.wa.gov/know-your-rights-civil-immigration-enforcement-washington>
- [SharePoint folder](#) with documents from MO and OIRA
- Next Steps considered:
 - Cornerstone training
 - Open office hours
- Questions: contact OIRA_Training@seattle.gov