

## Protected Areas Backgrounder

### December 2024

#### **What are protected areas?**

Protected areas are places where immigration enforcement activities are prohibited in most instances, such as: schools of all levels, medical or mental healthcare facilities, places of worship or religious study, places where children gather (i.e. playgrounds, recreation centers), and social services establishments (i.e. domestic violence shelters, victim services centers).

#### **Is there a policy reflecting this guidance?**

Yes. This policy was initially [established in 2011](#) by Immigration and Customs Enforcement (ICE) Director John Morton and at the time prohibited the execution of specified enforcement actions at a variety of certain sensitive spaces. Similar guidance was issued for [U.S. Customs and Border Protection](#) (CBP) in 2013. In 2021, Department of Homeland Security (DHS) Secretary Mayorkas [issued guidance](#) for ICE and CBP on enforcement actions in or near areas that require special protection. The 2021 document covers both ICE and CBP and is the current guidance at this time.

#### **Does the protected area policy mean that no enforcement can occur in these areas?**

No. The policy outlines exceptional circumstances which allow immigration enforcement actions to be taken at or near protected areas, including but not limited to when there are threats to national security, there is an imminent risk of violence or harm to any person, or if a safe alternative location does not exist.

#### **What type of actions are prohibited?**

Prohibited enforcement actions at or near such spaces include: arrests, civil apprehensions, searches, inspections, seizures, service of charging documents or subpoenas, interviews, and surveillance for purposes of immigration enforcement.

#### **Are the locations in the protected areas memo exhaustive?**

No. The lists of sensitive spaces, prohibited actions, and exceptional circumstances provided by the order are not exhaustive, and individual Agents and Officers are required to exercise their own judgement and analyze the facts on a case-by-case basis.

#### **Are courthouses covered under this policy?**

No. A separate [2021 Memorandum](#) from ICE and CBP prohibits immigration enforcement actions from being executed in or near courthouses. Civil immigration enforcement actions may be taken in or near courthouses in exceptional circumstances like if there is a national security threat or an imminent risk of violence or harm.

### **Can President Trump end or amend this guidance?**

Yes. These memoranda are not legally binding and rely on individual enforcement of the guidelines by ICE and CBP Agents and Officers and the DHS Secretary. President Trump could rescind the guidance, or issue new guidance instructing ICE and CBP officers that no locations are protected, or he could modify and limit the current guidance. For example, Obama-era guidance limiting ICE enforcement activities at and near courthouses was removed in 2017 with the issuance of Executive Order 13768 by President Trump.

### **What would be the impact be on immigrant communities if the guidance were rescinded?**

Rescinding the memos would allow ICE and CBP to carry out enforcement actions in these locations. Under the first Trump Administration, despite the existence of the protected areas guidance, there were highly publicized incidents of enforcement against immigrants [dropping their children off at school](#), [en route to the hospital](#), [inside a courthouse](#), and outside [church-affiliated homeless shelters](#). As in the past, it is possible that immigrant families could choose not to access education, healthcare, or other available services and activities out of fear.

### **What can be done if President Trump ends the protected areas memo?**

In 2021 during the 117<sup>th</sup> Congress, Representative Espaillat (D-NY) introduced [House Resolution 529](#), the “Protecting Sensitive Locations Act”. This bill prohibited immigration enforcement actions within 1,000 feet of a sensitive location unless there are exigent and exceptional circumstances, in which case prior approval must be obtained from certain officials. The sensitive locations in this bill mirror those in the 2021 Protected Areas Memo and if Congress were to introduce and pass it, sensitive locations protections would be codified into law.

### **What can I do?**

- **Write to your Representative urging them to introduce and support the “Protecting Sensitive Locations Act”**

Write a letter urging your Representative to introduce and support the “Protecting Sensitive Locations Act”. [Click here to find out who represents you in Congress](#), and reach out to our Policy and Advocacy team at [advocacy@globalrefuge.org](mailto:advocacy@globalrefuge.org) for support drafting your letter.

- **Advocate with the Global Refuge Advocacy and Policy team**

[Sign up](#) to receive the monthly newsletter, invitations to informative webinars including “Post-Inauguration Days: Understanding Recent Policy Changes from the Trump Administration and the 119th Congress”, and learn how to engage lawmakers on migration policy issues.

- **Pray for immigrants and refugees.**

Utilize Global Refuge’s [prayer resources](#) and lift your voice in prayer for immigrants and refugees.