

# ICE & Federal Immigration: Guidance for Supervisors

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## ICE & Federal Immigration: Guidance for Supervisors

*Additional requirements may apply for law enforcement & employees with authority to take individuals into custody.  
Hillsboro Police Department staff should review [HPD Policy 409](#).*

Supervisors at each City facility will be the point of contact when federal immigration authorities are present. Staff should always direct immigration authorities to supervisors.

### Oregon is a Sanctuary State & Hillsboro is a Sanctuary City

As a sanctuary state since 1987, Oregon stands for the safety, dignity, and human rights of all Oregonians. Oregon was the first state to prohibit state & local police and government from enforcing federal immigration laws.

Under state law:

- The City **does not** enforce federal immigration law.
- The City **may not collect information on the immigration status** of community members.
- The City **may not utilize staff time or other resources for immigration enforcement**, including investigating, detecting, apprehending, arresting, detaining, or holding individuals.
- [State & local law enforcement agencies](#) may not use money, equipment, or personnel to detect or apprehend people solely for alleged violation of federal immigration laws.
- See the [Oregon Department of Justice Sanctuary Promise Guidance](#) for more information.

The City of Hillsboro [became a sanctuary city in March 2017](#).

- [Resolution 2552](#) continues our commitment to providing a safe community for all individuals, regardless of ethnicity or immigration status.
- Hillsboro's sanctuary city designation does not provide any additional protection from federal immigration law enforcement.
- Regardless of Oregon's status as a sanctuary state, federal officers are permitted and do engage in enforcement activities in the state, including within Hillsboro.

### Supervisor Responsibilities:

- Serve as the point of contact for interactions with federal immigration officers.
- Learn how to respond to ICE requests for information or access to areas not open to the public.
- Ensure compliance with state law surrounding immigration enforcement.
- Document and [report interactions](#) with immigration officers as required by state law.
- Understand how to respond to different types of warrants, subpoenas, and other formal documents.
- For assistance, please seek immediate guidance from:

SueLing Gandee, *Risk & Safety Manager*, 503-640-5345

Chad Jacobs, *City Attorney*, 503-802-0011

## Facility Access

- Immigration and Customs Enforcement (ICE) officers **may access areas that are open to the public** without a warrant or subpoena.
- Under state law, the City **may not grant ICE officers access to areas that are not generally open to the public**, as prohibited by [ORS 181A.826\(2\)\(a\)](#).
  - City employees may not allow ICE agents to access areas of City facilities that are “not normally open to the public.”
  - Supervisors should be clear about which areas in their facility are normally open to the public, and those that are not, and mark those areas with signage.
  - If a space is reserved by a private party, staff should put up temporary signage to indicate that the area is closed to the public for a private event.
- A federal judicial warrant or other judicial order can authorize federal immigration authorities to access areas that are not open to the public.
- ICE officers must comply with general facility rules.
- Staff **should not** interfere with officers when ICE officers are actively detaining staff or community members.

## Harboring Laws

Under federal law, it is a criminal offense to conceal, harbor, or shield from detection a noncitizen who is unlawfully present in the United States when such actions are done with knowledge or reckless disregard of that person’s immigration status.

- Refusing to consent to a warrantless search of a non-public area, as recommended above, likely does not constitute “harboring.”
- Staff members should not assist anyone ICE is pursuing in evading ICE agents. Do not interfere with or slow down the actions of ICE agents to help someone away.
  - **For example, staff should not direct a person out a back door or hide them in a private office to avoid ICE detection.**
- Following the advice in this guide, staff should take a passive approach so as not to provide any basis for ICE to claim they have violated federal harboring laws.

## Managing Impacts

The presence or activities of ICE officers may create disruption.

- Keep everyone calm & proceed back to regular activities as soon as possible.
- **If issues arise, call the Hillsboro Police Department for support.**

- Emergencies: 911
- Non-Emergency Dispatch: 503-629-0111
- We recognize that interacting with immigration enforcement may be challenging and stressful for many of our employees. Learn more about [Canopy Employee Assistance Plan resources for immigration concerns](#) or [reach out to our HR Team](#) for support.

## Document Interactions With ICE

State law requires the City to document and report requests and communications related to federal immigration enforcement.

- [Upload documentation to the City's internal incident reporting portal](#). Select the ICE Interaction category under Potential Liability Incidents to get started.
  - If you are referencing this document in print, you can access the portal from a mobile device by scanning the QR Code.
- A link to the incident reporting portal is also available under Risk & Safety on the City's [Hillsboro@Work hub](#).
- **While working, City staff are not prohibited from filming or recording ICE officers. It is up to the employee's discretion should they choose to film or record ICE interactions. Please review the relevant information presented below.**



At this time, the U.S. Department of Homeland Security has expanded its definition of “threats” to include filming ICE operations and publicly posting those videos and has described these actions as “harassment” and “violence.”

Given this expanded definition — and the fact that any recording made by City staff *in the course of their work as a public employee* is subject to laws governing records retention and public records requests — employees should be careful if they choose to record ICE with recording devices such as telephones, whether it is a personal or City-issued device, while acting in their official capacity.

To further clarify the City's intent with this guidance, the City is not directing nor encouraging staff to record and is also not prohibiting such recording. Rather, given the aggressive position being taken by the federal government related to recording and interference, the City cannot and will not direct staff to take action that could result in them being criminally charged by the federal government. If an employee chooses to assume this personal risk, and if they are criminally charged, the City may not be able to assist with their defense.

Staff safety remains a top priority. If staff choose to record ICE actions while at work, they are advised not to interfere with or impede ICE agents activity, to maintain a reasonable, safe distance away from the activity, and maintain safety precautions. Please note that any recordings done in an official capacity are subject to the public record laws that City has to

follow.

- A member of the Human Resources Department will reach out for supplemental documents.

### What to Document:

- **Immigration officer credentials:** For all officers present, document their name, badge number, supervisor's name, and supervisor's phone number.
- **Purpose of visit:** Ask the officer the reason for their visit and document the response.
- **Documents:** Request documents related to any requests and make copies.
- **Actions:** Document officer actions with as much detail as possible without interfering with their movements. Include summaries of interactions from all City employees who were present.

### Informal Information Requests — No Supporting Documents

ICE officers could attempt to request information without official documentation like a warrant or subpoena.

### How to Respond:

- Politely decline to respond to informal requests for information.
- Do not answer questions or provide information. These actions are prohibited by state law.
- You may direct officers to submit a formal Public Records Request.
  - Direct ICE officers to the City Recorder's Office or the [Public Records Request webpage](#).
  - If you receive a Public Records Request, forward it to the City Recorder's Office.
  - The City will respond through its normal business procedures.

### Formal Requests — May Include Supporting Documents

#### Warrants

If an immigration officer provides a warrant, determine whether it is an ICE Administrative Warrant or a traditional Federal Court Warrant as the lawful responses are different.

- ICE Administrative Warrants are **issued and signed by an authorized immigration officer**.
- Federal Court Warrants are **issued and signed by a federal judge** of a U.S. District Court.

#### ICE Administrative Warrants

ICE Administrative Warrants are issued by immigration officers and authorize ICE to detain a person suspected of violating immigration laws. They do not show probable cause of a crime and are not "warrants" within the meaning of the Fourth Amendment of the U.S. Constitution. They are the most common warrants used by immigration officers.

There are two types of ICE Administrative Warrants:

- ICE Arrest Warrant: Form I-200. [Sample document on page 7.](#)
- ICE Removal Warrant: Form I-205. [Sample document on page 8.](#)

**How to Respond:**

ICE Administrative Warrants do not grant any special power to compel City staff to cooperate with requests.

- Do not assist ICE officers. Do not assist with apprehension of named community members.
- Do not allow immigration officers to search City records.
- Do not consent to a search of City facilities.
- Do not provide voluntary consent for immigration officers to access nonpublic areas. This is prohibited under ORS 181A.826(2)(a).

**Sample ICE Arrest Warrant: Form I-200**

<p><b>U.S. DEPARTMENT OF HOMELAND SECURITY</b></p>	<p><b>Warrant for Arrest of Alien</b></p>
<p>File No. _____</p> <p>Date: _____</p>	
<p><b>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</b></p>	
<p>I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:</p>	
<p><input type="checkbox"/> the execution of a charging document to initiate removal proceedings against the subject;</p> <p><input type="checkbox"/> the pendency of ongoing removal proceedings against the subject;</p> <p><input type="checkbox"/> the failure to establish admissibility subsequent to deferred inspection;</p> <p><input type="checkbox"/> 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</p> <p><input type="checkbox"/> 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.</p>	
<p><b>YOU ARE COMMANDED</b> to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.</p>	
<p>_____ (Signature of Authorized Immigration Officer)</p> <p>_____ (Printed Name and Title of Authorized Immigration Officer)</p>	
<p><b>Certificate of Service</b></p>	
<p>I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)</p> <p>on _____ (Name of Alien) on _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.</p> <p>_____ Name and Signature of Officer</p> <p>_____ Name or Number of Interpreter (if applicable)</p>	
<p>Form I-200 (Rev. 09/16)</p>	

**Sample ICE Removal Warrant: Form I-20**

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)

## Federal Court Warrants

Federal Court Warrants are issued by a federal judge based on probable cause. They authorize the search or seizure of property, entry into a nonpublic place to arrest a named person, or the arrest of a named person.

There are two types of Federal Court Warrants:

- Federal Search and Seizure Warrant: Form AO 93. [Sample form on page 10.](#)
  - Allows an officer to conduct a search authorized by the warrant.
- Federal Arrest Warrant: Form AO 422. [Sample form on page 11.](#)
  - Allows an officer to arrest the individual named in the warrant.

## How to Respond:

Federal Court Warrants typically require prompt compliance.

- **Do not block or interfere** with execution of the warrant, even if it involves ICE officers entering nonpublic areas.
- Immediately notify:

Primary Contact: SueLing Gandee, *Risk & Safety Manager*  
Phone: 503-640-5345  
Email: [SueLing.Gandee@Hillsboro-Oregon.gov](mailto:SueLing.Gandee@Hillsboro-Oregon.gov)

Secondary Contact: Sylvia Edgar, *Employee & Labor Relations Manager*  
Phone: 503-713-9784  
Email: [Sylvia.Edgar@Hillsboro-Oregon.gov](mailto:Sylvia.Edgar@Hillsboro-Oregon.gov)

Back-Up Contact: Lisa Colling, *Chief Human Resources Officer*  
Phone: 971-409-4911  
Email: [Lisa.Colling@Hillsboro-Oregon.gov](mailto:Lisa.Colling@Hillsboro-Oregon.gov)

- When feasible, consult with Risk Management or the City Attorney before complying.

**Sample Federal Search and Seizure Warrant: Form AO 93**

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, establishes 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*

**Sample Federal Arrest Warrant: Form AO 422**

AO 442 (Rev. 11/11) Arrest Warrant

**UNITED STATES DISTRICT COURT**

for the

United States of America

v.

Case No.

)  
)  
)  
)  
)  
)

Defendant

**ARREST WARRANT**

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested)

who is accused of an offense or violation based on the following document filed with the court:

- Indictment       Superseding Indictment       Information       Superseding Information       Complaint
- Probation Violation Petition       Supervised Release Violation Petition       Violation Notice       Order of the Court

This offense is briefly described as follows:



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

Issuing officer's signature

City and state: \_\_\_\_\_

Printed name and title

**Return**

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_

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

Arresting officer's signature

Printed name and title

## Subpoenas

Subpoenas request the production of documents or other evidence.

There are two types of subpoenas:

- Immigration Enforcement Subpoena: DHS Form I-138. [Sample form on page 13.](#)
  - **Issued by an immigration enforcement officer.**
  - Will include a file number, mailing address for sending the requested information, a list of regulations that apply, and the request for information.
  - The City may challenge the Administrative Subpoena before a judge.
  
- Federal Judicial Subpoena: Form AO 88B. [Sample form on page 14.](#)
  - **Issued by a judge or judicial magistrate.**
  - Include the name of the issuing judge or judicial magistrate and identify a federal court.
  - May require attendance at a specific time and location and production of prescribed records.
  - The City may challenge a Federal Judicial Subpoena in a U.S. District Court.

### How to respond:

- For both types of subpoenas, staff are generally not required to respond immediately.
- Decline to produce the information.
- Provide the subpoena to Risk Management for consultation with the City Attorney about how to respond:

Tasi Misaalefua, *Employee and Labor Relations Analyst*

Email: [Tasi.Misaalefua@Hillsboro-Oregon.gov](mailto:Tasi.Misaalefua@Hillsboro-Oregon.gov)

### Sample Immigration Enforcement Subpoena: DHS Form I-138

1. To (Name, Address, City, State, Zip Code)	DEPARTMENT OF HOMELAND SECURITY  <b>IMMIGRATION ENFORCEMENT SUBPOENA</b> to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To	
(Title of Proceeding)	(File Number, if Applicable)

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**


(A)  **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.

(B)  **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear	(B) Date
Name	
Title	
Address	(C) Time <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Telephone Number	

4. Records required to be produced for inspection



If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

5. Authorized Official
_____ (Signature)
_____ (Printed Name)
_____ (Title)
_____ (Date)

**Sample Federal Judicial Subpoena: Form AO 88B**

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

**UNITED STATES DISTRICT COURT**

for the

_____ )	
<i>Plaintiff</i> )	
v. )	Civil Action No. _____
_____ )	
<i>Defendant</i> )	

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To:

\_\_\_\_\_  
*(Name of person to whom this subpoena is directed)*

**Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place:	Date and Time:
--------	----------------

**Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

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

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

\_\_\_\_\_  
*Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing (name of party) \_\_\_\_\_, who issues or requests this subpoena, are:

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4)

## I-9 Audits

I-9 forms document that employees are authorized to work in the United States. The federal government may conduct an audit of an employer's I-9 forms without a warrant.

### How to Respond:

- **Direct any notice or request for an I-9 audit directly to:**  
Debbie Laszlo, *Human Resources Operations Manager*, [Debbie.Laszlo@Hillsboro-Oregon.gov](mailto:Debbie.Laszlo@Hillsboro-Oregon.gov)
- Do not respond or engage in activities related to an I-9 audit without formal direction & approval from Human Resources.

## Court Order

### How to Respond:

- Staff are generally not required to respond immediately.
- Immediately contact SueLing Gandee, *Risk & Safety Manager*, [SueLing.Gandee@Hillsboro-Oregon.gov](mailto:SueLing.Gandee@Hillsboro-Oregon.gov).
- You may inform the ICE officer that you need time to consult with management about compliance.

## Notice to Appear

A Notice to Appear seeks to commence formal deportation proceedings against an individual and notifies them that they are expected to appear before an immigration judge on a certain date. It is unlikely that staff will be presented with a Notice to Appear related to another person.

- Notice to Appear: Form I-862. [Sample form on page 16](#).
  - Includes allegations about a person's immigration status.
  - Does not authorize arrest by federal immigration enforcement or local law enforcement.

### How to Respond

A Notice to Appear does not grant any special power to compel City staff to cooperate with requests.

- You are not required to accept the Notice to Appear.
- Do not allow immigration officers to search City records.
- Do not consent to a search of City facilities.
- Do not provide voluntary consent for immigration officers to access nonpublic areas.

**Sample Notice to Appear: Form I-862**

U.S. Department of Homeland Security	<b>Notice to Appear</b>
<b>In removal proceedings under section 240 of the Immigration and Nationality Act</b>	
File No: _____	
In the Matter of:	
Respondent: _____ currently residing at:	
<small>(Number, street, city, state and ZIP code)</small>	<small>(Area code and phone number)</small>
<input type="checkbox"/> 1. You are an arriving alien. <input type="checkbox"/> 2. You are an alien present in the United States who has not been admitted or paroled. <input type="checkbox"/> 3. You have been admitted to the United States, but are deportable for the reasons stated below:	
The Department of Homeland Security alleges that you:	
SAMPLE	
On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:	
<input type="checkbox"/> This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution. <input type="checkbox"/> Section 235(b)(1) order was vacated pursuant to: <input type="checkbox"/> 8 CFR208.30(f)(2) <input type="checkbox"/> 8CFR235.3(b)(5)(iv)	
YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: _____	
<small>(Complete Address of Immigration Court, including Room Number, if any)</small>	
on _____ at _____	to show why you should not be removed from the United States based on the
<small>(Date)</small>	<small>(Time)</small>
charge(s) set forth above.	
_____ <small>(Signature and Title of Issuing Officer)</small>	
Date: _____	_____ <small>(City and State)</small>
<b>See reverse for important information</b>	
<small>Form I-862 (Rev. 08/01/07)</small>	



## Contact Information

### Contact Human Resources

Primary Contact: SueLing Gandee, Risk & Safety Manager

Phone: 503-640-5345

Email: [SueLing.Gandee@Hillsboro-Oregon.gov](mailto:SueLing.Gandee@Hillsboro-Oregon.gov)

Secondary Contact: Sylvia Edgar, *Employee & Labor Relations Manager*

Phone: 503-713-9784

Email: [Sylvia.Edgar@Hillsboro-Oregon.gov](mailto:Sylvia.Edgar@Hillsboro-Oregon.gov)

Back-Up Contact: Lisa Colling, *Chief Human Resources Officer*

Phone: 971-409-4911

Email: [Lisa.Colling@Hillsboro-Oregon.gov](mailto:Lisa.Colling@Hillsboro-Oregon.gov)

### Contact City Attorney

Chad Jacobs, *City Attorney*

Phone: 503-802-0011