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# Guidance for Community Associations Handling ICE Requests



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# Guidance for Community Associations Handling ICE Requests

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Recent reports indicate U.S. Immigration and Customs Enforcement agents have appeared at community managers' offices seeking information about owners, residents, and employees. This raises serious issues concerning the legal obligations community managers and associations have regarding immigration status.

Community associations uphold certain duties to protect members and employees' information unless applicable law or proper judicial process require disclosure. As a community association manager or board member, it's important to understand your rights and responsibilities when approached by ICE agents requesting lists of employees or residents to verify immigration status or attempting to execute an ICE warrant on association premises.

Guidance from the American Civil Liberties Union and the National Immigration Law Center outlines best practices for such situations.

## 1. Understand the Nature of the Request

ICE may seek access to information about association employees such as staff and other personnel or residents for various reasons including:

- **Form I-9 audit.** ICE agents may request association records regarding employees to ensure compliance with employment eligibility verification. Employers must receive at least three business days to produce the I-9 forms requested in the Notice of Inspection.
- **Targeted enforcement.** ICE agents may attempt to locate specific individuals for purposes of making a detention and/or arrest.

## 2. Verify Legal Authority

Before providing any information such as a membership list or access to the association premises, managers and board members should:

- **Request identification.** Ensure the individual is an ICE agent by asking for official identification, which includes a name and badge number.
- **Ask for a warrant.** ICE agents must present a judicial warrant to access private areas or obtain specific association information.
  - **Judicial warrant.** Issued by a court and signed by a judge or magistrate. It grants permission for entry onto association premises and/or obtain association records and information. The judicial warrant will state with specificity the premises to be searched or the documents to be obtained. Sometimes police will rely on constitutional

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exceptions to conduct searches without a warrant such as in the event evidence may be destroyed or other exigent circumstances. That situation would be a very rare exception in the context of community associations.

- **Administrative warrant.** This document issued by ICE and signed by an ICE administrative officer does not grant the same authority as a judicial warrant. It allows ICE agents to arrest noncitizens suspected of committing immigration violations. It does not grant the ICE agent authority to enter nonpublic association areas or obtain information about whether the person works or resides at the association or any other information maintained by the association regarding employment, residency, etc. Without a valid judicial warrant, the association is not legally obligated to provide access to private areas or confidential information. For more details, refer to [NILC's A Guide for Employers: What to Do if Immigration Comes to You?](#)

### 3. Protect Resident and Employee Privacy

Unless presented with a judicial warrant or subpoena, association management and boards should protect employment and resident information from disclosure.

- **Confidentiality.** Maintain the confidentiality of all residents and employees.
- **Data sharing.** Do not share personal information such as names, addresses, vehicle information, etc., without proper legal authorization.

### 4. Develop a Response Plan

Management and boards can prepare in advance by:

- **Designating a point of contact.** Assign a staff member to handle interactions with ICE agents.
- **Training staff.** Ensure all staff members recognize the difference between a judicial warrant or subpoena versus an ICE warrant and staff understand protocols for handling ICE inquiries.
- **Legal consultation.** Consult with association legal counsel to establish procedures that comply with federal and state laws.
- **Remain calm.** Respond respectfully. It is appropriate for association representatives to calmly tell an ICE officer they cannot consent to access or provide information without a valid warrant and provide the name and contact information of association legal counsel for further inquiries.
- **Call local law enforcement.** If the interaction with the ICE agent escalates, it is appropriate to contact local law enforcement for assistance.
- **Never Interfere.** If an ICE officer seeks to enter an area without a proper judicial or administrative warrant, do not attempt to interfere. Other legal remedies are available in such circumstances.

### 5. Know Your Rights and Responsibilities

- **Access to private areas.** ICE agents cannot enter private areas without a judicial warrant or the explicit consent of an association representative such as the manager or a board member. Absent extraordinary circumstances, access should not be provided.
- **Voluntary interviews.** Association representatives are not obligated to answer questions or allow interviews without legal compulsion or comprehensive information on rights and procedures. While some association representatives may feel compelled to cooperate with ICE officials, they should first consult with association legal counsel. For more information, consult the [ACLU's Immigrants' Rights and Resources Hub](#).

## 6. Document All Interactions

Keep detailed records of:

- **Agent identifications.** Write down names and badge numbers. Ask for business cards.
- **Presented documents.** Make copies of any warrants or other legal documents.
- **Communication details.** Write down dates, times, and summaries of all interactions.

## 7. Stay Informed

Immigration policies and enforcement practices can change. Regularly consult authoritative sources to stay updated:

- **National Immigration Law Center.** [www.nilc.org](https://www.nilc.org)(<https://www.nilc.org>)
- **American Civil Liberties Union.** [www.aclu.org](https://www.aclu.org)(<https://www.aclu.org>) By adhering to this guidance, you can ensure your actions are lawful and respectful of the rights of community members.
- **Association legal counsel.** Consult with association legal counsel regularly on employment and immigration issues and concerns.

### Legal Disclaimer

The information provided in this document is for general informational purposes only and is not intended to constitute legal advice. The Community Associations Institute (CAI) is not a law firm. Nothing in this guidance should be construed as creating an attorney-client relationship or as a substitute for legal advice from a qualified attorney.

Community associations, board members, managers, and other stakeholders should consult with a licensed attorney familiar with local, state, and federal laws before taking any action related to U.S. Immigration and Customs Enforcement (ICE) requests. CAI makes no representations or warranties regarding the accuracy, completeness, or applicability of the information contained herein.

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For legal advice tailored to your specific situation, please consult a qualified attorney.

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