



Dear Members,

Below is an immigration update from our national association, Argentum, that may be helpful to you.



***The following should not be considered as legal advice and we encourage you to review in comparison to current policies and procedures and with legal counsel as potential considerations pertaining to any interactions with ICE and other law enforcement as applicable. Argentum's outside counsel has reviewed the following information.***

Argentum has been closely following the Trump Administration's executive orders, particularly ones related to addressing illegal immigration and understand the concern and anxiety some of your team members and even residents may be experiencing. Current investigations and actions being undertaken by the U.S. Immigration and Customs Enforcement (ICE) appear to be primarily focused on the detention and/or deportation of illegal immigrants, undocumented workers and aliens with criminal records. We expect investigation and enforcement actions to be fluid and Argentum will continue to keep you informed as developments occur.

**We are not observing or have to date received any information that ICE will focus on assisted living or other senior living communities as part of their enforcement actions. We believe required state background investigations along with participation in the E-Verify program significantly limit the likelihood of undocumented workers in senior living settings.**

#### **IF ICE COMES TO YOUR COMMUNITY**

- Consult and follow current policies and practices on interactions with law enforcement which should include a unified approach whether it's local law enforcement, ICE, or another federal agency.
- Treat ICE and other law enforcement on such visits with courtesy and professionalism.
- Notify legal counsel and other key contacts as soon as practical per policies and procedures.
- Consult and follow internal communication plans to control the flow of information and lessen any disruption to resident care in these situations.
- A designated representative (e.g. executive director, administrator) should serve as the point of contact until legal counsel is contacted, and employees should be trained to notify the authorized representative when law enforcement, including ICE agents, are present, including off-hours.
- Staff who are not the designated representative should say that they do not have the authority to answer any of the agent's questions and refer them to the designated representative. This will avoid any action on the part of your employees that could be interpreted as consent.
- Consider holding practice drills just as you do fire drills for law enforcement entry into your community. Your team will be more prepared and confident if they know what to say and do.

#### **POSSIBLE LEGAL CONSIDERATIONS IN THE UNLIKELY EVENT THAT ICE VISITS YOUR SENIOR LIVING COMMUNITY**

- Senior living operators should contact their legal team as soon as possible to advise on the situation and the next steps.
- ICE and other law enforcement must still go through a judicial process to access a resident or their Personal Health Information (PHI), and there is no affirmative legal obligation to collect or report information about a resident's immigration status.
- Senior living operators may balance respecting the confidentiality of undocumented immigrants as if they were any other resident or employee while maintaining a good rapport with ICE.
- If ICE does not present a warrant, your staff members do not have to answer an ICE agent's questions or hand over their or a resident's identification documents. While maintaining a respectful and professional demeanor, staff members should tell the agent that they are not authorized to provide the agent with information or access to non-public areas, but that, following protocol, a designated representative has been alerted. The employee should then direct the ICE agent to an office or conference room away from the lobby or reception area where their presence might be disruptive and cause concern among residents, staff, and visitors.
- **If ICE presents a warrant**, an authorized representative should review the document to ensure it is valid, signed by a judge or magistrate, bears the address of the premises to be searched, provides a time period in which the warrant may be executed, and describes the scope of a search.
- A judicial warrant, signed by a judge or magistrate, allows ICE to conduct any search as

- authorized in the warrant, including employee files.
- A subpoena issued by a judge or magistrate may be challenged in court by the employer. If the employer does not intend to challenge, then they should comply with the subpoena.
- An ICE agent may state that their action is required to avoid imminent harm or risk. The facility may decide to cooperate even without a warrant.
- Unless required by law, facilities do not need to ask a resident about their immigration status, or list immigration status in resident and billing records.

#### REASSURING RESIDENTS AND STAFF

- Senior living employers and community leadership should be mindful of potential anxiety residents and staff may experience as a result of recent events, especially those who are foreign-born.
- Poised, approachable leadership, particularly at the community level, will have a stabilizing impact in most cases for employees experiencing stress and anxiety.
- We encourage senior living employers and leadership to clearly communicate with team members regarding the resources available to them should they experience stress, anxiety or have questions as a result of recent events.
- Consider having community leadership review company policies and procedures related to law enforcement interactions with team members.
- Educate and reassure residents that the law protects their healthcare information. When moving residents and their families to private areas, communicate to them that they are safe.
- Educate senior living staff that your company is committed to protecting their personal information in compliance with all applicable laws.
- Senior living staff should remain calm and professional throughout any interactions. Employees should not run from or be confrontational with ICE agents.

#### ADDITIONAL DEVELOPMENTS OF INTEREST

Department of Homeland Security Secretary Kristi Noem confirmed yesterday that she has rescinded an 18-month extension of Temporary Protected Status (TPS) for Venezuela that President Joe Biden made days before leaving the White House. We anticipate judicial challenges to this rescission. TPS is a federal program that shields people from countries in turmoil from deportation and grants them work permits. There were 505,400 TPS approved recipients from Venezuela as of December 2024, according to the Congressional Research Service. Argentum will continue to follow developments.

A new executive order was issued that freezes funding for Non-Governmental Organizations (NGO). This will likely affect organizations such as the Tent Partnership for Refugees (TENT), an organization that Argentum, Argentum members and other private sector employers have worked with in support of refugees. We will continue to monitor this executive order and keep you informed of impacts on the senior living sector.

**NOTE: Argentum remains very active at the national level in supporting measures for foreign-born workers to have the opportunity to work in senior living communities and continues to aggressively advocate for immigration reform to ensure the millions of seniors who will count on senior living will have the staff to provide the care they need.**

Argentum's outside counsel, Littler, has prepared [a checklist](#) and [Q&A document](#). We will share more information and resources as this issue develops. If you have any questions or concerns, please do not hesitate to reach out to Paul Williams at [pwilliams@argentum.org](mailto:pwilliams@argentum.org).

**James R. Balda**  
President & CEO

**ARGENTUM** | *Expanding Senior Living*

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If you have any questions, please contact us at [Mass-ALA@mass-ala.org](mailto:Mass-ALA@mass-ala.org).

*This update is solely for general informational purposes. It is not intended to replace a full review of the cited regulations or guidance.*

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