Immigration Guidance for Facilities that Serve the Public:

Implementation of the Maryland Values Act



MARYLAND
OFFICE OF THE ATTORNEY GENERAL

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I. INTRODUCTION

The State of Maryland has a sovereign interest in ensuring that all residents feel safe and secure when accessing essential public services. To this end, the General Assembly enacted the Maryland Values Act during the 2025 legislative session[1] and expanded it during the 2026 legislative session.[2] (We refer to the 2025 and 2026 laws collectively as the "Act" or the "Maryland Values Act" in this guidance, except when necessary to distinguish between them.)

The Act addresses immigration enforcement activity at public schools, public libraries, and other "sensitive locations." It requires the Maryland Office of the Attorney General ("OAG") to issue annual guidance, by October 1 of each year, for government agencies and the general public on interacting with immigration enforcement agents. Certain units of State and local government that operate at sensitive locations must then implement policies based on the OAG guidance. The Act also limits the authority of certain State and local officials to grant immigration enforcement agents permission to enter private or certain restricted spaces at sensitive locations without a warrant.

Until recently, the Federal Government largely shielded sensitive locations from civil immigration enforcement. U.S. Department of Homeland Security ("DHS") policies in place since 2011 sharply restricted immigration enforcement actions at schools, hospitals, places of worship, and any other location where people "receive essential services or engage in essential activities."[3] Soon after President Trump's second inauguration, DHS revoked this policy.[4] Current Trump Administration policy provides that immigration officers may conduct operations at sensitive locations consistent with their exercise of "enforcement discretion" and "common sense."[5]

This OAG guidance and the policies that government units must implement based upon it cannot restore the protections of the prior federal policy. Marylanders should be under no illusions about this point. The prior federal policy governed immigration officials directly and required them to refrain from taking enforcement action at sensitive locations "to the fullest extent possible."[6] In contrast, State policy does not bind DHS officers or any other federal law enforcement officers and, for that reason, does not offer a direct restraint against federal immigration enforcement action at any particular location.

Nonetheless, the revocation of the federal policy means that it is more important than ever for public and private facilities to develop good practices. The guidance and policies mandated by the Maryland Values Act speak to this need. They aim to educate and inform Maryland officials and the general public about how to interact with immigration officials lawfully and in a manner that best promotes the public interest and the provision of essential services. Knowledge and clear guidelines will foster better results in this changed environment. Although the Act's provisions and the policies that must be implemented under them are binding upon certain State and local government officials, they do not bind private institutions or members of the public. Nevertheless, all facilities that deliver services to the public—including private facilities and public facilities that do not constitute "sensitive locations" under the Act—are encouraged to implement policies based on this guidance.

Overview of the guidance document. This guidance begins by reviewing the policy mandate that the Act places upon certain State and local agencies. It then discusses, in Section III, key legal principles related to federal immigration enforcement and key considerations for interacting with immigration authorities. Section IV translates these principles and considerations into model policy language for facility staff.

Together, Sections III and IV cover five topics that the Act directs OAG to address. These five topics are as follows:

1. delineating between immigration enforcement within the public portions of sensitive locations and the nonpublic or private portions of sensitive locations;
2. verifying the identity of immigration enforcement agents and validating immigration enforcement documentation seeking specific individuals;
3. limiting liability exposure for State, local, and private institutions and the participation of the employees of those institutions in immigration enforcement at sensitive locations;
4. facilitating relationships between federal law enforcement officers and State and local officials and law enforcement officers in order to conduct immigration enforcement activities through the least dangerous and disruptive means; and

5. complying with existing legal obligations and limitations on State and local agencies while maintaining public safety and accessibility to those agencies.[7]

We have crafted this guidance around these topics and have taken care to cover each of them in our legal analysis and model policy language, although for organizational reasons we have not separated the discussion into independent sections for each topic. Our overall objective is to supply universal guidance to support the range of agencies that must implement policies under the Act, while also informing the general public.[8]

Updates to the Second Edition. OAG first issued this guidance in July 2025, following the enactment of the Maryland Values Act of 2025.[9] This second edition incorporates the Maryland Values Act of 2026,[10] which includes the following significant changes:

- Requires government units subject to the Act's policy mandate to update their policies annually after October 1, if necessary, to address any updates to the OAG guidance.

- Adds a mandate that State courthouses adopt policies on interactions with federal immigration agents.

- Provides that designated school bus stops and school vehicles are sensitive locations.

- Expands the locations covered by the warrant requirement contained in § 2-104.2(b)(2) of the Criminal Procedure Article. Previously, the warrant requirement prohibited certain State and local officials from granting immigration agents permission to access non-public spaces in sensitive locations absent a federal judicial warrant or exigent circumstances. The 2026 legislation expands the requirement to apply also to any portion of a sensitive location that requires a security screening.

- For public school personnel: the legislation prohibits them from engaging in immigration enforcement, restricts them from disclosing student or employee information for immigration enforcement purposes, and requires them to

notify the county superintendent or the superintendent's designee upon learning of immigration enforcement at the school.

These 2026 amendments are addressed throughout the body of this updated edition of the guidance. **To comply with the amended policy mandate, public schools, public libraries, and State and local executive branch units that operate at sensitive locations must review this updated guidance and make any necessary changes to their policies as soon as possible after October 1.**

One crucial point remains unchanged: These 2026 amendments, like the original statutes on sensitive locations contained in the Maryland Values Act of 2025, do not impose restrictions on federal immigration agents or any other federal officers. The U.S. Constitution places limits on the circumstances in which state legislatures can regulate federal officers directly.[11] Maryland's sensitive locations laws do not implicate this limitation because they impose restrictions on State and local officials only. For example, the State law providing that designated school bus stops constitute sensitive locations does not prohibit federal immigration agents from conducting activity at a bus stop. Instead, it requires units of State and local government that operate at school bus stops to prepare for the possibility of immigration enforcement by developing policies on the subject. Put simply, these State laws mean that government employees should know whom to call and how to react if immigration agents appear at a school bus stop or other sensitive location. But Marylanders should not assume that these State laws block immigration enforcement in certain places.

II. POLICY REQUIREMENT FOR SENSITIVE LOCATIONS

The Act imposes a policy mandate on most units of State and local government that operate at sensitive locations. The mandate reads as follows:

> On or before October 1, 2025, each public school, public library, and unit of the Executive Branch of State or local government that operates at a sensitive location shall implement a policy consistent with the guidance issued by the Attorney General under this section.[12]

Government units covered by this mandate must update their policies as necessary after October 1 each year to address any updates to the OAG guidance.[13] A separate policy mandate applies to State courthouses.[14]

The following locations constitute sensitive locations under the Act:

- public schools (including public universities and colleges);
- designated school bus stops;
- school vehicles (as defined in § 11-154 of the Transportation Article);
- public libraries;
- health care facilities operated by units of State or local government;
- facilities operated by the Comptroller; and
- courthouses.

The first category—public schools—includes public schools of all levels, including preschools. A "school," for these purposes, includes the school buildings and the surrounding school property (such as playing fields and parking lots).[15] The Attorney General has also determined that public institutions of higher education should constitute sensitive locations under the Act, even though such institutions do not typically fall within the term "public school" when used in Maryland law.[16] The third category—government-operated "health care facilities"—includes not only government-operated hospitals, but also any State or local government-operated clinic or health department that provides health care services to the public.[17]

Even beyond this list of sensitive locations, this guidance is broadly relevant to State and local government facilities in Maryland and to private facilities as well. There are many examples of public and private facilities that provide essential services to the public but are not formally considered sensitive locations under the Act. These include shelters, places where administrative hearings occur (including Office of Administrative Hearings facilities and Maryland Workers' Compensation Commission hearing sites), parole and probation offices, Department of Juvenile Services facilities, places of worship, social services offices and other places that administer public benefits, Motor Vehicle Administration offices, private schools, childcare facilities, food banks, and many others. We encourage all such facilities—and indeed, all facilities that provide services to the public of any type—to consider the issues discussed in this guidance, train their staff about them, and implement

appropriate policies, even if the facility is not formally considered a "sensitive location" under the Act. Indeed, the General Assembly itself recognized that this guidance would be broadly relevant beyond the limited list of sensitive locations, as it mandated in the Act that the guidance should inform the public in general about how to interact with federal immigration agents.[18]

The Act grants the Attorney General discretion to designate additional types of facilities as "sensitive locations" if they provide a particular type of State-funded service (health, education, shelter care, food distribution to individuals in need, or access to justice) and "require[] special consideration for immigration enforcement activities."[19] At this juncture, the Attorney General has decided not to make any such designations, except for the clarifying designation mentioned earlier for public institutions of higher education.[20] Instead, the Attorney General has determined that the best approach is to make this guidance broadly useful for public and private facilities that serve the general public without further expanding the statutory list of facilities that are formally considered "sensitive locations." This approach allows for judicious implementation of the statutory mandates while also underscoring that *all* facilities that serve the public—regardless of whether they appear on the statutory list—should heed this guidance and prepare for immigration enforcement activity. To be clear, this determination does not preclude the Attorney General from exercising discretion to make additional sensitive location designations in the future.[21]

The Act's policy mandate, with its annual update requirement, applies to public schools, public libraries, and any "unit of the Executive Branch of State or local government that operates at a sensitive location." Some government units may have questions about whether the mandate applies to them. Questions may include, for example, whether a unit falls within the "Executive Branch" or whether its activities at a sensitive location rise to the level of "operating" there.[22] Government units with questions of this nature should consult their counsel. Where a unit is not represented by OAG, we will be available to consult with its counsel on specific questions about this statutory language upon request. This guidance document, however, focuses on the legislative mandate to discuss principles for interacting with federal immigration agents.[23]

III. RELEVANT LEGAL PRINCIPLES

A. Maryland Law, Not Federal Law, Governs the Participation of State and Local Officials in Immigration Enforcement

The Tenth Amendment to the United States Constitution bars the federal government from requiring state or local officials to enforce federal immigration laws.[24] Under our constitutional system, it is the various states—and not the federal government—that possess authority to decide whether, and to what extent, state and local officials may participate in immigration enforcement activities.[25] Many states have enacted laws to limit or prohibit such participation. These laws have been motivated in large part by an interest in focusing local law enforcement resources on core public safety missions. In Maryland, for example, State law generally prohibits State and local officials from sharing personal information contained in public records—such as an individual's address or date of birth—with immigration enforcement authorities.[26] State law also restricts local correctional facilities from assisting in federal efforts to deport noncitizens who lack serious criminal convictions.[27] Some local governments within Maryland, exercising legislative authority granted by State law, have enacted their own restrictions on participating or assisting in immigration enforcement activities. This guidance addresses State and federal law only. Local government units operating at sensitive locations should consult counsel to determine whether relevant local laws also apply.

B. ICE Warrants and the Civil Nature of Federal Immigration Enforcement

U.S. Immigration and Customs Enforcement ("ICE"), an agency within DHS, has primary responsibility for enforcing immigration laws in the interior of the United States and is the agency that traditionally has been most likely to conduct enforcement operations at facilities in Maryland.[28] Facilities should be aware, however, that officers from other federal law enforcement agencies may also engage in immigration enforcement and are reportedly doing so at higher rates under the Trump Administration.[29] Under the Maryland laws discussed in this guidance, federal efforts to enforce immigration laws at sensitive locations will raise similar issues regardless of which federal agency is involved. For brevity, we generally refer to ICE here when speaking of immigration enforcement officers. But facilities—and especially government units covered by the Act's policy mandate ("covered units")—should treat all efforts to enforce immigration laws on their premises

similarly. (Note, however, that compliance visits—such as site visits to check records for student or work visa programs—do not constitute "enforcement" activity if the visits are unrelated to apprehension and removal. See Section III.D.3 for more information.)

The immigration laws that govern deportation—i.e., the removal of noncitizens from the United States—are civil in nature.[30] When ICE pursues the arrest or detention of a person wanted for removal, ICE is engaging in civil enforcement, not criminal law enforcement.[31] This distinction has important legal ramifications. It generally means that ICE does not obtain a warrant signed by a federal judge to make arrests to enforce the removal laws.[32] Instead, ICE generally makes such arrests based on bureaucratic documents known as "administrative warrants" or "ICE warrants." These terms can cause confusion because administrative warrants are not, in fact, "warrants" within the meaning of the Fourth Amendment to the U.S. Constitution.[33] Administrative warrants are signed by immigration officers, not neutral federal judges.[34] They therefore do not grant ICE agents authority to enter private spaces without permission, unlike judicial warrants, which may grant such authority.[35]

To identify an administrative warrant, focus on the signature block. Administrative warrants are signed by immigration officers instead of federal judges. They also typically have the words "Department of Homeland Security" at the top, whereas a judicial warrant will typically have the name of a court on top. See Appendix A for examples of administrative warrants and Appendix B for examples of federal judicial warrants.

It is important to recognize that federal immigration enforcement, while generally civil in nature, also can have criminal aspects. That is, some immigration-related offenses are criminal in nature.[36] ICE agents thus may, on occasion, seek to enforce arrest or search warrants issued by federal judges in relation to suspected crimes, particularly immigration-related crimes.[37] Because judicial warrants may grant ICE agents authority to enter private spaces specified in the warrant to execute a search or arrest, it is important for facility staff to be able to distinguish a judicial warrant from an administrative warrant.[38]

We recommend that all public-facing facilities designate a senior staff member to handle issues related to ICE warrants and immigration enforcement

visits. Facilities should exercise their best judgment in making this designation. In all cases, the designated official should be familiar with differences between administrative and judicial warrants, should be trained on the other issues discussed in this guidance, and should train other front-line staff at the facility as needed. Where applicable, this designated official should also consult the facility's counsel about best practices for responding to ICE enforcement actions. For example, counsel may seek to work out an arrangement where ICE and other federal law enforcement agencies enforce warrants in a manner that is least disruptive to the facility's operations. Staff should contact the designated official immediately if immigration officials arrive at the facility. At a public school, State law also requires staff to contact the county superintendent or the superintendent's designee and legal counsel upon learning of immigration enforcement at the school.[39] See the model policy language in Section IV.B.

C. Relations with ICE

Neither public nor private organizations should expect that ICE will notify them before conducting enforcement activities at their facilities. Although the Act contains a provision requiring ICE to advise certain State or local officials before conducting investigations or operations at sensitive locations, the requirement only applies when ICE is involved in the enforcement of Maryland law.[40] That will rarely be the case. In the standard case, ICE does not have a legal obligation to notify facilities before conducting operations.

That said, traditionally, lines of communication between State and local officials and ICE officials have helped both groups understand each other's goals and objectives. Good communication may, for example, help keep State and local entities informed about ICE's enforcement priorities—including whether they intend to conduct operations at sensitive locations. Good communication may similarly make ICE aware of institutional policies on civil enforcement activity.

Direct communication with ICE is particularly important for government facilities where armed State or local law enforcement officers provide security on site. For safety reasons, such facilities often require armed officers from outside law enforcement agencies—whether federal, state, or local—to announce themselves to security personnel when visiting the facility.[41] ICE agents, like other federal law enforcement officers, carry firearms.[42] State and local facilities that fall into this

category should therefore work to ensure that ICE, like the other law enforcement agencies with which the facility interacts, is aware of and understands the facility's security protocols.

D. The Warrant Requirement in the Maryland Values Act

A key provision of the Act places limits on the ability of certain State and local agencies to consent to warrantless access by immigration authorities to restricted spaces within sensitive locations. Specifically, the legislation enacted § 2-104.2(b)(2) of the Criminal Procedure Article, which, as amended, reads as follows:

> A public school, a public library, or a unit of the Executive Branch of State or local government that operates at a sensitive location shall deny access to any portion of the sensitive location that requires a security screening or is not accessible to the general public to any individual who is seeking access for the purpose of enforcing federal immigration law, unless:
>
> (i) the individual presents a valid warrant issued by a federal court; or
>
> (ii) exigent circumstances exist.[43]

Note that this requirement, which we call the "warrant requirement," does not apply to *all* State and local government facilities. Instead, like the policy requirement discussed earlier, it applies only to public schools, public libraries, and any "unit of the Executive Branch of State or local government that operates at a sensitive location." It does not apply to the Maryland Judiciary,[44] to the legislative branches of State or local government, or to any Executive Branch unit operating at a facility that is not a sensitive location. Government units with questions about whether the provision applies to them should contact their counsel for advice. Even where the warrant requirement does not apply to a particular agency or facility, however, the agency or facility may nonetheless choose to follow the requirement of declining to consent to ICE access to non-public spaces in a facility and incorporate it into facility policies. The requirement's application to non-public spaces tracks Fourth Amendment principles, as discussed further below, and a facility that is not a "sensitive location" under the legislation or whose staff is not governed by this

aspect of the legislation may still opt to issue policies that expressly conform to those principles.

1. Non-Public Spaces

The warrant requirement principally concerns access to non-public spaces. Properly interpreted, this aspect of § 2-104.2(b)(2) means that employees of covered units must not grant immigration enforcement agents consent or permission to enter spaces at sensitive locations that the general public may not enter, nor assist immigration enforcement agents in obtaining such access, absent a judicial warrant or exigent circumstances.[45] The provision does *not* require or permit State and local officials to unlawfully resist, block, or prevent federal immigration agents from gaining unauthorized access to these spaces.[46] It is critical for covered units to understand this point and convey it to their employees.

Although federal law does not—and cannot—require State or local officials to *assist* immigration authorities, federal law does make it a crime to actively interfere with federal officers, including ICE agents.[47] **The warrant requirement does not mandate active interference.** If ICE agents insist on entering non-public spaces at sensitive locations without proper authority, facility staff should not try to stop them. In such situations, facility staff satisfy their legal obligations simply by declining to grant the ICE agents permission to enter the non-public spaces and by not taking actions to assist the agents in gaining entry.[48]

Facility staff has the right to object passively where they believe ICE is acting without authority. This means that, unless ICE agents present a valid judicial warrant, the agents cannot require facility staff to open locked doors or to otherwise affirmatively assist them in obtaining entry to non-public spaces.[49] Of course, however, facility staff should not affirmatively impede ICE, either, and should seek to de-escalate conflicts.

Under the warrant requirement, State and local officials may provide ICE agents access to non-public spaces where (1) the agents have a judicial warrant; or (2) exigent circumstances exist. Note that an ICE administrative warrant does not satisfy the first exception. Instead, ICE agents must have a judicial warrant—signed by a federal judge, not an immigration official—to gain access to restricted spaces under this exception.[50] (See Appendix A and B for examples.) When ICE presents

a judicial warrant, we recommend that facility staff seek an opportunity to consult counsel before granting ICE access to private spaces based on the warrant. Even where a valid judicial warrant exists, counsel may be able to arrange for enforcement to proceed in a manner that does not disrupt facility operations. If ICE rejects a request to consult counsel, facility staff should not actively resist, block, or prevent federal immigration agents from gaining access to the spaces designated in the warrant, and should notify counsel immediately.

As for the second exception, the term "exigent circumstances" refers to emergency situations that require law enforcement to act immediately to address a threat to public safety, without pausing to obtain the prior approval from a judge that the Fourth Amendment to the U.S. Constitution would typically require.[51] Exigent circumstances include the following: imminent risk of death, violence, or harm to a person or property; hot pursuit of a dangerous suspect; and the imminent risk of the destruction of evidence of a crime.[52] If ICE agents state that exigent circumstances exist and that they require immediate entry to private spaces, our recommendation is that staff should first request the opportunity to speak with counsel. If this request is denied, staff should generally comply with the agents' orders. If staff doubts that emergency circumstances require immediate ICE access, they should state that they do not consent to the agents' entry and should seek to speak with counsel, if feasible, but they should not impede the agents' progress.

To effectively implement this warrant requirement, facility staff must have a clear understanding of which spaces are not accessible to the general public. Administrators should review their access policies to determine which spaces meet this criterion (either at all times or at certain times). Administrators should then mark those spaces with clear signage stating that the spaces are not open to the general public. If a space is accessible to the general public only on certain days or at certain times, signage should state these restrictions as well. Facilities should also have clear policies about who is allowed into the non-public spaces and under what conditions.

Keep in mind, however, that signage and policies of this nature serve to inform *facility staff* of their obligations, but they do not impose rules on ICE. If a space is marked private, then—consistent with the Maryland Values Act—facility staff should not grant ICE permission to enter that space absent a judicial warrant or

exigent circumstances. ICE, however, may not necessarily agree with the facility's determinations and may believe that the Fourth Amendment—the operative restraint on their law enforcement actions—does not limit warrantless access to a space that the facility has marked private.[53] In addition, the Act's warrant requirement may not always track the Fourth Amendment warrant requirement perfectly. This means that the Act's warrant requirement applies to some spaces that law enforcement agents typically might not need a warrant to enter under the Fourth Amendment, such as publicly accessible spaces beyond security screening checkpoints.[54] These considerations make it important for facility staff to realize that signage about private spaces governs only the obligation of facility staff to deny ICE agents permission to enter a particular space. To reiterate, the signage does not directly govern the movements of ICE agents.

If ICE does enter a space that is marked private without proper authority, staff should inform the ICE agents that they do not have permission to be in the private space and notify a designated supervisor. Staff should also make a record of the incident by taking notes about the ICE agents' actions. But staff should not make any effort to remove or block the agents.

2. Spaces Beyond Security Screenings

In 2026, the General Assembly amended the warrant requirement so that it also applies to any space in a sensitive location which "requires a security screening" to enter.[55] The term "security screening," in OAG's view, refers to a check for weapons, dangerous items, or contraband using metal detectors and X-ray devices.[56] Most State and local executive branch units operating at sensitive locations are probably not affected by this aspect of the requirement. For those executive branch units that do operate security screening checkpoints at sensitive locations, they should work carefully with their counsel when developing policies to implement this new requirement. OAG's general recommendation is to proceed as follows if ICE agents seek access to a space within a sensitive location that is accessible to the general public but that requires a security screening:

(1) Facility staff should begin by following whatever security and identification protocols typically apply to sworn law enforcement officers who visit the facility.

(2) After following the standard security and identification protocol, facility staff should ascertain the purpose of the ICE agents' visit.

(3) If the ICE agents seek to go beyond the security checkpoint in order to conduct immigration enforcement in the facility without a warrant or exigent circumstances, facility staff should tell the ICE agents that they lack the facility's consent to enter.

Facility staff should not take any additional steps to block the entry, but they should follow the facility's policy on notifying supervisors and making a record of the ICE agents' actions.

3. Compliance Visits

Finally, the Act's warrant requirement does not apply to compliance visits by immigration officers. Sometimes, federal immigration officials make site visits to check whether institutions or employers are in compliance with certain immigration rules. For example, officials from the United States Citizenship and Immigration Services ("USCIS") occasionally visit the offices of employers with professional nonimmigrant workers to verify the nature of the work being performed.[57] In the higher education context, ICE officials conduct site visits to verify compliance with student visa program rules.[58] Such compliance visits do not entail "enforcement" of the immigration laws within the meaning of the Act or other Maryland laws.[59]

To maintain good standing in a work or student visa program, it is important for facilities to cooperate with officials on such visits.[60] Nonetheless, to ensure compliance with the Act, covered units should at first presume that any federal immigration official who appears at a sensitive location is engaged in immigration enforcement. This means that frontline staff should not grant DHS officials immediate permission to enter non-public spaces simply because the officials state they are conducting a compliance-related site visit. Instead, staff should refer the DHS officials to the facility's designated supervisor for ICE activity to verify the nature of the officials' business and ensure that they do not have a law enforcement purpose (i.e., that they do not have the intention or authority during the visit to make an arrest or search for evidence that an individual may be subject to removal). When a designated supervisor grants ICE agents access to a facility for a compliance purpose, the supervisor should state clearly that he or she consents only to the agents'

entry for that specific purpose.[61] Facilities that employ noncitizens on H-1B visas, or other nonimmigrant professionals, should be especially prepared to address such compliance visits.

E. Confidentiality Laws

State and federal statutes restrict the sharing of sensitive information about individuals with immigration enforcement authorities. One such State statute, § 4-320.1 of the General Provisions Article, is of general significance to government units in Maryland. The statute prohibits State and local employees from sharing photographs or "personal information"—such as an individual's address, telephone number, medical information, driver's license number, or social security number—from public records with any person, including any federal agency, seeking to enforce the immigration laws, except pursuant to a judicial warrant.[62]

This provision is not intended to prohibit officials from responding to an inquiry from a federal agent about the citizenship or immigration status of an individual already known to the federal agent.[63] In that situation, although nothing in federal law *requires* State and local officials to provide citizenship and immigration status information to the federal agent, the State and local officials are also not *prohibited* from sharing that information.[64] However, the Maryland statute does prohibit State and local officials from sharing many other types of sensitive information about a person with the federal government for the purposes of immigration enforcement absent a judicial warrant.[65] Thus, before disclosing a person's name, address, or other personal information to immigration enforcement authorities, officials should consult with counsel. The only exception is where federal immigration agents present a judicial search warrant requiring immediate compliance.[66] Even then, however, State and local officials should request the opportunity to consult a supervisor or counsel before granting access to personal information.

Still more confidentiality laws are sector-specific and are most relevant to particular types of sensitive locations. We do not attempt here to identify every such law. In coordination with their counsel, covered units should identify relevant laws when developing their required policies. Some examples include the following:

- The federal Health Insurance Portability and Accountability Act (HIPAA), which restricts the disclosure of protected health information.[67]

- The Family Educational Rights and Privacy Act (FERPA), which provides that educational institutions may not release student education records without student consent (or parental consent when a student is under 18), unless the requestor has produced a court order or lawful subpoena or unless a FERPA exception applies.[68] State law also restricts the release of personal student information without proper consent.[69] In addition, a provision of the Education Article enacted in the 2026 Maryland Values Act prohibits public school personnel from engaging in immigration enforcement and restricts them from disclosing student or employee information for immigration enforcement purposes.[70]

- Section 13-202 of the Tax-General Article of the Maryland Code, which generally prohibits the disclosure of tax information.

Again, given the range and complexity of these confidentiality laws, officials should consult with counsel before disclosing personal information or sensitive records to immigration enforcement officials. The only exception is where an ICE agent presents a judicial search warrant. Such warrants typically require immediate compliance. If a federal agent presents such a warrant, facility staff should still request to consult with counsel. If the federal agent denies this request, facility staff should provide the agent with immediate access to the spaces, records, or other materials specified in the warrant, and continue to contact their designated supervisor or counsel.

F. Other Principles for Interacting with ICE

State and local government units, and the general public, should keep a few essential principles in mind when interacting with ICE agents engaged in enforcement actions.

First, if ICE asks you questions, you may choose not to answer.[71]

Second, if immigration officers arrive at a facility, staff should take steps to verify the officers' identity by requesting their credentials and making a record of those credentials, including the officers' names, employing agencies, and badge numbers or similar official identifying information.[72]

Third, ICE agents have the same rights as other individuals to enter spaces that are open to the general public. Facility staff should not attempt to make ICE leave such a publicly accessible space.[73] Sensitive locations with spaces that require security screenings for public access raise unique issues, as discussed above.[74] Even in these spaces, however, facility staff should limit themselves to notifying ICE agents that they do not have consent to enter the restricted space for immigration enforcement purposes absent a judicial warrant or exigent circumstances.[75]

Fourth, no person should interfere with ICE or its investigation. This means, as already mentioned, that nobody should attempt to physically block or impede ICE agents, not even if they appear to be entering restricted spaces without proper authority. It also means that nobody—whether facility staff or a member of the public—should conceal a person from ICE, assist a person in evading ICE, or otherwise take action to hinder the investigation. These actions may violate federal criminal law.[76] It is lawful to supply noncitizens with general information, such as information about their legal rights and legal obligations, but facility staff should not issue alerts or warnings to help individuals escape ICE agents engaged in an active operation.[77]

Examples of actions or alleged actions toward immigration enforcement authorities that have triggered federal criminal prosecution in the past include the following:

- ICE agents sought to apprehend a noncitizen who was present in a room in a public facility. Facility staff told the agents that the noncitizen would leave the facility through the lobby at the front door, and they asked the agents to wait there while the noncitizen concluded his business at the facility. Staff then helped the noncitizen exit the facility through a private backdoor. Staff were indicted on federal charges for interfering with a federal investigation.[78]

- A Border Patrol agent attempted to enter a scrap metal yard to check the immigration status of workers who were hiding behind a table at the back of

the yard. The owner of the yard, who knew that the workers were undocumented, physically blocked the agent from passing through an open gate and shoved the agent out of the yard. The owner was convicted of forcibly assaulting a federal officer and shielding the noncitizens from apprehension. The court explained that, while the owner had a right to object "non-provocatively" to the agent's authority to enter the yard, his physical assault of the agent nonetheless constituted a crime.[79]

- An employee encountered ICE agents at a work site. The employee rode a motorcycle to a different part of the work site and warned two undocumented workers that ICE had arrived, prompting them to flee. The employee was convicted of shielding the two workers from detection.[80]

In summary, facilities staff and members of the public do not have a legal obligation to assist ICE or to answer questions from ICE. But active interference with ICE and active efforts to help people evade ICE are prohibited.

Finally, OAG is often asked whether facilities staff may make video or audio recordings of ICE activity. We think it is generally legal for staff to do so, as long as staff does so openly and does not physically interfere with the ICE agents in the process of making recordings.[81] We defer to facility administrators and counsel to advise staff on the policy question of when such recordings are wise and when, in the exercise of sound judgment, they should be avoided.

IV. Model Policy on General Issues

This section provides a model policy that aims to clarify the principles discussed above by translating them into concrete policy language. The model policy is merely an illustration. Covered units and other facilities will need to adapt it to their circumstances. For example, the model policy states that all spaces in a facility are private unless otherwise noted. This framework may not be practical for covered units operating at facilities that are accessible to the general public throughout and that have few, if any, private spaces. A school bus stop, for example, probably does not have private spaces and therefore probably does not implicate the Act's warrant requirement. So long as covered units implement policies that conform to the legal principles discussed in this guidance—such as the principle that

covered units may not grant immigration enforcement agents permission to access private spaces absent a warrant or exigent circumstances—they will be following the Maryland Values Act's policy requirement, even if their policy language deviates from the model language below.

A. Nondiscriminatory Service & Protected Spaces

1. This [Facility] strives to provide essential services to members of the public, regardless of their immigration or citizenship status.

2. All areas in [Facility] are private spaces, except the following:

    - [List spaces that are open to the general public: e.g., reception, main lobby, unrestricted hallways.]

3. Private spaces shall be marked with clear signage. However, missing signage does not mean that a space otherwise designated as private under this policy is not private.

4. Access to private spaces is limited to: [list authorized categories, e.g., staff, customers/patients/students, others granted approval]. [Add other protocols if applicable; e.g., whether staff must accompany any non-staff that enter the space.]

B. Immigration Enforcement at [Facility]

1. [Facility] does not consent to the conduct of civil immigration enforcement operations on the premises.

2. [Facility] does not authorize any person seeking to enforce the immigration laws to enter private spaces, except pursuant to a judicial warrant or where exigent circumstances require such access.

3. [Designated official] shall be the primary point of contact for issues related to immigration enforcement.

4. If ICE agents or other federal immigration authorities appear at [Facility], staff shall presume that they are engaged in immigration enforcement.

5. Staff shall proceed as follows if any federal authorities seeking to engage in immigration enforcement appear at the facility:

    - Contact [Designated official] immediately. Ask the ICE agents to wait in a lobby or other public space. [For public schools: staff must also contact the county superintendent or the superintendent's designee.]

    - If the ICE agents demand immediate access to private spaces without waiting for [Designated official], staff shall state they do not consent to such access but should not attempt to stop or impede the officer. As promptly as possible, staff shall contact their [Designated official], and make a record of the incident for [Designated official], including notes about the verbal exchange with the ICE agents, identifying details about the ICE agents, the ICE agents' actions, any arrests or other results of those actions, and the identity of other staff witnesses.

    - [For facilities that require security screenings for access to public spaces: insert appropriate protocols here after consulting with counsel. *See* Section III.D.2 of the OAG Guidance.]

    - In no circumstances should staff interfere with the ICE agents, attempt to make them leave a public space, attempt to conceal any person from ICE, or attempt to assist any person in evading ICE.

5. [Designated official] shall make and maintain records of all immigration enforcement activity at [Facility].

6. [Designated official] shall request and record the following information from any ICE agent or other federal official who appears at [Facility] on immigration business:

- Name
- Badge number or other official identifying information
- Agency
- Purpose of visit
- Proposed action to be taken at [Facility]

7. If an immigration officer requests access to private spaces within [Facility] in order to conduct enforcement action, [Designated official] may authorize such access only if the officer (1) asserts that exigent circumstances exist; or (2) possesses a valid judicial warrant. To confirm the existence of a valid judicial warrant, [Designated official] shall:

- Obtain a copy of the document;
- Confirm that the heading shows the document was issued by a court;
- Confirm that a U.S. District Court Judge or Magistrate signed it;
- Confirm that it lists [Facility] among the places to be searched for a wanted person or evidence; and
- Verify that the document is not expired.

8. [Designated official (if not legal counsel)] should ask to consult with [Facility's legal counsel] about any questions concerning a judicial warrant or the existence of exigent circumstances. If immigration officers deny [Designated official] the opportunity to consult counsel about such questions, [Designated official] shall state that [he/she] does not consent to the agents' entry but should not block or impede their access. [For public schools: staff must also contact the county superintendent or the superintendent's designee and legal counsel if presented with a judicial warrant. Md. Code Ann., Educ. § 7-1508.1(c).]

9. If immigration officers proceed into a private space without exigent circumstances or a judicial warrant, [Designated official] shall notify counsel, state that the officers lack permission, but make no effort to resist or block the officers.

C. Requests by Immigration Officers for Records or Information

1. The confidentiality of information about [patients/students/members of the public] served by this facility is generally protected by [State and federal laws], including: Gen. Prov. § 4-320.1, [list other relevant laws]. The "personal information" protected by Gen. Prov. § 4-320.1 does not include information regarding citizenship or immigration status.

2. It is the policy of this facility to refer requests made by immigration officers for records or information about [patients/students/members of the public] to counsel, unless State or federal law otherwise requires an immediate response.

3. If ICE agents or other immigration officers request records or information about individuals served by [Facility], staff shall contact [Designated official].

4. [Designated official] shall request and record the immigration officer's identifying information as listed in Section B.6 of this Policy. [Designated official] shall also obtain a copy of any documentation supporting the officer's request, such as an administrative subpoena, judicial subpoena, or court order. [For public schools, staff must also contact the county superintendent or the superintendent's designee and legal counsel if presented with a judicial warrant, judicial subpoena, or legal order seeking the production of information or documents about a student or employee, including a student's or employee's family or household. Md. Code Ann., Educ. § 7-1508.1(c).]

5. If immigration officers present a judicial search warrant or assert that exigent circumstances exist to search a private space, [Designated official] and staff shall follow Section B.7 and B.8 of this Policy.

6. If immigration officers proceed to search a private space without exigent circumstances or a judicial warrant, [Designated official] and staff shall notify counsel, state that the officers lack permission, but make no effort to resist or block the officers.

[1] 2025 Md. Laws, ch. 718.

[2] 2026 Md. Laws, ch. 161.

[3] Memorandum from Alejandro N. Mayorkas, Secretary of Homeland Security, to Tae D. Johnson, Acting Director, U.S. Immigration & Customs Enforcement, et al., *Guidelines for Enforcement Actions in or near Protected Areas*, at 2-3 (Oct. 27, 2021) ("Mayorkas Memorandum"). Other DHS policies limited immigration enforcement in or near courthouses. *See* U.S. Dep't of Homeland Security, *DHS Announces New Guidance to Limit ICE and CBP Civil Enforcement Actions in or Near Courthouses* (Apr. 27, 2021), https://www.dhs.gov/archive/news/2021/04/27/dhs-announces-new-guidance-limit-ice-and-cbp-civil-enforcement-actions-or-near.

[4] Memorandum from Benjamine C. Huffman, Acting Secretary of Homeland Security, to Caleb Vitello, Acting Director, U.S. Immigration & Customs Enforcement, et al., *Enforcement Actions in or near Protected Areas* (Jan. 20, 2025), https://www.dhs.gov/sites/default/files/2025-03/25_0120_S1_enforcement-actions-in-near-protected-areas.pdf.

[5] *Id*.; *see also* Memorandum from Caleb Vitello, Acting Director, U.S. Immigration & Customs Enforcement, to Russell Hott, Acting Executive Associate Director, Enforcement & Removal Operations, et al., *Common Sense Enforcement Actions in or near Protected Areas* (Jan. 31, 2025) (permitting "case-by-case determinations regarding whether, where, and when to conduct an immigration enforcement action in or near a protected area"), https://www.ice.gov/doclib/foia/policy/CommonSenseEnforcementActInNearProtectedAreas.pdf.

[6] Mayorkas Memorandum at 2, 3.

[7] Md. Code Ann., State Gov't ("SG") § 6-111(b).

[8] *Id*. (providing that the OAG guidance should "inform[] the public and relevant State agencies").

[9] 2025 Md. Laws, ch. 718.

[10] 2026 Md. Laws, ch. 161.

[11] *See, e.g., United States v. Washington*, 596 U.S. 832, 838 (2022).

[12] SG § 6-111(d)(1).

[13] SG § 6-111(d)(2).

[14] SG § 6-111(d)(3).

[15] *See, e.g.*, COMAR 13A.08.01.12-1A(4) (defining "school property" to include "land that surrounds the buildings . . . that are owned or leased by a local school system").

[16] The prior federal policy used the term "school" to encompass everything from pre-schools through institutions of higher education. Mayorkas Memorandum at 2. We think it possible that—in this unique context, where the Maryland Values Act was enacted in response to the revocation of the federal policy—the General Assembly may have intended the term to carry the same broad meaning. *E.g.*, *Elsberry v. Stanley Martin Cos., LLC*, 482 Md. 159, 183 (2022) (noting that statutory interpretation "requires construction of the challenged language in the context of the entire statute and its legislative purpose"). However, we recognize that when the General Assembly intends for legislation to impose obligations on the University System of Maryland, it usually says so expressly. *See* Md. Code Ann., Educ. § 12-104(a); *Magnetti v. University of*

Maryland, 402 Md. 548, 564 (2007). And in Maryland statute, the term "public school" typically excludes higher education. *E.g.,* Educ. § 1-101(k) (defining "public schools" to mean public elementary and secondary schools only). To avoid any interpretive doubts about this issue, the Attorney General hereby exercises his discretion under the Act to designate public institutions of higher education within Maryland as "sensitive locations." *See* SG § 6-111(a)(4)(vi). This means that these institutions are "sensitive locations" within the meaning of the legislation even if they are not encompassed by the term "public schools." *Id*.

[17] *See* SG § 6-111(a)(4)(iii).

[18] SG § 6-111(b).

[19] SG § 6-111(a)(4)(vi).

[20] *See supra* note 16.

[21] *See* SG § 6-111(a)(4)(vi) (not placing time limitation on designation authority).

[22] *See, e.g.*, 99 *Opinions of the Attorney General* 3, 18-19 (2014) (recognizing that whether a State agency is part of the "executive branch" may depend on context and the particular question at issue).

[23] *See supra* Introduction.

[24] *See New York v. United States*, 505 U.S. 144, 160-61 (1992) (explaining that the Tenth Amendment prevents Congress from compelling states to enforce federal programs); *see also Printz v. United States*, 521 U.S. 898, 935 (1997) ("The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States' officers . . . to administer or enforce a federal regulatory program.").

[25] *See, e.g.*, *McHenry County v. Raoul*, 44 F.4th 581, 585 (7th Cir. 2022); *Ocean County Bd. of Comm'rs v. Attorney Gen.*, 8 F.4th 176, 181-82 (3d Cir. 2021); *United States v. California*, 921 F.3d 865, 889-91 (9th Cir. 2019).

[26] Md. Code Ann., Gen. Prov. ("GP") § 4-320.1.

[27] *See* Md. Code Ann., Corr. Servs. § 8-805(b). For additional examples of State laws in this category, see OAG's guidance to law enforcement about immigration enforcement. Office of the Attorney General, *Guidance Memorandum, Local Enforcement of Federal Immigration Law: Legal Guidance for Maryland State and Local Law Enforcement Officials* (June 2026 update), https://oag.maryland.gov/FederalActionsResponse/Documents/pdfs/Law%20Enforcement%20Immigration%20Guidance%2006.22.2026%20Update%20%28FINAL%29.pdf.

[28] *See* U.S. Dep't of Homeland Sec., Delegation No. 7030.2, *Delegation of Authority to the Assistant Secretary for U.S. Immigration & Customs Enforcement* (Mar. 1, 2003); *Duvall v. Attorney Gen.*, 436 F.3d 382, 385 n.3 (3d Cir. 2006).

[29] *E.g.*, Julia Ainsley et al., *A Sweeping New ICE Operation Shows How Trump's Focus on Immigration Is Reshaping Federal Law Enforcement*, NBC News (June 4, 2025) (discussing the assignment of personnel from the Federal Bureau of Investigation and other federal law enforcement agencies to immigration enforcement operations), https://www.nbcnews.com/politics/justice-department/ice-operation-trump-focus-immigration-reshape-federal-law-enforcement-rcna193494.

[30] *See Arizona v. United States*, 567 U.S. 387, 396 (2012).

[31] *Id.*; *Santos v. Frederick County Bd. of Comm'rs*, 725 F.3d 451, 467 (4th Cir. 2013).

[32] *See United States v. Santos-Portillo*, 997 F.3d 159, 162, 164 (4th Cir. 2021).

[33] *Id.* at 164.

[34] *Id.*

[35] *See id.* at 163-64.

[36] *E.g.*, 8 U.S.C. § 1253 (failure to depart after a removal order); *id.* § 1326 (illegal reentry).

[37] *See* 8 U.S.C. § 1357(a) (providing that subject to regulations of the U.S. Attorney General, a federal immigration official "may execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States"); *see also*, *e.g.*, U.S. Immigration & Customs Enforcement, *ICE Executes 50 Criminal Warrants Across the Nation in 1 Day* (Aug. 8, 2024) (describing execution of federal judicial warrants for the immigration crime of illegal reentry after deportation), https://www.ice.gov/news/releases/ice-executes-50-criminal-warrants-across-nation-1-day. In the past, federal immigration authorities have also obtained a type of administrative (i.e., civil) search warrant from federal magistrate judges to search for undocumented noncitizens in private commercial spaces, although it is unclear if they still obtain such warrants or still have a legal basis to do so. *See In re Sealed Search Warrant Application*, 784 F. Supp. 3d 970, 973-76 (S.D. Tex. 2025) (holding that such warrants do not comply with the Fourth Amendment or the Federal Rules of Criminal Procedure).

[38] *See Santos-Portillo*, 997 F.3d at 164 (explaining that judicial warrants, unlike administrative warrants signed by immigration officers, may satisfy Fourth Amendment strictures). However, a bare judicial arrest warrant—one that does not specify the property where law enforcement may search for the wanted person—typically does not authorize law enforcement to enter a private space other than the wanted person's home. *See Pembaur v. City of Cincinnati*, 475 U.S. 469, 474 (1986) (citing *Steagald v. United States*, 451 U.S. 204 (1981)); *O'Rourke v. Hayes*, 378 F.3d 1201, 1209-10 (11th Cir. 2004). *See generally Jones v. State,* 425 Md. 1, 28-29 (2012). Put differently, unless the person named in the warrant resides at the facility, ICE would need a judicial *search* warrant—not merely a judicial *arrest* warrant—to enter a private space at a facility without consent or exigent circumstances. *Pembaur*, 475 U.S. at 474. Facility staff presented with a judicial arrest warrant that does not specify the locations to be searched for the wanted person should therefore seek to consult with counsel before granting the federal agents access to private spaces. If the federal agents refuse this request, staff should state that they do not consent to the agents' entry but should not block or impede their access.

[39] Md. Code Ann., Crim. Proc. § 2-104(c)(3).

[40] *See* Crim. Proc. § 2-104(c) (imposing the notice requirement on a federal officer "who acts under the authority granted by this section," which is a section that authorizes federal officers to enforce State law under certain specified circumstances).

[41] *E.g.*, District Court of Maryland, *District Court Administrative Regulations* 5 (Jan. 1, 2025) ("All armed law enforcement officers on official business/duty must identify themselves to courthouse security and identify the purpose of their visit. Further, they must wear their agency's uniform or if in plain clothes, must prominently display above the waist their agency's identification card and/or badge."), https://www.mdcourts.gov/sites/default/files/import/district/dcar/admin_regulations.pdf.

[42] *See* 8 U.S.C. § 1357(a); 8 C.F.R. § 287.5(f).

[43] 2025 Md. Laws, ch. 718 (enacting Crim. Proc. § 2-104.2); 2026 Md. Laws, ch. 161 (amending it).

[44] The warrant requirement does, however, apply to any "unit of the Executive Branch of State or local government" that operates at a courthouse, which is a sensitive location. *See* SG § 6-111(a)(4)(v). But note that the warrant requirement does not apply to a "detention facility in a District Court or circuit court house." Crim. Proc. § 2-104.2(b)(1).

[45] *See Bill Review Letter on H.B. 1222*, 2025 Leg., Reg. Sess. at 2 (May 1, 2025) ("H.B. 1222 Bill Review Letter") ("To avoid a potential conflict with federal law, it is our view that [the Act's] requirement to 'deny access' should reasonably be interpreted to mean that State and local government officials or employees must not grant immigration enforcement officials permission to enter the non-public sensitive locations, nor assist them in doing so."). Read in this way, the Act's warrant requirement also aligns with federal regulations that limit immigration officers from entering "into the non-public areas of a business [or] a residence" unless they have "either a warrant or the consent of the owner or other person in control of the site to be inspected." 8 C.F.R. § 287.8(f)(2); *Kidd v. Mayorkas*, 734 F. Supp. 3d 967, 984 (C.D. Cal. 2024) (explaining that this regulation requires a judicial warrant, not merely an administrative warrant).

[46] H.B. 1222 Bill Review Letter at 2.

[47] *See, e.g.*, 18 U.S.C. § 111 (making it a crime to "impede[]" or "interfere[] with" federal law enforcement); 8 U.S.C. § 1324(a)(1)(A)(iii) (making it a crime to shield an unlawfully present person from detection); *infra* Section III.F.

[48] H.B. 1222 Bill Review Letter at 2.

[49] *United States v. Prescott*, 581 F.2d 1343, 1350-51 (9th Cir. 1978) (holding that a person could not be penalized for refusing to heed officers' orders to unlock a door where the officers lacked a search warrant; "[o]ne cannot be penalized for passively asserting" the Fourth Amendment right against warrantless entry); *Freeman v. Gore*, 483 F.3d 404, 415 (5th Cir. 2007) ("[R]efusal to consent to a warrantless search of [a] home cannot itself provide probable cause to arrest . . . ."); 1 Wayne R. LaFave, *Substantive Criminal Law* § 3.5(d) (Oct. 2024 update) ("[T]he failure to permit another to intrude upon your constitutional right against unreasonable searches may not be made criminal."); *see also Longshore v. State*, 399 Md. 486, 537 (2007) ("An unfair and impermissible burden would be placed upon the assertion of a constitutional right if the State could use a refusal to a warrantless search against an individual.").

[50] Crim. Proc. § 2-104.2(b)(2)(i).

[51] *Dunnuck v. State*, 367 Md. 198, 205 (2001) ("[W]henever a 'compelling need for official action and no time to secure a warrant' converge, exigent circumstances exist. Stated differently, '[e]xigent circumstances are those in which a substantial risk of harm to the persons involved or to the law enforcement process would arise if the police were to delay a search until a warrant could be obtained.'" (second alteration in original) (internal quotation marks omitted) (quoting *Wengert v. State*, 364 Md. 76, 85 (2001))).

[52] *See id*. at 205-06; *Carroll v. State*, 335 Md. 723, 729-30 (1994).

[53] *See Santos-Portillo*, 997 F.3d at 164.

[54] *See California v. Carney*, 471 U.S. 386, 390 (1985) (discussing the automobile exception to the Fourth Amendment warrant requirement); *Andree v. Ashland County*, 818 F.2d 1306, 1314-15 (7th Cir. 1987) (holding that the Fourth Amendment does not restrict law enforcement entry into spaces to which "the general public [i]s invited").

[55] 2026 Md. Laws, ch. 161 (amending Crim. Proc. § 2-104.2(b)(2)).

[56] *See* Md. Code Ann., Transp. § 5-413.1(b) (using "security screening" in this sense); *Martinez v. Amazon.com Servs. LLC*, 491 Md. 38, 44-45 (2025) (same).

[57] *See* Austin T. Fragomen, Jr., et al., *H-1B Handbook* § 4:37 (2025 ed.) ("As part of a fraud detection initiative, USCIS may conduct site visits of employers that sponsor foreign workers under its Administrative Site Visit and Verification Program (ASVVP)."); USCIS, *Administrative Site Visit and Verification Program*, https://www.uscis.gov/about-us/organization/directorates-and-program-offices/fraud-detection-and-national-security-directorate/administrative-site-visit-and-verification-program (last visited July 8, 2025).

[58] *See SEVP Addresses ICE Sensitive Locations Policy and School Visits*, 94 Interpreter Releases, no. 13, Mar. 27, 2017 ("ICE Homeland Security Investigations special agents or personnel from [the Student and Exchange Visitor Program's] compliance section may make unannounced site visits to schools to ensure the school is complying with federal laws and regulations governing F and M nonimmigrant students."). ICE also conducts compliance inspections of I-9 forms, which serve to verify an individual's eligibility for employment, but employers are entitled to three days' notice of such inspections and need not acquiesce to unannounced visits for this purpose. *See* 8 C.F.R. § 274a.2(b)(2)(ii); *Ketchikan Drywall Servs., Inc. v. ICE*, 725 F.3d 1103, 1108 (9th Cir. 2013).

[59] This was the rule under the federal sensitive locations policy, which was interpreted to not restrict such compliance visits. *See SEVP Addresses ICE Sensitive Locations Policy and School Visits*, *supra* note 47 (explaining that DHS policy restrictions on immigration enforcement at universities did not prohibit student visa compliance visits).

[60] *See, e.g.*, Fragomen, *supra* note 46, § 4:37.

[61] *See United States v. Neely*, 564 F.3d 346, 350 (4th Cir. 2009) (explaining that a person may limit the scope of consent granted to law enforcement to conduct a search).

[62] GP § 4-320.1(c)(1) (as amended by 2026 Md. Laws, ch. 874); *see also id.* § 4-101(h) (defining "personal information"). This provision is contained in Maryland's Public Information Act ("PIA"), but its prohibition extends to voluntary or proactive information sharing; the prohibition is not limited to situations where a federal agency has made a public records request. *See* GP § 4-320.1(b)(1) (creating an exception only for a "valid warrant issued by a federal court or a court of this State"); *see, e.g.,* 65 *Opinions of the Attorney General* 365, 370 (1980) (concluding that an official may not voluntarily disclose, from public records, information covered by a mandatory PIA prohibition).

[63] *See* GP § 4-101(h); Letter from Sandra Benson Brantley, Counsel to the General Assembly, to Del. Dana Stein (Feb. 8, 2018) (explaining that federal law "does not preclude a State from enacting policies governing nondisclosure of other types of information [beyond information regarding citizenship or immigration status]").

[64] *See* 8 U.S.C. § 1373(a) ("[A] Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual."). *But see Ocean County*, 8 F.4th at 181-82 (holding that § 1373 cannot preempt state laws that restrict information sharing with federal immigration authorities).

[65] GP §§ 4-101(h), 4-320.1(b)(1).

[66] *Id.* § 4-320.1(b)(1).

[67] *See generally* 88 *Opinions of the Attorney General* 205, 207 (2003) ("HIPAA [] compelled the development of systems to protect the security and privacy of health care information.").

[68] 20 U.S.C. § 1232g(b), 34 C.F.R. pt. 99.

[69] *See* GP § 4-313; COMAR 13A.08.02.18.

[70] Md. Code Ann., Educ. § 7-1508.1(b)-(c).

[71] *See* 8 C.F.R. § 287.8(b)(1) ("An immigration officer, like any other person, has the right to ask questions of anyone as long as the immigration officer does not restrain the freedom of an individual, not under arrest, to walk away."); *see also, e.g.*, *Williams v. State*, 445 Md. 452, 469-70 (2015) (an individual who is placed under arrest has a Fifth Amendment right to remain silent); *Collins v. State*, 376 Md. 359, 368 (2003) (citations omitted) (explaining that during an investigative stop, police can ask a detained person "a moderate number of questions" to confirm or dispel suspicion, but that the detained person "is not obligated to respond" and, unless police develop probable cause for an arrest, the person "must then be released").

[72] *See infra* Section IV.B.6 (model policy language).

[73] *See* 8 C.F.R. § 287.8(f)(2), (4) (restricting the warrantless entry of immigration authorities into "non-public areas" only).

[74] *See supra* Section III.D.2.

[75] *Id.*

[76] *See, e.g.*, 8 U.S.C. § 1324; 18 U.S.C. §§ 111, 1505, 1512(c)(2).

[77] *See United States v. Ozcelik*, 527 F.3d 88, 99-101 (3d Cir. 2008).

[78] *United States v. Joseph*, 26 F.4th 528, 531 (1st Cir. 2022).

[79] *United States v. Varkonyi*, 645 F.2d 453, 454-55, 457-59 (5th Cir. 1981).

[80] *United States v. Rubio-Gonzalez*, 674 F.2d 1067, 1069-70 (5th Cir. 1982).

[81] *Williams v. Mitchell*, 122 F.4th 85, 89 (4th Cir. 2024) ("[R]ecording police encounters" is "protected speech under the First Amendment" (quoting *Sharpe v. Winterville Police Dep't*, 59 F.4th 674, 681 (4th Cir. 2023))).

Appendix A: Sample ICE Administrative Warrants

Issued by DHS, not by a federal court.

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.

Signed by an immigration officer, not a federal magistrate or judge.

SAMPLE

_____
(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)

Appendix A: Sample ICE Administrative Warrants

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)

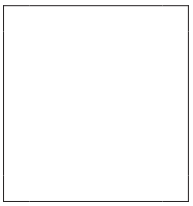
SAMPLE

Appendix A: Sample ICE Administrative Warrants

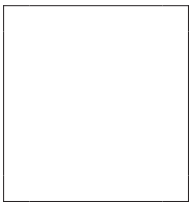
To be completed by immigration officer executing the warrant: Name of alien being removed:

_____

Port, date, and manner of removal: _____



Photograph of alien removed



Right index fingerprint of alien removed

_____
(Signature of alien being fingerprinted)

_____
(Signature and title of immigration officer taking print)

Departure witnessed by: _____
(Signature and title of immigration officer)

If actual departure is not witnessed, fully identify source or means of verification of departure:

_____

_____

_____

_____

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here. ☐

Departure Verified by: _____
(Signature and title of immigration officer)

SAMPLE

Appendix B: Sample Federal Judicial Warrants

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.

Issued by a federal court.

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)*:

Execution date should be current.

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

Signed by a federal magistrate or judge.

Appendix B: Sample Federal Judicial Warrants

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