



GUIDANCE FOR WIC STAFF ON U.S. IMMIGRATION & CUSTOMS ENFORCEMENT

Amid heightened political rhetoric around immigration and increased media attention since President Trump's inauguration, U.S. Immigration and Customs Enforcement (ICE) has significantly escalated its enforcement efforts. The National WIC Association (NWA) has received reports of ICE presence outside of WIC clinics, causing fear among families and deterring them from seeking critical services.

GUIDANCE FOR WIC STAFF

To address growing concerns among WIC staff and families, NWA prepared this factsheet outlining guidance for WIC clinics:

WIC CLINIC STAFF ARE UNDER NO LEGAL OBLIGATION TO ASSIST ICE IN ENFORCEMENT ACTIVITIES, ABSENT A COURT ORDER.

Stay calm and professional. Before providing any information, clinic staff should immediately ask ICE agents to identify themselves and request to see any legal authority for their presence within the clinic. Clinic staff should also alert their supervisor.

ICE ADMINISTRATIVE WARRANTS LACK LEGAL FORCE AND ARE DIFFERENT THAN COURT ORDERS.

ICE administrative warrants are not issued by a judge, and DO NOT ALLOW agents to enter private areas without your permission. They typically say "Department of Homeland Security" and are found on Forms I-200 or I-205.

Clinic staff have the right to request that ICE agents produce a warrant. Check to make sure that the warrant is actually a court order, issued by a U.S. District Court and signed by a federal judge, usually a magistrate judge.

DISCLAIMER:

You may wish to consult state or local laws or your agency's policy to ensure you act in full compliance. This document should not be taken as legal advice nor as a substitute for any policy of your organization.

WIC DATA IS CONFIDENTIAL AND CANNOT BE SHARED FOR THE PURPOSES OF IMMIGRATION ENFORCEMENT.

USDA regulations maintain the confidentiality of applicant and participant information by permitting its use only for purposes related to WIC program administration, with limited exceptions. WIC staff should not share any applicant or participant information with federal agencies or officials for other purposes, such as immigration enforcement. WIC seeks to serve all eligible individuals, and WIC agencies generally do not collect citizenship or immigration status information.

If a Local WIC Agency receives a subpoena for confidential participant information, according to program regulations, they must immediately report it to their State Agency and legal counsel and determine next steps as outlined in 7 CFR 246.26(i).

NOTE:

Idaho recently passed a law requiring staff to check immigration status for WIC participants as a condition of eligibility. The state is currently working on implementing the law. If that happens, Idaho will be the only state to require these checks.



WIC CLINICS & FORMERLY PROTECTED AREAS.

On January 20, 2025, the Trump Administration rescinded the Biden-era policy protecting “Sensitive Locations.” This means that areas like schools, churches, and healthcare facilities—including those housing WIC clinics—no longer enjoy special protections for ICE enforcement. The Trump Administration has explicitly stated that ICE can take enforcement actions in schools and churches.

A January 31, 2025, ICE memo provides only minimal safeguards regarding enforcement authorization. Therefore, WIC clinic staff must understand that ICE can now take actions in these spaces, and individuals must primarily rely on basic constitutional protections, such as the Fourth and Fifth Amendments, which protect individuals from unreasonable searches and seizures and ensure the right to remain silent. Keep in mind that areas open to the public, such as lobbies and waiting areas, are considered public, while interior areas and those marked “private” with a sign are considered private.

For more details on the rescission of protected areas policies, refer to the [National Immigration Law Center’s factsheet](#) on protected areas.

WIC CLINIC STAFF CAN REQUEST, OR EVEN DEMAND, THAT ICE AGENTS LACKING A COURT ORDER LEAVE THE CLINIC OR NEARBY AREAS.

ICE agents, like other members of the public, have the right to be present in any public space. However, if they are disruptive to your clinic’s operations, you may request or even demand that they leave unless they have a valid court order.

WIC CLINIC STAFF CANNOT OBSTRUCT A COURT ORDER, LIE TO OR THREATEN ICE AGENTS, OR FAIL TO COMPLY WITH A JUDICIAL WARRANT OR SUBPOENA.

Although clinic staff is not obligated to assist ICE unless there is a valid court order, ICE agents are still law enforcement officers. It is against the law to lie to or threaten ICE agents, obstruct the administration of justice, or fail to comply with a valid court order.

SHOULD ICE ENTER OR APPROACH YOUR CLINIC, IT IS IMPERATIVE YOU COMMUNICATE THIS TO YOUR STATE AGENCY AND TO NWA.

Here are helpful steps WIC staff can take to document ICE activity:

- **DOCUMENT THE INCIDENT IN WRITING.**

Note the exact time and place of the incident, and any details of the van, including license plate numbers. Write down any action the ICE agents may take, such as stopping people on the sidewalk. Request and record the names of any ICE agents involved in enforcement action. If ICE agents enter the clinic, write down an account of the scenario, including any requests the agents made to WIC staff.

- **TAKE PHOTOGRAPHS AND VIDEO.**

If feasible, take photographs of the van and agents, and record video of any action ICE agents take in the area of the clinic.

- **DOCUMENT THE IMPACT.**

Keep track of the number of clients who cancel appointments at times when ICE is present outside the clinic. If you have to move clients to other clinics due to ICE presence, document how many clients were moved and any impact on the receiving clinic as a result.

- **SHARE WITH NWA.**

Please share all incidences of ICE presence in the area of WIC clinics with NWA by contacting NWA’s Director of Public Policy, Ali Hard, at ahard@nwica.org.

SUPPORT IMMIGRANT FAMILIES

To better support immigrant families, WIC clinic staff should understand and share constitutional rights and knowledge with families, colleagues, and community members.

- Print and distribute the Immigrant Legal Resource Center's free ["Know Your Rights" \(KYR\) Red Cards](#).
- Become familiar with how to access legal help in your area. Connect and build relationships with local legal aid organizations and immigrant rights organizations that provide families with legal services directories.
- Host a "Know Your Rights" teach-in. Collaborate with immigration organizations or check with local law schools for legal immigration clinics.
- Learn how people can prepare for detention or deportation, utilizing resources like the Children Thrive Action Network (CTAN)'s [deportation toolkit](#) and the [50-state family emergency preparedness guide](#).

FOR MORE INFORMATION

To learn more about how immigration policy impacts WIC staff and participants, please consult [NWA's immigration resources webpage](#). This webpage serves as a comprehensive hub for resources on various topics, including public charge policies, constitutional rights and protections, mental health support, legal assistance directories, and emergency preparedness planning.