
Department of Homeland Security Issues Directive Rescinding Policy Limiting Immigration Enforcement in Protected Areas

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Written by:

Edward Sklar
Partner
Walnut Creek

Ricardo S. Rodriguez
Associate
Monterey

On January 20, 2025, Acting Department of Homeland Security (DHS) Secretary, Benamine Huffman, [rescinded a longstanding policy](#) that shielded places like schools, hospitals, and churches from immigration enforcement. This was replaced with a directive granting Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) agents' broad authority to conduct enforcement actions in these locations.

Background

For over a decade, DHS policy limited immigration enforcement actions at "sensitive locations" such as schools, hospitals, and churches. A 2011 memo from then-DHS Director John Morton protected these "sensitive locations" from ICE enforcement actions such as arrests, interviews, searches, and surveillance. Limited exceptions were made for exigent circumstances or for when prior approval from agency headquarters was obtained.

This policy was broadened in 2021 by then-DHS Secretary Alejandro N. Mayorkas, who issued a memo establishing "protected areas" that included the original "sensitive locations" and expanded the definition to include mental healthcare facilities, locations where children gather (e.g., playgrounds, childcare centers, school bus stops), and disaster relief sites. The 2021 memo emphasized avoiding enforcement actions "to the fullest extent possible" in or near "protected areas."

Despite this long-standing policy, DHS recently rescinded the protections for these locations. While it is unclear whether both the 2011 and 2021 memos were rescinded, or if a new DHS memo will be issued, DHS has explicitly stated that ICE may now take enforcement actions in schools and churches.

Updated Guidance

With the rescission of the 2021 "protected areas" memo, individuals who are targets of immigration enforcement may still rely on fundamental constitutional safeguards in those spaces. These include the Fourth Amendment protection against unreasonable searches and seizures and the Fifth Amendment right to remain silent.

Recognizing that the “protected areas” policy could be rescinded, the California Attorney General (AG) published an [updated edition](#) of its guide and model policies aimed to protect the rights of undocumented students and their families. This resource provides local educational agencies (LEAs) in California with the tools necessary to navigate immigration enforcement actions. The updated guide also includes helpful resources, such as a quick reference guide for handling immigration issues at schools, a “Know Your Educational Rights” page in multiple languages, and legal resources for families dealing with detention or deportation. The California AG also developed comparable guidance for [institutions of higher learning](#) and encourages LEAs to review the updated guidance and update and adopt revised policies by May 1, 2025.

Takeaways

LEAs should review and familiarize themselves with the California AG’s updated guide, which includes new requirements, resources, and model policies. The guide provides a comprehensive legal framework for protecting students’ educational rights in immigration-related situations.

Lozano Smith can provide additional guidance on these and other immigration-related issues for our school and community college district clients. If you are interested in receiving additional guidance or have any questions regarding immigration enforcement on school campuses, please contact one of the authors of this Client News Brief or any attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [X \(formerly Twitter\)](#), and [LinkedIn](#), or download our [mobile app](#).

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