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Immigration

New Guidelines on Avoiding Enforcement Actions in or Near ‘Protected Areas’

Legal Update

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By Immigration Group

This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

Alejandro Mayorkas, Secretary of Homeland Security, announced new guidelines for enforcement actions in or near “protected areas.” The memo states, “to the fullest extent possible, we should not take an enforcement action in or near a location that would restrain people’s access to essential services or engagement in essential activities.”

A non-exhaustive list of protected areas includes schools; medical or mental health care facilities; places of worship or religious study; places where children gather; social services facilities; places where disaster or emergency services are provided; funerals; weddings; and ongoing parades, demonstrations or rallies.

The memo includes exceptions to be made, such as when there is a national security threat or imminent risk of death, violence or physical harm.