

New Jersey Attorney General Issues Guidance on Immigration Authority Access to Healthcare Facilities

Healthcare Law Update

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On June 17, 2026, the New Jersey Attorney General issued [guidance](#) and model policies for health care facilities and other sensitive locations regarding access by federal immigration authorities to sensitive locations and to documents. Issued pursuant to the [Safe Communities Act](#), the guidance applies broadly to facilities licensed by the New Jersey Department of Health and delineates the “minimum” protocols and protections that facilities must adopt to govern practices when immigration authorities seek to enter a facility or seek patient information from the facility. In accordance with the Act, the New Jersey Department of Health must adopt the model policy or a policy providing greater protections and publish the policy on its website.

The guidance sets forth the legal right of facilities to decline access by immigration officers to areas not generally open to the public or to provide patient information, unless the officers present a warrant or court order signed by a judge or demonstrate exigent circumstances. The guidance and model policies address the specific steps that facilities must take to operationalize the right to deny access to immigration authorities, including: (i) distinguishing between judicial and administrative warrants; (ii) the need for a process to evaluate the warrants quickly and seek legal counsel when immigration officers arrive at the premises; (iii) demarcation of public and private spaces; (iv) identification of staff responsible for interacting with immigration officers; (v) the collection of appropriate information from immigration officers; and (vi) training for all staff about the protocols and policies adopted. As explained in the guidance, in the absence of exigent circumstances, facilitators do not have a legal obligation to provide access to federal immigration officers if they have only an administrative warrant. The guidance provides that it is not intended to supplant more protective policies for facilities that have already adopted a policy.

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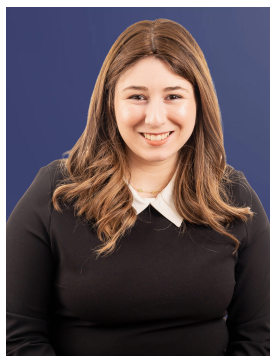


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