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OP-ED

In South Florida, when ICE comes knocking, how should your HOA react? | Opinion

By **Donna DiMaggio Berger**

May 12, 2025 8:06 PM



In South Florida, ICE agents may come to your community — to ask about a resident, verify employee records or make an arrest. What to do. Karl Merton Ferron *TNS*



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U.S. Immigration and Customs Enforcement agents to show up at their door. Yet as ICE activity increases in places like South Florida, boards must respond calmly, lawfully and knowledgeably.

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From ICE’s perspective, your community may be a “target-rich” environment. Hundreds of residents may employ nannies, landscapers and housekeepers. Contractors may work onsite with teams of employees, or the association may employ staff directly.

Some units may be rented to people whose immigration status is unknown. ICE may come seeking information about residents or employees and how your board responds can carry legal consequences.

If ICE presents a valid [judicial warrant](#) and access is denied, the association or staff could face obstruction charges, which carry criminal penalties. Misleading ICE or knowingly harboring undocumented individuals could also result in civil or criminal liability.

Conversely, granting ICE access to common areas without a proper warrant could expose the association to claims of invasion of privacy, trespass, discrimination or emotional distress. If ICE detains an employee and the association was aware (or should have been aware) of immigration issues, employment law risks may also arise.

If ICE comes to your community — to ask about a resident, verify employee records or make an arrest — these best practices can help you protect both legal rights and community integrity:

- **Stay calm and respectful.** Don't panic or react confrontationally. Identify yourself by name and title.
- **Request identification.** Ask for the agents' names and badge numbers and record them. If you have onsite security, involve them to confirm identities. This step helps document the interaction.
- **Understand the difference between judicial and administrative ICE warrants.** Judicial warrants are signed by a judge and grant specific legal authority. Administrative warrants or subpoenas, issued by ICE, do not authorize entry to private property without consent. A discreet notice at the management office or guard gate stating that law enforcement must present a warrant can serve as a helpful reminder.
- **Contact your attorney immediately.** Your attorney can review documents, confirm validity and advise on how to proceed — or even speak directly with ICE agents on your behalf. If served with a warrant or legal notice, forward copies to counsel. If unsure what to do, tell the agents you need to consult your attorney first. That's a legally acceptable response.
- **Document everything.** Record the date, time and purpose of the visit. Note the number of agents, their names and what they say or request. Make copies or take photos of any warrants, subpoenas or business cards. Record any exchanges in writing afterward to show your association acted responsibly.

- **Do not physically interfere.** Even if ICE lacks proper authority, do not attempt to block or confront agents physically. Object calmly, state your legal position and step aside if they proceed. Interference with federal officers can lead to serious consequences. Let your attorney handle any improper action afterward.
- **In case of escalation, call local police.** If a conflict arises or agents attempt forced entry, local law enforcement can serve as neutral observers to prevent a breach of peace. Your role is to manage the situation — not to escalate it.
- **Be proactive.** Designate a single point of contact — typically the manager or a board officer — for law enforcement interactions. Ensure front-desk staff, security and maintenance personnel know to direct agents to that individual. Train the point person on proper protocols and legal boundaries.

Private communities may offer sanctuary and stability but they are not beyond the reach of the law. Nor is ICE exempt from legal procedure. Boards must neither obstruct lawful investigations nor over comply.

By understanding ICE's authority, insisting on proper procedure and developing a clear response plan, you can protect your community and uphold the rights of all involved. This balance—protecting both residents' and the government's rights—is essential in uncertain times and marks the work of a well-run association.

Donna DiMaggio Berger is an equity shareholder in Becker's Community Association Practice Group in Fort Lauderdale, which specializes in condo, co-op and HOA law.





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