

IMMIGRATION SUBPOENAS TO LANDLORDS & OTHER BUSINESSES

As of July 2025, we have been seeing a trend of U.S. Immigration and Customs Enforcement (“ICE”) issuing subpoenas to apartment complexes and other private entities, to attempt to collect tenant information. This primer provides guidance on these subpoenas.

Disclaimer: This is not legal advice; consult with an attorney, including before providing tenant information to ICE, as you may be violating various statutes/regulations if you do so.

WHAT IS AN IMMIGRATION SUBPOENA?

- An “immigration subpoena” or “ICE administrative subpoena” is a demand issued by an ICE officer – rather than a judge or a court – that orders a person or entity to produce records or testify in connection with an immigration-related investigation. See sample on next page.
- ICE uses these subpoenas to obtain addresses and other personal information about non-citizens and their family members (including U.S. citizens).

HOW DO I RESPOND?

- You do NOT have to respond to an immigration subpoena (or return phone calls from ICE, etc.). **These subpoenas are not signed by a judge and are not self-executing: if you do not comply with an immigration subpoena and ICE intends to compel a response, it must seek a court order to do so.**
 - Courts retain the power to assess the validity of each administrative subpoena and consider legal challenges. Recipients may **only be penalized if a court orders enforcement of the subpoena** and then fail to comply with the court order.
 - Even if commanded by a court to respond to a subpoena, ensure that information that is not disclosable is segregated and redacted.
- Providing information to ICE pursuant to an immigration subpoena, or other non-judicially signed subpoena, may subject you to liability under the Fair Housing Act, Georgia privacy laws, and even your own lease agreement’s provisions.
- Refer these subpoenas to your attorney.
 - It is also recommended you notify the person whose information is targeted, allowing them to consult with counsel about the subpoena and object to any potential violation of their rights. Any language from ICE commanding you not to tell anyone about the subpoenas is not authorized by statute.

Adapted by Marvin Lim, Esq. from Immigrant Legal Resource Center's *ICE Use of Subpoenas to Circumvent State & Local Laws*, <https://www.ilrc.org/sites/default/files/2025-04/ICE%E2%80%99s%20use%20of%20subpoenas%20to%20Circumvent%20State%20%26%20Local%20Laws.pdf>

Sample Immigration Subpoena – DHS Form I-138 (6/09)

1. To (Name, Address, City, State, Zip Code)	DEPARTMENT OF HOMELAND SECURITY IMMIGRATION ENFORCEMENT SUBPOENA to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To	
<div style="display: flex; justify-content: space-between;"> (Title of Proceeding) (File Number, if Applicable) </div>	

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

- (A) ☐ **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.
- (B) ☒ **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear	(B) Date
Name	
Title	
Address	(C) Time <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Telephone Number	
4. Records required to be produced for inspection	



If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

5. Authorized Official
(Signature)
(Printed Name)
(Title)
(Date)