

Tenant Rights if ICE Comes Knocking

Immigration Enforcement at Rental Properties



The Office of the
Minnesota Attorney General
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Across Minnesota, rental communities are concerned about the rise of federal immigration agents appearing at their doorsteps. Tenants and landlords alike have contacted the Minnesota Attorney General's Office asking what tenants' rights are in the event that either Immigration and Customs Enforcement or Customs and Border Protection arrive at their home. The Minnesota Attorney General's Office provides this guidance for Minnesotans who rent or lease out homes if immigration agents request access to their property.

Even though tenants do not own the property they live in, they still have the same privacy and Fourth Amendment rights as homeowners. This means that tenants control access to their rental house, apartment, or even their room in a boarding home. This is true even if a tenant pays rent with a subsidy, like a Section 8 voucher, lives in project-based subsidized housing, or is a resident of a manufactured home park.

Under the U.S. Constitution, **agents cannot enter a tenant's rental home unless they have a judge-signed warrant or unless the tenant allows the agents in.** A judicial warrant is a formal written order that gives ICE agents permission to arrest someone, search an area, or seize documents. To be valid, the judicial warrant must be signed by a U.S. district court or a state court judge and must describe the location to be searched and/or the persons or items to be seized. In addition, any warrant to search a location (as opposed to arrest someone) must have been signed recently by the judge—within the last 14 days if it is signed by a U.S. district court judge; and within the last 10 days if it is signed by a

state court judge. ICE or Department of Homeland Security administrative warrants are NOT judicial warrants and do not give agents the right to enter rental homes.

Landlords, property managers, or agents of a landlord cannot give anyone, even immigration agents, access to a tenant's home unless the immigration enforcement agent has a valid signed judicial warrant. Common areas of a multifamily building, like a lobby, might have different rules. But landlords can refuse to let immigration agents into a locked building, even if it has common areas, unless they are shown a valid signed judicial warrant that states what unit the tenant lives in.

Only landlords themselves can enter a tenant's unit for a "reasonable business purpose" **but only after providing at least 24-hours advance notice** with some limited exceptions. Minn. Stat. § 504B.211. If a landlord violates this law, the tenant can take the landlord to court to break the lease, recover the damage deposit, receive a civil penalty of up to \$500 per violation, and reasonable attorney fees. Minn. Stat. § 504B.211, subd. 6.

Other resources:

- Minnesota Attorney General's Office [Guidance on ICE Enforcement in Sensitive Locations](#)
- Minnesota Attorney General's Office [Guidance for Immigrant Communities in Minnesota](#)
- [HOME Line](#) – Free Legal Help for Renters (612-728-5767 or 866-866-3546)

Tenants	Landlords
Do not have to open their door	Cannot unlock a tenant's unit without a judicial warrant
Should ask to see a judge-signed warrant if agents enter their home	Should not share tenants' information without a judicial warrant
Know that agents may be in the common areas of a building	Must provide at least 24-hours notice before entering a tenant's unit and enter only for a business purpose
Do not have to answer questions	Cannot threaten tenants with deportation
Have the right to record interactions with agents	Must not treat immigration enforcement as a lease violation