

## **Procedures for Responding to Inquiries from U.S. Immigration and Customs Enforcement (ICE) and/or Customs and Border Protection (CBP)**

In light of ongoing news related to federal enforcement of immigration policies and procedures across the country, the College reiterates its commitment to providing quality education to all students, regardless of their immigration status. This internal procedure is meant to provide a framework for personnel, including frontline administrative and security personnel, to respond to inquiries regarding the immigration status of students and employees. It provides a recommended protocol and script for responding to inquiries from officials or entities such as U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) as well as inquiries from students, parents, employees and other individuals.

All employees should be notified that, if they receive any inquiries from law enforcement and/or immigration officials related to a student's or employee's immigration status, those inquiries should be directed to Campus Police. Employees should not be responding to inquiries directly.

### **A. ICE, CPB and Other Agency Requests for Interviews and Arrests**

#### **1. Obtain Initial Information**

Upon the arrival of ICE, CBP or other immigration officials at a College facility, personnel should follow this script and be prepared to note responses to the questions.

*Please provide me with the following information:*

1. *What agency are you with?*
2. *Please have a seat/remain where you are. I will get Campus Police to speak with you. (Contact Campus Police)*

**Note: Unless compelled by law or occurring in spaces open to the public, colleges are not required to allow ICE or CBP agents to speak to/arrest students or employees.**

### **Pending consultation with legal counsel, DO NOT:**

1. Confirm whether the student or employee is in attendance;
2. Release student or employee information;
3. Make the student or employee available for an interview; or
4. Answer any questions

## **2. Involve College Administration to Contact Legal Counsel**

Once Campus Police is engaged, they will alert Police Chief JC Paez who will work with Dr. Anthony Ramos who will facilitate contacting legal counsel. Campus Police will be prepared to share the information above and copies of any identification, subpoenas, court orders and/or warrants with legal counsel. Legal counsel may speak directly to ICE or other immigration officials or provide advice as to what personnel should say to them.

### **\*Note: Administrative vs. Judicial Warrant**

Administrative warrants are not issued by a court. They will say “Department of Homeland Security” and potentially Form I-200, Form I-203, Form I-205, or Form I-286 at the top. Judicial warrants, or court orders will refer to a specific court at the top and will be signed by an individual judge at the bottom.

Colleges are not required to comply with administrative warrants in the same way they are with judicial warrants or court orders. A college is not required to comply with an administrative warrant seeking information that would identify a student or lead to the identification of a student. Colleges are, however, required to comply with a judicial warrant or court order consistent with their policies on student education records. Administrators must notify students before they release their education records.

Ultimately, if ICE, CBP or other immigration officials do not have a judicial warrant, legal counsel may advise that the College initially deny such immigration officials access to restricted areas until it obtains such a warrant and provides a copy of the same.

## **B. Procedures for Responding to Officials in College Buildings and Facilities**

### **1. Public Access Buildings and Facilities**

Definition: Areas open to the general public, such as main lobbies, dining areas, and public walkways.

- Federal immigration enforcement officers may enter public access areas; the College cannot prohibit their entry to these spaces.
  - If you observe or are approached by an immigration enforcement officer in a public access building, immediately notify Campus Police.
- Do not provide information, answer questions, or otherwise assist the officers beyond what is required by law.

### **2. Restricted-Access Buildings or Areas**

Definition: Spaces secured by key card, locks, or other means, such as administrative offices, research labs, or other non-public areas.

- Officers may only be granted access to restricted areas if they present a valid judicial warrant (signed by a judge).
- If approached by an officer requesting access:
  - Politely ask for the agency affiliation.
  - Contact Campus Police
  - Inform the officer you are not obstructing their process but must consult with Campus Police per college protocols.
- Allow Campus Police to assess the situation.

### **3. Classrooms**

- Immigration enforcement officers may only be allowed entry to classrooms with a valid judicial warrant.
- If an officer attempts to enter a classroom:
  - Contact Campus Police.

## **C. Inquiries from Students, Parents, Employees and Others**

In the event College personnel receive inquiries not from law enforcement or other agency officials, but students, parents of students, they should be directed to Dr. Scott Peska. Inquiries from employees, or others, should be directed to Dr. Anthony Ramos.

For inquiries from students, parents, employees and other individuals, the following talking points may be used to generally explain the context and scope of a college's required cooperation with immigration officials. Legal counsel should be consulted for more complex or specific inquiries.

- *In the event that immigration officials arrive on campus seeking to speak to or arrest a student or employee, College personnel will contact Campus Police who will obtain a copy of an official's identification, determine whether they have a warrant signed by a judge authorizing their presence, and then immediately contact College Administration and the College's legal counsel, who will advise on next steps.*
- *Generally, state and federal law, in addition to a college policy, prohibits colleges from disclosing student information, such as a student's immigration status, that alone or in combination with other information, can identify a student, unless a student has provided written consent. Waubonsee does not collect immigration status as a part of enrollment processes. Only under limited circumstances, such as when a court order is provided or if deemed necessary for the protection of health and safety, would a college be required to provide student information without prior written consent.*
- *Employee information will not be disclosed in response to an immigration inquiry unless cooperation is deemed to be required, such as in the case of a court order or an I-9 work authorization paperwork compliance audit.*

**Quick Reference Checklist:**

- Politely ask for agency
- Contact Campus Police
- Do not confirm, release, or make available any student/employee
- Do not allow access to non-public areas without proper documentation