

AP 3415 Immigration Enforcement Activities

Reference:

Education Code Sections 66093 and 66093.3

- 1.0 **Responding to Requests for Access for Immigration Enforcement Activities:** District/campus personnel shall provide guidance and offer to employees training addressing law enforcement access to campus buildings. This guide shall include the following required topics:
 - 1.1 Campus safety contact information to report concerns about the presence of officers engaged in immigration enforcement on any campus property.
 - 1.2 Samples of warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.
 - 1.3 Sample responses for District/campus employees to use in response to officers seeking access for immigration enforcement purposes that avoids classroom interruptions, and that preserves the peaceful conduct of the school's activities.
- 2.0 District/campus personnel shall advise all students, faculty, and staff to immediately notify the Office of the Vice President of Student Services or the Office of the Vice Chancellor of Administrative Services if they are advised that an officer engaged in immigration enforcement is expected to enter, will enter, or has entered the campus for immigration enforcement purposes. Campus safety should also be notified as soon as possible.
- 3.0 No personnel may consent to entry of District facilities or portions thereof (e.g., classrooms and areas restricted to staff and students such as private offices) for parties engaging in immigration enforcement activities.
- 4.0 District/campus personnel shall advise all students, faculty, and staff responding to or having contact with an officer engaged in immigration enforcement executing an immigration order, to refer the entity or individual to the Office of the Vice President of Student Services or the Office of the Vice Chancellor of Administrative Services for purposes of verifying the legality of any warrant, court order, or subpoena.
- 5.0 If the officer declares that exigent circumstances exist and demands immediate access to the campus, District/campus personnel should not refuse the officer's orders and immediately contact the Vice President of Student Services or the Vice Chancellor of Administrative Services.
 - 5.1 Exigent circumstances are defined as circumstances that would cause a reasonable person to believe that entry (or other relevant prompt action) was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of the suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.
- 6.0 The Office of the Vice President or the Office of the Vice Chancellor of Administrative Services shall determine what type of authorization is being provided to support the officer's request for access:

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- 6.1 **A U.S. Immigrations and Customs Enforcement (ICE) “warrant.”** Immediate compliance is not required. District/campus personnel shall inform the officer that they cannot consent to any request without first consulting with the Vice President of Student Services or the or Vice Chancellor of Administrative Services. Provide a copy of the warrant to the designated administrator (where possible, in consultation with legal counsel) as soon as possible.
- 6.2 **A federal judicial warrant (search-and-seizure warrant or arrest warrant):** Prompt compliance with such a warrant is usually legally required, but where feasible, consult with the Vice President of Student Services or the Vice Chancellor of Administrative Services before responding.
- 6.3 **A subpoena for production of documents or other evidence:** Immediate compliance is not required. Inform the officer that the District/campus cannot respond to the subpoena until after it has been reviewed by a designated administrator. All subpoenas should be delivered to the Office of the Vice Chancellor of Administrative Services at the Anaheim Campus as soon as possible.
- 6.4 **A notice to appear:** This document is not directed at the District. District/campus personnel are under no obligation to deliver or facilitate service of this document to the person named in the document. If a copy of the document is received, it must be given to a designated administrator as soon as possible.
- 7.0 District/campus personnel should not attempt to physically interfere with an officer, even if the officer appears to be acting without consent or exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, District/campus personnel shall make a record of the contact and forward the information to the Office of the Vice President of Student Services or the Office of the Vice Chancellor of Administrative Services.
- 8.0 In making record of the contact with an immigration enforcement officer, District/campus personnel shall provide the following information:
- 8.1 Name of the officer, and, if available, the officer’s credentials and contact information;
- 8.2 Identity of all school personnel who communicated with the officer;
- 8.3 Details of the officer’s request;
- 8.4 Whether the officer presented a warrant, subpoena, or court order to accompany their request, what was requested in the warrant/subpoena/court order, and whether the warrant/subpoena/court order was signed by a judge;
- 8.5 District personnel’s response to the officer’s request;
- 8.6 Any further action taken by the immigration officer; and
- 8.7 Photo or copy of any documents presented by the agent.

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- 9.0 District/campus personnel shall provide a copy of those notes, and associated documents collected from the officer, to the Office of the Vice President of Student Services or the Office of the Vice Chancellor of Administrative Services.
- 10.0 In turn, the Office of Student Services shall submit a timely report to the Chancellor, Vice Chancellor of Administrative Services, and the campus public safety office regarding the officer's requests and actions and the District's response(s).
- 11.0 **Responding to Immigration Acts Against Students or Family Members:** If there is reason to suspect that a student, faculty member, or staff person has been taken into custody as the result of an immigration action, District/campus personnel shall notify the person's emergency contact that the person may have been taken into custody.
- 12.0 District/campus personnel shall designate an employee staff person as a point of contact for any student, faculty member, or staff person who may or could be subject to an immigration order or inquiry.
- 13.0 District/campus personnel shall not discuss the personal information, including immigration status information, of any student, faculty member, or staff person with anyone, or reveal the personal information to anyone, unless disclosing this information is permitted by federal and state law.
- 14.0 District/campus personnel shall maintain a contact list of legal service providers who provide legal immigration representation and provide this list free of charge to any student who requests it. At minimum, the list shall include the legal service provider's name and contact number, e-mail address, and office address.
- 15.0 If a student is detained or deported, or is unable to attend to their academic requirements because of an immigration order, the District shall make all reasonable efforts to assist the student in retaining any eligibility for financial aid, fellowship stipends, exemption from nonresident tuition fees, funding for research or other educational projects, housing stipends or services, or other benefits the student has been awarded or received subject to and in compliance with its policy.
- 16.0 District/campus personnel shall permit a student who is subject to an immigration order to re-enroll if and when the student is able to return to the District, subject to and in compliance with its policy and will make reasonable and good-faith efforts to provide for a seamless transition in the student's re-enrollment and reacquisition of campus services and support.
- 17.0 The Vice President of Student Services or the Vice Chancellor of Administrative Services shall be available to assist any student, faculty, and staff who may be subject to an immigration order or inquiry, or who may face similar issues, and whose education or employment is at risk because of immigration enforcement actions.

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