

Spoon River College
Procedures for Responding to Immigration Enforcement Activities

In response to recent federal executive orders and directives related to immigration enforcement, 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 the Dean of Student Services. Employees should not be responding to inquiries directly.

A. Information to be Posted on the College Website

The College will include the following information on its website, pertaining to immigration enforcement on campus.

- Point of contact for who employees and students should contact if a law enforcement agent seeks to enter the school campus, enters the school campus, or engages in non-consensual interactions with members of the school community.
- Immigration enforcement resources to help students and employees understand their constitutional rights and access immigration-related guidance. These resources may include, but are not limited to, a link to illinoisimmigrationinfo.org.

B. ICE, CBP and Other Agency Inquiries and Activity on Campus

1. Obtain Initial Information

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

Please provide me with the following information:

1. *What is your name?*
2. *What agency are you with?*
3. *Do you have proof of identification? If so, please provide it to me so that I can make a copy.*
4. *What is your badge number? (To be recorded)*
5. *What is your contact information?*

6. *Who are you here for?*
7. *For what purpose?*
8. *Do you have a warrant issued by a judge? If so, please provide it to me so that I can make a copy.*

Please have a seat/remain where you are. Someone will speak to you shortly.

***Note: Unless compelled by law, colleges are not required to initially permit ICE or CBP agents to enter a college campus, or related facilities to speak to or 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 or grant agents permission to enter any buildings or facilities.

2. Involve College Administration to Contact Legal Counsel

Once College personnel obtain the initial information above, they should immediately contact the Dean of Student Services, as applicable, who will facilitate contacting legal counsel. 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 the facilities until it obtains such a warrant and provides a copy of the same.

3. Consult with Campus Security Regarding Notification to College Community

College Administration will determine whether the presence of immigration enforcement on campus could adversely impact school-campus safety or operations, and to determine whether notification to the College community is warranted. College Administration will determine what, if any, communication will be issued to the College community. Communication will be issued to the area or unit where the activity could adversely impact safety or operations, at the discretion of Campus Administration. Notification may be limited to a specific campus, area of campus, or department, based upon the potential impact of the immigration enforcement activity.

4. Seek Consent from a Student or Employee

In the event that immigration enforcement officers request information about and/or to speak with a student or employee, the College will implement the following steps:

- 1) The College will request a judicial warrant, court order, or subpoena.
- 2) The College will consult with College Administration and/or Legal Counsel as indicated above.
- 3) Unless notice is prohibited by a judicial warrant, court order, or subpoena, the College will contact the student/employee, notify the student/employee of the request, and provide the student/employee with a copy of the subpoena, court order, and/or warrant that was provided to the College.
- 4) Unless required by a judicial warrant, court order, or subpoena, the College will not release a student's or employee's protected information and/or allow access to the student or employee without the employee's/student's consent.

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, employees, or others, they should be directed to College administrators.

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 not immediately permit such officials to do so. They 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 the College's legal counsel, who will advise on next steps.*

- *Generally, state and federal law, in addition to college policy, prohibits colleges from disclosing student information, such as student's immigration status, that alone or in combination with other information, can identify a student, unless a student has provided written consent. 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.*

D. Recording Encounters with Immigration Enforcement

Following any encounter with immigration enforcement officials, the College will maintain a record of the encounter on the *Immigration Enforcement Post-Encounter Record*.