

Guidelines: What to Do if Federal Immigration Enforcement Officials Seek Campus Access to Conduct an Enforcement Action or Obtain Student Records¹

I. Overview — Commitment to All Students Irrespective of Immigration Status

- A.** The Pasadena Area Community College District (the “District”) is committed to supporting all of its students, irrespective of immigration status, who seek to receive a quality education. We understand that the actual and perceived threats of immigration enforcement proceedings against our community’s undocumented students and their families could adversely affect our students’ sense of well-being and ability to learn. That is why the District is focused on addressing these concerns with the primary focus of creating a supportive environment for all members of its diverse student body.
- B.** Federal immigration enforcement officials who seek to apprehend and remove/deport individuals unlawfully present in the United States are most often officers of U.S. Immigration and Customs Enforcement (ICE), who are part of the agency’s Enforcement and Removal Operations (ERO). U.S. Customs and Border Protection (CBP) officers could also seek to apprehend and remove individuals found on College grounds. These ICE and CBP officers work for the Department of Homeland Security (DHS) and they are typically acting on civil, not criminal, authority. The warrants these officers carry to apprehend individuals are generally administrative warrants that do not authorize these federal immigration enforcement officials to enter or search limited access areas, such as areas that are under lock and key or require a an electronic keycard for access, or labeled “authorized personnel.” This includes classrooms where only registered students receive instruction or where a college ID is required for access.
- C.** As a result, the District has developed the following guidelines for all District faculty, staff, administrators, and students to follow if federal immigration enforcement officials, such as ICE agents, were to seek access to District facilities or request student records/information. The guidelines not only apply to all District personnel and students at the main campus, but also to PCC’s Foothill Campus (formerly the Community Education Center), PCC at Rosemead, PCC at John Muir High School, and the Pasadena City College Child Development Center (CDC).
- D.** ICE and CBP officers may appear on campus for reasons unrelated to apprehending and removing an individual they believe is unlawfully present in the United States. For example, many international students participate in the U.S. State Department’s Student and Exchange Visitor Program (SEVP). The District is required to report certain information about SEVP students to ICE, and ICE may come to our facilities and grounds to meet with SEVP students and/or District staff that have responsibilities under the

¹ These Guidelines are largely based on the University of California’s March 20, 2017 “FAQs for employees about possible federal immigration enforcement actions on university property.” <http://newsroom.ucla.edu/stories/faqs-for-employees-about-possible-federal-immigration-enforcement-actions-on-university-property>. Last visited on April 28, 2017. The District’s guidelines are intended to be interpreted in a manner similar to any subsequent interpretation given with respect to the University of California’s guidance on issues addressed in the District’s guidelines.

SEVP. ICE and CBP may also come on campus in connection with regulations that do not involve alleged immigration violations.

- E. It is a mistake to assume that any ICE employee visiting campus is present to apprehend or remove a member of the District community. False rumors about immigration enforcement actions on campus can spread anxiety and panic. If you observe a federal immigration enforcement official on campus and have concerns about his or her activities, contact District Police & College Safety or the Superintendent-President's office as specified in the below protocol.

II. Immigration Enforcement Actions Generally Avoided at Locations Such as Community Colleges

Current ICE policies provide that enforcement actions at or focused on sensitive locations such as schools, places of worship, and hospitals, should generally be avoided, and that such actions may only take place when (a) prior approval is obtained from an appropriate supervisory official, or (b) there are exigent circumstances necessitating immediate action without supervisor approval.

Under the policy guidance, sensitive locations include, but are not be limited to:

- Schools, such as known and licensed daycares, pre-schools and other early learning programs; primary schools; secondary schools; post-secondary schools up to and including colleges and universities; as well as scholastic or education-related activities or events, and school bus stops that are marked and/or known to the officer, during periods when school children are present at the stop;
- Medical treatment and health care facilities, such as hospitals, doctors' offices, accredited health clinics, and emergent or urgent care facilities;
- Places of worship, such as churches, synagogues, mosques, and temples;
- Religious or civil ceremonies or observances, such as funerals and weddings; and
- During public demonstration, such as a march, rally, or parade.

Enforcement actions under this federal policy guidance are arrests, interviews, searches, and, for immigration enforcement purposes, surveillance. Compliance and related actions taken under the SEVP referenced above, i.e., certification visits, are not covered by this federal policy guidance.

III. What Should District Faculty, Staff, Administrators and Students Do if Federal Immigration Enforcement Officials Seek Access to a District Facility or Student Records/Information?

A. Can the District prevent federal immigration enforcement officials from coming on the main campus or other District locations?

1. Generally, no. PCC is a public college and a large portion of its property is open to the general public. The District does not have authority to prohibit federal immigration enforcement officials from coming on campus or entering facilities to enforce federal law. The areas on campus that are open to the general public are also open to federal immigration enforcement officials.
2. District employees are not required to affirmatively assist federal immigration enforcement officials or grant permission to enter limited access spaces when officers do not have a valid judicial warrant to enter a specific area.

- B. Request for Access to Campus** If a federal immigration enforcement official, such as an ICE agent, requests access to a District facility, District administrators, faculty, staff, including District Police & College Safety personnel, should immediately refer the federal official and his/her related request for access to the Office of the Superintendent-President. You should inform the federal immigration enforcement official that you are not trying to impede his/her activities, but instead simply adhering to established District protocol to address such requests. The Office of the Superintendent-President will, in turn, work with the District's legal counsel to make a final determination as to whether the request for such access is lawful and respond accordingly.

If a federal immigration enforcement official seeks your consent to enter a limited access space (for example: a classroom, library, school gym, student lounge, or locked building) or requests information or documents from you about a student or another individual, you must first consult with the Superintendent-President's office to ensure the request is lawful and it is appropriate to consent.

- C. Request Access to Student Information/Record** Similarly, if a federal immigration enforcement official requests access to a student's information or records, District staff should immediately refer the federal official and his/her request to the Office of the Superintendent-President. The Office of the Superintendent-President will, in turn, work with the District's legal counsel to make a final determination on whether the request is consistent with and otherwise lawful under the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g, and related privacy protections afforded under the law. Under no circumstance should a student's education record be disclosed without the consent of the affected District student, absent a lawfully issued subpoena or judicial order.

D. International students are subject to different requirements

1. Colleges are required to exchange data with federal immigration agencies on the status of international students on F-1, J-1 or M visas through use of a government database named "SEVIS," which is part of the SEVP as referenced above. In addition, certain information about international students on these visas is required to be retained and produced by the District upon request from DHS and ICE.
2. According to the U.S. Department of Education, FERPA permits institutions of higher education to comply with information requests from DHS in order to comply with the requirements of the SEVP. However, this does NOT create a blanket waiver of an international student's FERPA rights. First, the information that can be disclosed is limited to the categories listed in DHS regulations. Second, a request must be made to a campus Designated School Official (DSO). Other information about international students is entitled to the same FERPA protections that otherwise govern student records. If you are not a DSO, you should refer any ICE/DHS request for information about an international student to the DSO. Note that AB540 and DACA students are not categorized as

international students, and, as a result, SEVP requests made by DHS do not affect them.

E. Communication with District Police & College Safety

1. When deemed appropriate, the Office of the Superintendent-President or designee will contact District Police & College Safety to act as a liaison with federal immigration enforcement officials. However, District Police & College Safety is not required to and, accordingly, will not enforce federal immigration laws—a responsibility that rests with the federal government.
2. Specifically, District Police & College Safety will neither contact, detain, question, or arrest any individual on the sole basis of suspected undocumented status nor work in concert with federal immigration officials for immigration enforcement purposes. There are other reasons why District Police & College Safety will work in cooperation with other federal, state and local law enforcement authorities and personnel. For example, Federal Bureau of Investigation (FBI) or Drug Enforcement Administration (DEA) agents may have reason to pursue criminal suspects on campus. District Police & College Safety may cooperate with those efforts to enforce criminal laws.

F. Refusal to Follow Protocol by a Federal Immigration Enforcement Official: If a federal immigration enforcement official refuses to follow the above-mentioned protocol or instruction, District administrators, faculty, staff, and students should immediately call Police & College Safety at 626-585-7484. Do not confront the federal official yourself.

G. Reporting of Presence of a Federal Immigration Enforcement Official on Campus: Even where no direct request is made by federal immigration enforcement officials, District administrators, faculty, and staff, as well as students, should immediately call Police & College Safety at 626-585-7484 to make a report if they have concerns about the presence of federal immigration enforcement officials on any District property. Do not confront the federal official yourself.

H. PCC's Protocol for Interacting with Federal Immigration Officials

1. If you:
 - a. Receive a request from federal immigration enforcement officials to access a campus facility or a student's records/information, or
 - b. Have concerns about the presence of federal immigration enforcement officials on District property:
 - (1) Immediately contact Police & College Safety at 626-585-7484.
 - (2) Ask the federal immigration enforcement official for their name, identification number and agency affiliation.
 - (3) Ask for a copy of any warrant or court order they may have.

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- (4) Inform the officer that you are not obstructing their process, but need to refer the question to the Superintendent-President's office for advice and assistance.