



ICE - Immigration and Customs Enforcement Visitation Guide

History

Enforcement action by ICE does occur, however the chance of such an event occurring at a school, while in session, has been historically low.

Schools have had some protection in accordance with the “protected areas” or “safe areas” policy issued by the U.S. Department of Homeland Security (DHS). This policy provided that enforcement action should generally not occur in or near a location that would restrain access to essential services or engagement in essential activities, such as a school. However, DHS has rescinded the “protected areas” policy currently.

Knowledge

ICE agents cannot enter *non-public* areas of an organization **without consent, or a valid judicial warrant signed by a federal judge, absent exigent circumstances. A judicial warrant must be issued by a federal court and signed by a federal judge and will include a time within which the search must be conducted, a description of the premises to**

be searched, and a list of items to be searched for and seized. An administrative arrest or removal warrant issued by DHS (Form I-200 or I-205) is not a judicial warrant and does not authorize DHS officers to enter a school.

Preparation Steps:

Should ICE agents arrive at our schools:

Step 1. School officials/security must first establish the agent's identity and credentials in the "Public area" or secured entryway. Request their names, badge or ID number, telephone number and business card.

Step 2. Immediately contact your principal. The principal will then contact the (District Superintendent or representative).

Step 3. Review documentation. School officials shall ask the agents whether they have a warrant and/or the purpose of their visit. If they do have a warrant, examine the warrant to identify the type. ***Should the ICE agents present an administrative arrest or removal warrant, school officials are not required to authorize the agents to enter non-public areas of the premises to locate any specific individuals.** Given the security measures within our school district, any interior part of a school building (other than an enclosed-secured entryway) is considered a "**non-public**" area.

Step 4. Contact district legal counsel and provide a copy of all documentation for review.

Step 5. Contact the students' family/guardian and inform them of the ICE agents' arrival and any requests from the agent(s).

Step 6. Professionally, deny access without the required documentation or allow access and assist as directed by district legal counsel.

Notes:

- ✓ Do not hinder an investigation or provide false or misleading information. Interfering with certain ICE activities can be a federal offense.
- ✓ Remain calm, cooperative, and professional.
- ✓ Keep detailed records of the visit. Make and keep copies of all documents given to and received from the agent. The School Police will prepare an incident report with documentation of the visit and copies of all related documents shall be attached.
- ✓ The best way for people to protect their rights is to exercise their right to remain silent and ask for an attorney. **Do not direct anyone to refuse to speak to the agent(s).**
- ✓ If ICE agents ask for student records, remember that **FERPA** only permits school officials to disclose educational records without prior

written consent pursuant to a court order or subpoena or a health or safety emergency.

- ✓ Case Law: United States Supreme Court ruled in *Plyler v. Doe* (1982) that undocumented students who reside in a school district are entitled to attend school in that district. Because of this decision, school districts are responsible for educating children who live in their district, irrespective of their immigration status.

The West Mifflin Area School District is committed to ensuring compliance with all laws while protecting student privacy.