

Response Guidance for Immigration and Customs Enforcement (ICE) Actions During Tech Trek Camps

Per AAUW National, AAUW volunteers are counseled to follow the practices of the campuses they are temporary residents of. This broadly recommends maintaining silence and deferring to higher authorities, i.e., the campus police and camp and program directors.

Volunteers and campers are under no obligation to speak with ICE or to provide access to any staff/volunteer or camper without a judicial warrant. Even with a warrant, camp directors should immediately notify the AAUW CA Program Director, who will contact AAUW National for immediate access to legal counsel if needed.

In the event there is an ICE-related incident on campus during camp that does not involve any campers or staff volunteers, camp leadership will prioritize the safety of the students and not insert any Tech Trek participants into the situation.

While we do not want parents to be worried needlessly, it is important to let them know how we will be responding in advance, in the event such a visit occurs. A notification will be sent to ALL campers and staff each year before camp. Each camp will also include a response to ICE behavior in any emergency procedures published for use during camp.

- University of California (UC) schools' FAQs are [HERE](#).
- California State University (CSU) FAQs are [HERE](#).
- [Know Your Rights printable PDF](#) (print both sides on Avery type 5689 card stock), also included as the last two pages of this document.

In California, the Department of Justice has issued [guidance for higher education institutions](#), relevant portions quoted below, for ICE actions occurring on college campuses. This would cover the camps at Whittier College and Santa Clara University.

1. Protected Area Policies

Schools, which include postsecondary schools, colleges, universities, and vocational or trade schools, are considered “protected areas” under the policy in effect at the time of publication of this guide. The Department of Homeland Security’s current policies, which govern both ICE and CBP, do not prohibit enforcement actions at protected areas. Rather, the policy provides that enforcement actions in or near protected areas should be avoided to the fullest extent possible.

The protected-area policies cover any actions taken by ICE or CBP to apprehend, arrest, interview, or search for an individual or to conduct surveillance

for immigration enforcement purposes. These policies do not extend to actions such as obtaining records, documents, and similar materials from officials or employees; providing notice to officials or employees; engaging in the Student and Exchange Visitor Program (SEVP); or participating in official functions or community meetings.

The published protected-area policies in place when this guide was drafted may be modified, superseded, or withdrawn at any time with little or no notice. The following discussion of documents that law enforcement officers may present when seeking to access campuses and student records is accurate as of the time of publication.

2. Warrants, Subpoenas, and Court Orders

A college campus may have areas that are open to the public, areas that have restricted access, and areas, such as residences, that cannot be accessed by law enforcement, including immigration enforcement, absent valid consent or a duly-issued judicial warrant. The different documents that permit access to persons, locations, and records are discussed here and included in Appendix A to G.

Additionally, as required by AB 21, each CSU, community college, and qualifying independent institution shall advise all students, faculty, and staff having contact with officers engaged in immigration enforcement who are executing any federal immigration order, to refer the officers to the office of the chancellor or president or that office's designee for purposes of verifying the legality of these listed documents.

ICE Administrative "Warrant"

An ICE administrative "warrant" is the most typical type used by immigration enforcement officers. Such a document authorizes an immigration enforcement officer to arrest a person suspected of violating immigration laws. An ICE warrant can be issued by any authorized immigration enforcement officer. An ICE administrative warrant is not a warrant within the meaning of the Fourth Amendment to the U.S. Constitution, because an ICE warrant is not supported by a showing of probable cause of a criminal offense. An ICE warrant is not issued by a court judge or magistrate.

An ICE warrant does not grant an immigration enforcement officer any special power to compel college or university personnel to cooperate with his or her requests. For example, an ICE warrant does not authorize access to nonpublic

areas of a college or university. An ICE warrant alone does not allow an immigration enforcement officer to search college or university records

College and university personnel should not physically interfere with an immigration enforcement officer in the performance of his or her duties. However, a college or university employee is not required to assist with the apprehension of a person identified in an ICE administrative warrant, nor is he or she required to consent to an immigration enforcement officer's search of college or university facilities.

In fact, a college or university that is a public employer may not provide voluntary consent to an immigration enforcement officer seeking access to a nonpublic area when presented with an ICE warrant.

You have constitutional rights:

- DO NOT OPEN THE DOOR if an immigration agent is knocking on the door.
- DO NOT ANSWER ANY QUESTIONS from an agent if they try to talk to you. You have the right to remain silent.
- DO NOT SIGN ANYTHING without first speaking to a lawyer. You have the right to speak with a lawyer.
- If you are outside your home, ask the agent if you are free to leave and if they say yes, leave calmly.
- GIVE THIS CARD TO THE AGENT. If you are inside your room, slide it under the door.

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I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my room based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door.

I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

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