



Know Your Rights

Preparing for possible ICE arrest on campus

With the new presidential administration's hard stance on immigration, many school officials are anxious about visits from U.S. Immigration and Customs Enforcement (ICE) and uncertain about what to do should such a visit occur. While enforcement action by ICE has always been possible and does happen on occasion, the chances of such an event occurring at a school have historically been low. Moreover, for many years schools have enjoyed some protection in accordance with the "protected areas" policy issued by the U.S. Department of Homeland Security (DHS). This policy provided that DHS generally should not take an enforcement action in or near a location that would restrain access to essential services or engagement in essential activities, such as a school, health care facility, or social services establishment.

However, DHS rescinded the protected areas policy on Inauguration Day (Jan. 20, 2025), leaving these institutions at greater risk of DHS enforcement action. While the risk of ICE activity at schools may still be relatively low, it is best to be prepared because such activity is more likely now than it has been in the past.

For Public Areas

- Anyone — including ICE agents — can enter public areas of the university without permission.
- Public areas include a dining hall or restaurant; parking lot; lobby; building hallway or foyer, etc.
- Being in a public area does NOT give ICE the authority to stop, question or arrest just anyone.

- No one can enter a private area of campus without the university's permission or a judicial warrant.

Tip: To show that some areas are private (like classrooms or student lounges), mark them with a "Private" sign, keep the doors closed or locked, and have a policy that visitors and the public cannot enter those areas if not enrolled in classes or employed by the university.

For Private Areas

- Immigration agents can enter a private area ONLY IF they have a judicial warrant.
- A judicial warrant must be signed by a judge and say "U.S. District Court" or the name of a state court at the top and will include a time frame 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.
- Without a judicial warrant, ICE agents need official consent (from school authority) to enter private areas.

If ICE agents try to enter a private area, you should say: "This is a private area. You cannot enter without a judicial warrant signed by a judge. Do you have a judicial warrant?"

- If ICE agents tell you that they have a judicial warrant, ask for a copy and read it. If it is a valid judicial warrant, ICE has the right to gain access to the private area. In these instances, do not hide or assist employees, students or families in leaving school premises,

provide false or misleading information, or discard any important documents or information. Obstructing or otherwise interfering with certain ICE activities can be a crime, and anyone involved may be subject to prosecution under federal law. That being said, you may (and should) still make efforts to ensure that any search or seizure is carried out lawfully.

- Sometimes, ICE agents try to use an administrative warrant to enter. But an administrative warrant does NOT allow agents to enter private areas without your permission. Administrative warrants are not from a court. They say “Department of Homeland Security” and are on Forms I-200 or I-205.

Judicial vs. Administrative/Immigration Warrant

	Judicial warrant	Administrative warrant
Definition	<p>A judicial warrant is a formal written order authorizing a law enforcement officer to make an arrest, a seizure, or a search. A judicial warrant is issued by a judicial court.</p> <p>Courts that issue judicial warrants include both state and federal courts, such as a “Superior Court of California” or a “U.S. District Court,” and a judicial warrant is signed by a judge or magistrate judge. Furthermore, judicial warrants must be complied with, and there are serious consequences for refusing to comply with a judicial warrant. Note that a warrant signed by an immigration judge is not a judicial warrant.</p>	<p>An administrative warrant is a formal written document authorizing a law enforcement officer from a designated federal agency, such as an ICE agent from DHS, to make an arrest or a seizure. An administrative warrant is issued by a federal agency such as DHS and can be signed by an “immigration judge” or an “immigration officer.” Unlike a judicial warrant, an administrative warrant does not authorize a search.</p> <p>Therefore, an ICE agent who has only an administrative warrant may not conduct a search based on the warrant, though, in certain circumstances, the administrative warrant would authorize the agent to make a seizure or arrest.</p>
Issuing Entity	A judicial court; federal court judge	Administrative agencies such as DHS, USCIS, ICE or CBP; immigration judge or immigration court
Compliance	Yes — always, if it is a valid judicial	An administrative warrant does not authorize ICE to enter private areas (e.g., classrooms, dorms, student or faculty lounges)

During a raid: How do I know if a warrant is valid?

An immigration officer from ICE or CBP may not enter any nonpublic areas — or areas that are not freely accessible to the public and hence carry a higher expectation of privacy — without a valid judicial warrant or consent to enter. An immigration warrant is not the same as a judicial warrant; an immigration warrant does not authorize a search of nonpublic areas. If an ICE or any other immigration agency officer comes to your address demanding entry to search

your premises or seeking to obtain evidence, and the officer has only an immigration warrant, you may refuse the officer entry and refuse to comply with the warrant because it does not grant the officer authority to enter or conduct a search.

Thus, if immigration authorities or other law enforcement agents present you with a warrant, it is crucial to check for the following:

Judicial Warrant	Immigration Warrant
<p>To be valid, a judicial warrant must:</p> <ul style="list-style-type: none"> • Be issued by a judicial court • Be signed by a state or federal judge or magistrate • State the address of the premises to be searched — make sure the stated address is their address or specifically pertains to them • Be executed within the time period specified on the warrant <p>If the warrant includes all the above, then it is a valid judicial warrant, and you must comply.</p> <p>However, if the judicial warrant is missing any of the above, lists a different address, or is being executed after the date specified on the warrant, then it likely is not valid, and you may (a) refuse to comply and (b) ask the agents to leave.</p>	<p>In contrast, an immigration warrant:</p> <ul style="list-style-type: none"> • Is issued by a DHS agency (look for a DHS seal, label, and/or the actual form number, i.e., DHS Form I-200, “Warrant for Arrest”; or Form I-205, “Warrant of Removal/Deportation”) • Is signed by an immigration officer or immigration judge • Bears a title that will contain the word “Alien” • States that the authority to issue the warrant comes from immigration law, such as the Immigration and Nationality Act — and does not state that the issuing authority is a court <p>If the warrant has any of the above characteristics, it likely is an immigration warrant and thus does not authorize the agent(s) to enter the premises. You may (a) refuse to comply with the warrant and (b) ask the agents to leave.</p>

To determine what type of document you received, first scan the document for the word “warrant” or “subpoena”; usually, the document will be titled or labeled as one or the other. Also, skim through the document to confirm whether its content matches what the document claims to be in its title. If the document seems to generally authorize the officer or agent from ICE or CBP to conduct a search or make an arrest, the document is likely a warrant. If the document says that a person must appear in court at some later date to give testimony as a witness or that a person must produce or hand over certain papers, forms, materials, information, etc., then the document is likely a subpoena. **Refer to sample warrants in Appendixes A and B.**

During the raid: What do I do?

- Upon the arrival of ICE agents, request their names, badge or ID numbers, telephone numbers and business cards.
- Watch the agents carefully. Keep track of what they do. See if they are following what is written on the warrant. For example, the warrant may limit the areas the agents can search.
- Keep detailed records of the encounter. Make and keep copies of all documents given to the agent(s), as you are able. Take photographs or videos of the search, as you are able/comfortable. Prepare summary documentation of what happened.
- The best way for people to protect their rights is to exercise their right to stay silent and ask for an attorney. (Your school can inform employees, students or families that they have the right to remain silent and do not need to answer any questions, but do not direct them 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. If the agents do not have a court order or subpoena, then FERPA prohibits you from disclosing these records without prior written consent from the student’s parents (or, if over 18 years old, the student). If the agent(s) do have a court order or subpoena, then the school must make a reasonable effort to notify the parent or eligible student of that court order or subpoena before disclosing the records (unless ICE or other federal officials are investigating an act of terrorism).

Appendix A

Sample Judicial Warrant – AO 93 (Rev. 11/13) Search and Seizure Warrant

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of _____)
(Briefly describe the property to be searched)
or identify the person by name and address)) Case No. _____)
)
)
)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 14 days)
 in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____
(United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

for _____ days (not to exceed 30) until, the facts justifying, the later specific date of _____ .

Date and time issued: _____
Judge's signature

City and state: _____
Printed name and title

Appendix B

Sample Immigration (DHS) Warrant – Form I-200 (Rev. 09/16)

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____
(Location)

on _____ on _____, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)



Name and Signature of Officer

Name or Number of Interpreter (if applicable)

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