

**SAN FRANCISCO COMMUNITY COLLEGE DISTRICT
ADMINISTRATIVE PROCEDURES MANUAL**

Title: RESPONDING TO IMMIGRATION ENFORCEMENT	Number: AP 5.042
Legal Authority: Education Code Section 70902	

- A. If there is a reason to suspect that a student, faculty member, or staff person has been taken into custody as the result of an immigration action, the District shall notify the person's emergency contact that the person may have been taken into custody.
- B. The District shall designate a staff person as a point of contact for any student, faculty member, or staff person who may or could be subject to an immigration order or inquiry.
- C. The District personnel shall not discuss the personal information, including immigration status information, or any student, faculty member, or staff person with anyone, or reveal the personal information to anyone, unless disclosing this information is permitted by federal and state law.
- D. The District shall maintain a contact list of legal service providers who provide legal immigration representation and provide this list free of charge to any student who requests it. At a minimum, the list shall include the legal service provider's name and contact number, email address, and office address.
- E. If a student is detained or deported, or is unable to attend to his or her academic requirements because of an immigration order, the District shall make all reasonable efforts to assist the student in retaining any eligibility for financial aid, fellowship stipends, exemption from nonresident tuition fees, funding for research or other educational projects, housing stipends or services, excused withdrawal from a class or other benefits the student has been awarded or received subject to and in compliance with its policy.
- F. The District shall permit a student who is subject to an immigration order to re-enroll if and when the student can return to the District, subject to and in compliance with its policy and will make reasonable and good-faith efforts to provide for a seamless transition in the student's enrollment and reacquisition of campus services and support.
- G. District personnel should advise all students, faculty, and staff to immediately notify the office of the Chancellor and the General Counsel if he or she is advised that an officer engaged in immigration enforcement is expected to enter, will enter, or has entered the campus for immigration enforcement purpose. Campus police should also be notified as soon as possible.

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- H. District personnel shall advise all students, faculty, and staff responding to or having contact with an officer engaged in immigration enforcement executing an immigration order to refer the entity or individual to the office of the Chancellor to verify the legality of any warrant, court order, or subpoena.
- I. If the Immigration officer declares that exigent circumstances exist and demands immediate access to the campus, District personnel should not refuse the officer's orders and immediately contact the more designate administrator or police liaison.
- J. The office or designee of the Chancellor shall determine what type of authorization is being provided to support the officer's request for access.
 - 1. A U.S. Immigration and Customs Enforcement (ICE) "warrant" (Appendices A and B): Immediate compliance is not required. District personnel shall inform the officer that he/she cannot consent to any request without first consulting with the (designated campus official). Provide a copy of the warrant to the designated administrator (where possible, in consultation with legal counsel) as soon as possible.
 - 2. A federal judicial warrant (search-and-seizure warrant or arrest warrant; Appendices C and D): Prompt compliance with such a warrant is usually legally required but where feasible, consult with the designated administrator before responding.
 - 3. A subpoena for production of documents or other evidence (Appendices E and F): Immediate compliance is not required. Inform the officer that the District cannot respond to the subpoena until after it has been reviewed by a designated administrator. Provide a copy of the subpoena to a designated administrator or legal counsel as soon as possible.
 - 4. A notice to appear (Appendix G): This document is not directed at the District. The District is under no obligation to deliver or facilitate service of this document to the person named in the document. If you get a copy of the document, give it to a designated administrator as soon as possible.
- K. District personnel should not attempt to physically interfere with an officer even if the officer appears to be acting without consent or exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, the

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District shall make a record of the contact and forward the information to the Office of the Chancellor.

- L. In making records of the contact with an immigration enforcement officer, district personnel shall provide the following information:
1. Name of the officer, and, if available, the officer's credentials and contact information;
 2. The identity of all school personnel who communicated with the officer;
 3. Details of the officer's request;
 4. Whether the officer presented a warrant, subpoena, or court order to accompany his/her request, what was requested in the warrant/subpoena/court order, and whether the warrant/subpoena/court order was signed by the judge;
 5. The District personnel response to the officer's request;
 6. Any further action was taken by the immigration officer; and
 7. Photo or copy of any documents presented by the agent.
- M. The District personnel shall provide a copy of those notes, and associated documents collected from the officer to the general counsel.
- N. In turn, the general counsel shall submit a timely report to the governing board and the campus public safety office regarding the officer's requests and actions and the District's response(s).
- O. If the District learns of student's immigration status through its application process (including the student's personal statement or answers to personal insight questions), the District shall create policies and procedures to protect such personally identifiable information and retain the information only to the extent it is necessary or required by the law. The District shall avoid the disclosure of information that might indicate a student or family's citizenship or immigration status if the disclosure is not authorized by the Family Educational Rights and Privacy Act (FERPA) or state law.
- P. Examples of documents that can be used as proof of residency include but are not limited to:
1. Registering a motor vehicle operated in California;
 2. Obtain a California driver's license or California identification card;

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3. Filing a resident or nonresident California state income tax return;
 4. Listing a California address on a federal income tax return;
 5. Listing a permanent military address or the home of record in California;
 6. A professional or vocational license obtained from a California state licensing agency (e.g., nursing, teaching credentials);
 7. Maintaining active resident memberships in California base professional organizations (e.g., the police union, teachers' union); and
 8. Maintaining an active bank account at a California bank.
- Q. Where a District is permitted by law to request a minor student's parent's residency information to determine tuition or aid, the educational institution shall only require documentation or information that is available to persons regardless of immigration status (as noted above).
- R. Where residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law this policy, the District procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.
- S. Specifically, where the District must determine a student's residency for purposes of in-state tuition, the District shall not inquire about a parent/guardian's citizenship or immigration status and shall enumerate alternative means of establishing a parent/guardian's residency. If the student is considered a minor dependent of a California resident, the District shall only require documents to determine whether the parent has resided in California for one year (e.g., vehicle registration, lease agreements, etc.).