

### Responding to Requests for Access for Immigration Enforcement Activities

California law prohibits California law enforcement agencies from “using any agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes” and generally prohibits inquiring into an individual’s immigration status. State law also prohibits California law enforcement agencies, including campus police and security departments, from engaging in the following activities for the purposes of immigration enforcement:

- Generally providing personal information, as defined in section 1798.3 of the Civil Code, about an individual for immigration enforcement purposes, including, but not limited to, the individual’s home address or work address, unless that information is available to the public.
- Contracting with the federal governor use of local law enforcement facilities to assist in immigration enforcement.
- Assisting immigration authorities, or performing any functions of an immigration officer, formally or informally.
- Participating in programs under section 287(g) of the federal Immigration and Nationality Act that allow federal immigration agencies to enter into agreements with local law enforcement agencies for the purpose of carrying out immigration enforcement actions

District personnel shall provide guidance and offer to campus employees training addressing law enforcement access to campus buildings. This guide shall include the following required topics:

- Campus police contact information to report concerns about the presence of officers engaged in immigration enforcement on any campus property.
- Samples of warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.
- Sample responses for campus employees to use in response to officers seeking access for immigration enforcement purposes that avoids classroom interruptions, and that preserves the peaceful conduct of the school’s activities.

District personnel shall advise all students, and employees to immediately notify the office of the Assistant Superintendent/ Vice President Student Services, or their designee, if they are advised that an officer engaged in immigration enforcement is expected to enter, will enter, or has entered the campus for immigration enforcement purposes. Campus police should also be immediately notified.

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#### **MiraCosta Community College District**

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Effective Date: 10/6/22, 12/19/24, 2/05/26  
 Periodic Review: ---  
 References: Education Code §§ 66093, 66093.3  
 Reference Update: ---  
 CCLC Update: #39, 3/19; #46, 4/25; #47, 10/25  
 Steering: VPHR/VPAS/VPSS

No personnel may consent to entry of District facilities or portions thereof.

District personnel shall advise all students, and employees 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 Assistant Superintendent/Vice President Student Services, or their designee, for purposes of verifying the legality of any warrant, court order, or subpoena.

If the 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 Assistant Superintendent/Vice President Student Services or Chief of College Police or designee.

The office or designee of the Assistant Superintendent/Vice President Student Services shall determine what type of authorization is being provided to support the officer's request for access:

- **A U.S. Immigrations and Customs Enforcement (ICE) "warrant."** Immediate compliance is not required. District personnel shall inform the officer that they cannot consent to any request without first consulting with the Assistant Superintendent/Vice President Human Resources, or the Assistant Superintendent/Vice President Student Services. Provide a copy of the warrant to the designated administrator (where possible, in consultation with legal counsel) as soon as possible.
- **A federal judicial warrant (search-and-seizure warrant or arrest warrant):** Prompt compliance with such a warrant is usually legally required, but where feasible, consult with the Assistant Superintendent/Vice President Human Resources, or the Assistant Superintendent/Vice President Student Services before responding.
- **A subpoena for production of documents or other evidence:** 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 Assistant Superintendent/Vice President Human Resources, or the Assistant Superintendent/Vice President Student Services or legal counsel as soon as possible.
- **A notice to appear:** This document is not directed at the District. District employees are under no obligation to deliver or facilitate service of this document to the person named in the document. If a copy of the document is received, it must be given to Assistant Superintendent/Vice President Human Resources as soon as possible.

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, District personnel shall make a record of the contact and forward the information to the Office of the Superintendent/President.

In making record of the contact with an immigration enforcement officer, District personnel shall provide the following information:

- Name of the officer, and, if available, the officer's credentials and contact information;
- Identity of all school personnel who communicated with the officer;
- Details of the officer's request;
- Whether the officer presented a warrant, subpoena, or court order to accompany their request, what was requested in the warrant/subpoena/court order, and whether the warrant/subpoena/court order was signed by a judge;
- District personnel's response to the officer's request;
- Any further action taken by the immigration officer; and
- Photo or copy of any documents presented by the agent.

District personnel shall provide a copy of those notes, and associated documents collected from the officer, to the Assistant Superintendent/Vice President Human Services, or Assistant Superintendent/Vice President Student Services.

In turn, the Superintendent/President shall submit a timely report to the District's governing board and the campus public safety office regarding the officer's requests and actions and the District's response(s).

### **Notification of Confirmed Immigration Enforcement Presence**

When campus officials confirm the presence of an immigration enforcement agent or team on District property for immigration enforcement purposes, the District shall notify students and employees, consistent with applicable law and safety considerations. The notification shall be issued by the Superintendent/President or designee, and shall be made as soon as practicable and without unreasonable delay, and shall include, to the extent known and legally permissible, the following information:

- A statement that immigration enforcement personnel have been confirmed to be present on District property;
- The date, time, and general location(s) of the confirmed presence, if disclosure does not compromise safety or ongoing operations;
- A statement of the District's commitment to student and employee rights under state and federal law; and
- Contact information for the Assistant Superintendent/Vice President Student Services and the Assistant Superintendent/Vice President Human Resources for questions or support.

The notification shall not include personally identifiable information about any student, employee, or other individual, nor shall it disclose information that is confidential, protected by law, or that could interfere with campus safety. Notifications may be disseminated using District-approved communication channels.

Nothing in this section shall be construed to require the District to consent to entry, assist immigration enforcement activities, or disclose information beyond what is required or permitted by law.

### **Responding to Immigration Acts Against Students or Employees**

If there is reason to suspect that a student, or employee has been taken into custody as the result of an immigration action, the Assistant Superintendent/Vice President Human Resources shall notify the employee's emergency contact that the employee may have been taken into custody. The Assistant Superintendent/Vice President Student Services shall notify the student's emergency contact that the student may have been taken into custody.

The Assistant Superintendent/Vice President Human Resources and the Assistant Superintendent/Vice President Student Services are designated as the point of contact for any student, or employee who may or could be subject to an immigration order or inquiry.

District personnel shall not discuss the personal information, including immigration status information, of any student, or employee with anyone, or reveal the personal information to anyone, unless disclosing this information is permitted by federal and state law.

District personnel 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 minimum, the list shall include the legal service provider's name and contact number, e-mail address, and office address.

If a student is detained or deported, or is unable to attend to their academic requirements because of an immigration order, 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, or other benefits the student has been awarded or received subject to and in compliance with its policy.

District personnel shall permit a student who is subject to an immigration order to reenroll if and when the student is able to 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 reenrollment and reacquisition of campus services and support.