

**“What to do if ICE comes to Campus” – Reminders, Rights, and Responsibilities**

This brief document is meant to outline best practices and responses to reports, rum ors, or sightings of ICE enforcement action on campus. As schools and college campuses are still considered “sensitive locations” by ICE (<https://www.ice.gov/ero/enforcement/sensitive-loc>), the likelihood of any enforcement or arrests on campus is very small, and as of March 2018, there have been no confirmed arrests on campuses anywhere in Colorado. The FAQ below is meant to respond to the most common questions staff, faculty, and student may have about ICE enforcement on campus, as well as rights, responsibilities, and duties when interaction with ICE or any other law enforcement officer on campus.

**🡪 What should I do if I hear about or see ICE officers or vehicles on campus?**

Since government agencies, including Department of Homeland Security or ICE, visit campuses for career days or other functions unrelated to enforcement, this is a possibility. Please be cautious about sharing rumors of arrests on campus on social media, as this will generate immense fear and anxiety.You can reach out to Immigrant Services staff members (Gregor: 303-605-5390, Ari: 303-605-5380, Alejandra: 303-605-5394) for guidance and/or additional information. You can also check the Immigrant Services Program facebook page (<https://www.facebook.com/msudenverimmigrantservices>) for updates, although we cannot guarantee timely updates. Contact the University’s legal counsel (Nicolas Stancil, 303-605-5233) for questions that may arise and/or to get further guidance if you are concerned that immigration-related arrests may be occurring on campus.

You can also report an ICE incident or raid to the Colorado Rapid Response 1-844-864-8341.

**🡪 Will the Auraria Police work with federal immigration officers to detain and remove individuals from campus?**

The Auraria Campus Police Department (ACPD) has consistently assured the campus that immigration enforcement is a federal responsibility. The ACPD does not conduct immigration detainments or investigations. Immigration only related arrests will not be carried out by any of their officers unless there is a warrant requiring the arrest of a specific individual. Campus police officers will not contact, detain, question, or arrest an individual solely on the basis of suspected immigration status. The ACPD will not join efforts with federal immigration agents to investigate, detain, or arrest individuals solely for violations of immigration law absent warrants for specific individuals.

However, if law enforcement agencies including federal/state/ local agencies have reason to pursue criminal suspects on campus, ACPD will cooperate with those efforts. Your campus police department is devoted to maintaining a safe and secure campus to support all students.

**🡪 Can the Auraria Police Department or MSU prevent federal immigration enforcement from coming on campus?**

Campus police or MSU staff and faculty cannot prevent federal immigration enforcement officers from coming on to campus since large areas of campus are open to the public, and those areas are also open to federal immigration officers. However, certain areas of the MSU campus have limited public access due to privacy or safety concerns. Those areas include, but are not limited to, classrooms while classes are in session, administrative or faculty offices, Health Center examination rooms, or storage or maintenance areas.

**🡪 What should I do if an agent or any third party asks me questions about a college/student or wants information?**

If you are an employee of the institution, failure to protect a student’s information may constitute a violation of FERPA laws. Refer all information requests to the Office of the Registrar (303-556-3991) or these contacts:

Nicholas Stancil, Esq, Deputy General Counsel Melinda Olivarez, Legal Office

303-605-5233, [nstancil@msudenver.edu](mailto:nstancil@msudenver.edu) 303-605-5364, [molivare@msudenver.edu](mailto:molivare@msudenver.edu)

**🡪 What should I do if an agent wants to enter a limited-access space (classroom during lessons, faculty/administrative offices, etc.) to …?**

You have the right to ask for a copy of the warrant and request that the officer identify themselves by name, identification number, and agency affiliation. (Under certain circumstances, however, an officer would have the right to enter the space without your consent.) **You are advised to inform the officer that you are not obstructing their process but that you are required to contact university legal counsel for assistance for legal guidance before taking any further action.** Contact one or both of the staff listed above and ask them to handle the request.

**🡪 What should I do if a federal agent asks me for or gives me a subpoena for personally identifiable information or records about a student or employee?**

Unless you are presented with a subpoena or warrant, the ICE or police officer has no more right to that information than anybody who walked onto campus. If you receive such a request, you are advised to state that you “do not wish to obstruct proceedings but need to contact legal counsel (see box above) for assistance.” Provide no further information, and do not attempt to verify the legitimacy of the subpoena or warrant. (There are different types, and some have different legal implications than others.)

🡪 **What should I do if ICE or any other police officer has come to arrest me?**

It is never a good idea to resist arrest – unlawful arrests can also later be challenged in court – but you have rights that cannot be taken away from you. You have the right to do the following:

*Ask that the officer give you name, identification number, and agency they work for.* ***Ask for a dated warrant*** *with a judge’s signature and your name on it.*

*Ask:* ***“Have I done anything wrong? Am I free to leave?”***

*State:* ***“I wish to remain silent. I do not consent to a search (of my house/car/clothes).”***

*State:* ***“If the court has given me a bond, I have the right/wish to pay.”***

***Do not volunteer information without an attorney present****, even if you are threatened.*

If you are at your home or another non-public area (meaning an area that is not accessible to everybody), you should ask for a dated, signed warrant with your name on it. **If you are in the process of being arrested, do not resist. If an officer isn’t following the law properly and is arresting you unlawfully, then you can challenge the arrest later in court.**

**🡪 What if the student in question is an international student?**

International students face a different legal situation when it comes to immigration laws – the University is required to share data with federal immigration agencies through SEVIS (Student Exchange & Visitor Information System). Certain information about those students must be made available to DHS and ICE by the University. However, this doesn’t mean international students have no rights under FERPA; the information that must be disclosed by the institution is limited to very specific categories and the request must be made through the Designated School Official (DSO). For more specific information on this topic, please contact the International Student Coordinator at MSU.

For questions about this document, please contact Immigrant Services Program Coordinator Gregor Mieder, [**gmieder@msudenver.edu**](mailto:gmieder@msudenver.edu), 303-605-5390, of Samantha Borrego, Chair of the MSU Dreamer Network, [**sborreg@msudenver.edu**](mailto:sborreg@msudenver.edu), 303-615-2025.