

# DACA STUDENTS: WHAT DO YOU DO WHEN AN OFFICER SHOWS UP AT YOUR INSTITUTION LOOKING FOR UNDOCUMENTED STUDENTS

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# With You Today

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# U.S. Immigration Enforcement Agencies

# What is ICE?

- Three branches of Department of Homeland Security
  - Immigration and Customs Enforcement (ICE)
  - U.S. Citizenship and Immigration Service (USCIS)
  - Custom and Border Protection (CBP)
- ICE
  - Enforces federal laws governing border control, customs, trade and immigration to promote homeland security and public safety.
  - Employs over 20,000 individuals
    - Over 400 Offices in the U.S. and 46 Countries
    - Annual budget of 6 billion
      - Homeland Security Investigations (HSI),
      - Enforcement and Removal Operations (ERO) and
      - Office of the Principal Legal Advisor (OPLA)
      - Management and Administration – supports the three operational branches to advance the ICE mission.

# Does ICE work with local law Enforcement?

- Generally, local police don't enforce immigration law because it's outside the scope of their powers
- 287(g): state and local police officers collaborate with the federal government to enforce federal immigration laws
  - Requires a MOU
- Criminal Alien Program (CAP) gives ICE access to jails and prisons where they screen and interview individuals in order to identify noncitizens for deportation.
- Secure Communities submits the fingerprints of all persons arrested by state or local police to DHS to check against immigration databases. When ICE determines individuals are deportable, it can work with the state or local police agency to take custody of them or detain the person without the help of the Law Enforcement Agency.

# Sanctuary Cities

- Sanctuary Cities is not formally defined
- Generally, a "sanctuary city" is a municipality that has chosen as a matter of policy that it will not expend local funds or police resources on enforcement of federal immigration laws.
- Some overtly refuse to cooperate or collaborate with ICE and other federal immigration officials.
- Some provide services to undocumented immigrants that the federal government will not, such as providing a formal identification document.

# Wisconsin Sanctuaries



- **Milwaukee:** Designated City
- **Milwaukee County:** Designated County
- **Madison:** Designated “safe” places where individuals can receive info and interpreter help
  - Council office
  - public libraries

Senator Nass (R) bill would:

- Bar local governments from passing ordinances, approving policies, or taking other steps to prevent enforcement of federal immigration laws.
- Targets those that don't share information with federal immigration authorities.



# IMMIGRATION ENFORCEMENT TODAY

# Deferred Action for Childhood Arrivals (DACA)

*Every undocumented person in this country “should be uncomfortable, [they] should look over [their] shoulder, and [they] need to be worried.”  
“...no population is off the table.”*

- Thomas Homan, Acting Director, ICE,  
June 13, 2017



PRESIDENT TRUMP HAS ENDED

**DACA**



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**DACA**

# DACA

- Requirements:
  - Under the age of 31 as of June 15, 2012;
  - Came to the United States before reaching the 16th birthday;
  - Continuously resided in the United States since June 15, 2007;
  - Physically present in the United States on June 15, 2012;
  - Had no lawful status on June 15, 2012;
  - Currently in school, graduated, or honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
  - Not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.
- Since June 15, 2012, over 800,000 students have applied for DACA
- President Trump terminated the program on September 5<sup>th</sup>, 2017
  - Phases out over time

# Enforcement Statistics

- As of Sept. 9, ICE had deported 211,068 immigrants
  - With only 3 weeks left, this number is down from 2016
- ICE removed 240,255 people during the government's 2016 fiscal year
- ICE arrested more than 28,000 “non-criminal immigration violators” between Jan. 22 and Sept. 2
  - a nearly threefold increase over the same period in 2016

[https://www.washingtonpost.com/world/national-security/deportations-fall-under-trump-despite-increase-in-arrests-by-ice/2017/09/28/1648d4ee-a3ba-11e7-8c37-e1d99ad6aa22\\_story.html?utm\\_term=.85ecb5e1f1cd](https://www.washingtonpost.com/world/national-security/deportations-fall-under-trump-despite-increase-in-arrests-by-ice/2017/09/28/1648d4ee-a3ba-11e7-8c37-e1d99ad6aa22_story.html?utm_term=.85ecb5e1f1cd)

# “Sensitive” Locations

- Include, but are not be limited to:
  - Schools, such as known and licensed daycares, pre-schools and other early learning programs; primary schools; secondary schools; post-secondary schools up to and including colleges and universities; as well as scholastic or education-related activities or events, and school bus stops that are marked and/or known to the officer, during periods when school children are present at the stop;
  - Medical treatment and health care facilities, such as hospitals, doctors’ offices, accredited health clinics, and emergent or urgent care facilities;
  - Places of worship, such as churches, synagogues, mosques, and temples;
  - Religious or civil ceremonies or observances, such as funerals and weddings; and
  - During a public demonstration, such as a march, rally, or parade.
- ICE Enforcement actions are not to occur at or be focused on sensitive locations such as schools, places of worship, unless:
  - exigent circumstances exist;
  - other law enforcement actions have led officers to a sensitive location, or
  - prior approval is obtained from a designated supervisory official.

# Students & Enforcement

- Will USCIS share information with ICE and CBP?
- Right to Counsel but no government appointed Counsel for Deportees
  - A student of limited means is more likely to be unrepresented in deportation proceedings

# University & Enforcement

- “sensitive locations” [memo](#)
  - ICE commits to not arresting, interviewing, searching, or surveying targets of its investigations while they are in **schools**, churches, or hospitals.
  - Can be overcome by obtaining prior approval from several officials or by invoking any of the numerous exceptions

# What to do if...?

- ICE Agent comes onto campus trying to find a student?
  - Cannot prevent them from being on campus as it is generally a public space
  - Absent a warrant, not relieved from any privacy obligations under federal law (FERPA)
  - Cannot discuss citizenship status
  - Not required to affirmatively assist
- An ICE Agent tries to enter residence halls / apartments?
  - Individuals have a reasonable expectation of privacy in homes
  - Need occupants consent, absent a warrant

# What to do if...?

- An ICE Agent asks for student records?
  - Generally, no greater access to records than any member of the public, absent a warrant
  - Personal and personally identifiable information in University records, and the records themselves, are protected by privacy laws
    - FERPA, HIPAA, etc.
  - Requires a valid warrant

# QUESTIONS?