Protocol regarding interactions with Immigration Agencies

**POLICY:**

It is the policy of Literacy Source to ensure that our students are safe and protected when they use our facilities and services. Literacy Source will take steps to the greatest extent possible under the law to protect our students and their information. It is the policy of Literacy Source not to allow agents or employees of U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) access to our facilities, records or information unless this is required by law or a valid federal court warrant.

**PROCEDURES:**

If any agents or employees from ICE or CBP should attempt to enter Literacy Source’s buildings or facilities, staff will follow this protocol:

1. Staff will inform ICE/CBP agents that they do NOT have consent to enter the building or facility unless they have a valid judicial warrant.

2. Staff will immediately inform the Executive Director or Instructional Director about ICE/CBP presence in Literacy Source.

3. Staff should advise any students that are nearby that they have the right to remain silent and do not have to answer any questions posed by immigration agents, but should not direct students not to answer questions. If possible, students should be moved to a private location until the situation is resolved, but students should not be assisted to escape, nor hidden.

4. If the ICE/CBP agents claim to have a warrant to enter the facility, staff should ask for a copy of the warrant, inform the agents to wait in the foyer and contact a supervisor for assistance.

5. Supervisors reviewing claimed warrants should contact legal counsel (Erin Cipolla or Ralph Hua) if possible. Supervisors should at least review the warrant to ensure that a) it is issued by the United States Court (often “United States District Court”); b) it is signed by a federal court judicial officer (judge or magistrate), c) it describes Literacy Source’s building as the place to be searched, d) it has the correct date and has not expired (was issued within the past 14 days), and d) the search is not exceeding the scope of the items authorized to be searched for. Administrative arrest or removal warrants issued by a federal administrative agency (such as the Department of Homeland Security or the Department of Justice) that are signed by an immigration officer or other federal employee (rather than a federal court judge or magistrate) do not grant authority for ICE/CBP to enter non-public areas of the facility or building.

6. Besides informing ICE/CBP agents that they do not have consent to enter the facility without a valid judicial warrant, staff should not answer questions posed by the agents without consulting with the Executive or Instructional Director. In particular, staff should not answer questions about whether a particular person is currently in the building or facility, but instead state that they are not authorized to answer questions.

7. Staff should document the name/contact information of the ICE/CBP agents seeking access to the facility. This can be done by asking for a business card or asking the agents directly.

8. To the extent possible, staff who are not interacting with the ICE/CBP agents should record any interactions with the agents but they should announce that they are making a recording. Staff should remain a reasonable distance from such incidents so as not to interfere.

9. Staff and students should know (or be informed) that if they are engaged in questioning by immigration agents, they can ask the agents if they are free to go. If the agent says yes, they are of course free to leave. If the agent says the person is not free to go, they should explain that they would like the opportunity to consult with an attorney and otherwise remain silent.

**PROCEDURES REGARDING IMMIGRATION AGENTS’ REQUEST FOR ACCESS TO LITERACY SOURCE’S RECORDS/FILES:**

If any agents or employees from ICE or CBP should request access to records or documents regarding Literacy Source’s students or staff, staff will follow this protocol:

1. Staff should inform the ICE/CBP agents that Literacy Source’s policy is not to release information without a client’s consent, unless disclosure is required by federal judicial order or subpoena specifically requiring the release of the information or otherwise required by law.

2. If ICE/CBP agents claim to have a warrant or subpoena, staff should not release information without consulting with the Executive or Instructional Director. Staff should request a copy of the warrant or subpoena, ask for the agents’ contact information and consult with a supervisor.