

**Santa Monica College Guidelines  
for the Campus Community on Possible Federal Immigration Enforcement Actions<sup>1</sup>**

**I. Overview — Commitment to All Students Irrespective of Immigration Status**

- A. The Santa Monica Community College District (the “District”) is committed to supporting all of its students, irrespective of immigration status, who seek to receive a quality education. We understand that the actual and perceived threats of immigration enforcement proceedings against our community’s undocumented students and their families could adversely affect our students’ sense of well-being and ability to learn. In response, the District is focused on addressing these concerns with the primary focus of creating a supportive environment for all members of its diverse student body.
- B. Federal immigration enforcement officials who seek to apprehend and remove/deport individuals unlawfully present in the United States are most often officers of U.S. Immigration and Customs Enforcement (ICE), who are part of the agency’s Enforcement and Removal Operations (ERO). U.S. Customs and Border Protection (CBP) officers could also seek to apprehend and remove individuals found on College grounds. These ICE and CBP officers work for the Department of Homeland Security (DHS) and they are typically acting on civil, not criminal, authority. The warrants these officers carry to apprehend individuals are generally administrative warrants that do not authorize these federal immigration enforcement officials to enter or search limited access areas, such as areas that are under lock and key or require an electronic keycard for access, or labeled “authorized personnel.” This includes classrooms where only registered students receive instruction or where a college ID is required for access.
- C. As a result, the District has developed these guidelines for all District personnel to follow if federal immigration enforcement officials, such as ICE agents, were to seek access to District facilities or request student records/information. The guidelines apply at all College facilities.
- D. ICE and CBP officers may appear on campus for reasons unrelated to apprehending and removing an individual they believe is unlawfully present in the United States. For example, many international students participate in the Student and Exchange Visitor Program (SEVP). The District is required to report certain information about SEVP students to ICE, and ICE may come to our facilities and grounds to meet with SEVP students and/or District staff that have responsibilities under the SEVP. ICE and CBP may also come on campus in connection with regulations that do not involve alleged immigration violations.
- E. It is a mistake to assume that any ICE employee visiting campus is present to apprehend or remove a member of the District community. For example, an ICE employee could be on campus conducting a background investigation on a student who has applied for employment. False rumors about immigration enforcement actions on campus can spread

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<sup>1</sup> These guidelines are based in part on a document prepared by the Office of General Counsel of The Regents of the University of California dated March 20, 2017, and entitled “Frequently Asked Questions for University Employees About Possible Federal Immigration Enforcement Actions on University Property.”

anxiety and panic. If you observe a federal immigration enforcement official on campus and have concerns about his or her activities, contact Campus Police as specified below.

## **II. Immigration Enforcement Actions Generally Avoided at Locations Such as Community Colleges**

Current ICE policy guidance provides that enforcement actions at or focused on sensitive locations such as schools, places of worship, and hospitals, should generally be avoided, and that such actions may only take place when (a) prior approval is obtained from an appropriate supervisory official, or (b) there are exigent circumstances necessitating immediate action without supervisor approval.

Under the policy guidance, 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 public demonstration, such as a march, rally, or parade.

Enforcement actions covered by the ICE policy guidance are apprehensions, arrests, interviews, or searches, and for purposes of immigration enforcement only, surveillance. Actions not covered by the ICE policy guidance include activities such as obtaining records, documents, and similar materials from officials or employees, providing notice to officials or employees, serving subpoenas, engaging in Student and Exchange Visitor Program (SEVP) compliance and certification visits, guarding or securing detainees, or participating in official functions or community meetings.

## **III. What Should District Faculty, Staff, Administrators and Students Do if Federal Immigration Enforcement Officials Seek Access to a District Facility or Student Records/Information?**

- A. Can the District prevent federal immigration enforcement officials from coming on the main campus or other District locations?
- 1) Generally, no. SMC is a public college and a large portion of its property is open to the general public. The District does not have authority to prohibit federal immigration enforcement officials from coming on campus or entering facilities to enforce federal law. The areas on campus that are open to the general public are also open to federal immigration enforcement officials.
  - 2) District employees are not required to affirmatively assist federal immigration enforcement officials or grant permission to enter limited access spaces when officers do not have a valid judicial warrant to enter a specific area.

- B. ***Request for Access to Campus:*** If a federal immigration enforcement official, such as an ICE agent, requests access to a District facility, District personnel should immediately refer the federal official to the Campus Police. Campus Police are available 24-7 and have experience in dealing with other law enforcement officials. Campus Police will refer the request for access of the Office of the Superintendent/President. You should inform the federal immigration enforcement official that you are not trying to impede his/her activities, but instead simply adhering to established District guidelines to address such requests. The Office of the Superintendent/President will, in turn, work with Campus Counsel to make a final determination as to whether the request for such access is lawful and respond accordingly. If a federal immigration enforcement official seeks your consent to enter a limited access space (for example: a classroom, library, school gym, student lounge, or locked building) or requests information or documents from you about a student or another individual, you should not grant consent. Instead, you should contact Campus Police to start the process to ensure the request is lawful and it is appropriate to consent.
- C. ***Request Access to Student Information/Record:*** Similarly, if a federal immigration enforcement official is on campus and requests access to a student's information or records, District personnel should immediately refer the federal official to the Campus Police. Campus Police will refer the request for access of the Office of the Superintendent/President. The Office of the Superintendent/President will, in turn, work with the Campus Counsel to make a final determination on whether the request is consistent with and otherwise lawful under the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g, and related privacy protections afforded under the law. Under no circumstance should a student's education record be disclosed without the consent of the affected District student, absent a lawfully issued subpoena or judicial order.
- D. ***International students are subject to different requirements:***
- 1) Colleges are required to exchange data with federal immigration agencies on the status of international students on F-1, J-1 or M visas through use of a government database named "SEVIS," which is part of the SEVP as referenced above. In addition, certain information about international students on these visas is required to be retained and produced by the District upon request from DHS and ICE.
  - 2) According to the U.S. Department of Education, FERPA permits institutions of higher education to comply with information requests from DHS in order to comply with the requirements of the SEVP. However, this does NOT create a blanket waiver of an international student's FERPA rights. First, the information that can be disclosed is limited to the categories listed in DHS regulations. Second, a request must be made to a campus Designated School Official (DSO). Other information about international students is entitled to the same FERPA protections that otherwise govern student records. If you are not a DSO, you should refer any ICE/DHS request for information about an international student to the DSO. Note that AB540 and DACA students are not categorized as international students, and, as a result, SEVP requests made by DHS do not affect them.

- E. **Communication with Campus Police:** The Superintendent/President has designated Campus to police to act as the initial liaison with federal immigration enforcement officials. However, Campus Police is not required to and, accordingly, will not enforce federal immigration laws — a responsibility that rests with the federal government. Specifically, Campus Police will not contact, detain, question, or arrest any individual on the sole basis of suspected undocumented immigration status or to discover the immigration status of the individual. Campus Police will not undertake joint efforts with federal immigration enforcement authorities to investigate, detain or arrest individuals for violation of federal immigration law.
- F. **Refusal to Follow Guidelines by a Federal Immigration Enforcement Official:** If a federal immigration enforcement official refuses to follow the above-mentioned protocol or instruction, District personnel should immediately call Campus Police at 310-434-4300. Do not confront the federal official yourself.
- G. **Reporting of Presence of a Federal Immigration Enforcement Official on Campus:** Even where no direct request is made by federal immigration enforcement officials, District administrators, faculty, and staff, as well as students, should immediately call Campus Police at 310-434--4300 to make a report if they have concerns about the presence of federal immigration enforcement officials on any District property. Do not confront the federal official yourself.