

WHAT TO DO IF IMMIGRATION OFFICIALS COME TO YOUR SCHOOL



The Trump Administration has rescinded the U.S. Department of Homeland Security’s (DHS) “sensitive locations” or “protected areas” policy. This means that U.S. Immigration and Customs Enforcement (ICE) agents can now enter public spaces within campuses, hospitals, and faith institutions. However, ICE agents still need a warrant to access private spaces, and all students have legal protections while at school.

Schools should be aware that in addition to ICE agents, local and state law enforcement may engage in immigration enforcement. Federal law currently provides safeguards that schools should know to protect students, faculty, and staff from potential civil rights violations.

SCHOOLS SHOULD COMMUNICATE TO IMMIGRANT STUDENTS THAT THEY ARE WELCOME.

- Federal law prohibits discrimination in public education, including discrimination based on race, color, or national origin.
- Under the Supreme Court’s decision in [Plyler v. Doe](#), all students, regardless of immigration status, have a right to public education.
- Schools could be liable under federal law for violating Plyler if they report students or discourage their attendance based on immigration status.

SCHOOLS SHOULD ENSURE THAT POLICE OFFICERS AND SCHOOL RESOURCE OFFICERS ARE RESPECTING STUDENTS’ RIGHTS.

- School police or school resource officers should not inquire about immigration status, report, or detain students and family members for purposes of immigration enforcement.
- Schools must restrict school police and school resource officers from accessing FERPA-protected records, ensure they properly follow Fourth Amendment standards, and limit interactions with local police including for disciplinary incidents.

SCHOOLS SHOULD KNOW WHEN LAW ENFORCEMENT AND/OR IMMIGRATION AGENTS CAN ENTER SCHOOL CAMPUS.

- The Fourth Amendment protects schools and students from unreasonable searches and seizures. ICE agents would need a warrant that is signed by a judge to enter areas with a reasonable expectation of privacy, such as classrooms, cafeterias, and administrative offices.
- However, law enforcement and/or immigration agents may enter public spaces without a warrant. If you hold a public event on any part of a school campus, ICE agents could enter that area without a judge-signed warrant.

SCHOOLS SHOULD HAVE A PLAN FOR WHEN/IF LAW ENFORCEMENT AND/OR IMMIGRATION AGENTS COME TO A SCHOOL, INCLUDING THE FOLLOWING CONSIDERATIONS:

- Designate one or two people at each school whose job it is to talk to the law enforcement and/or immigration agents.
- If a law enforcement and/or immigration agent approaches a staff member that is not the designated person, the staff member can direct them to the front office to meet the designated person.
- If law enforcement and/or immigration agents ask permission or attempt to enter a private area, the designated person should state explicitly that they do not consent to the officer/agent(s) entering without a warrant.
- The designated person should identify what agency the law enforcement and/or immigration agents are with. The designated person should then direct them to the superintendent, who should request to see written legal authorization and verify the identity of the law enforcement and/or immigration agents.
- The superintendent should advise law enforcement and/or immigration agents of the school district's Plyler and FERPA obligations and must not affirmatively aid in removing a student from school based upon their immigration status.
- School staff and students have the right to refuse to answer any questions.
- If law enforcement and/or immigration agents detain a student, the school district should promptly notify the student's parent or guardian.

There are many steps schools can take to support their immigrant students. For more information, [attend an upcoming webinar \(aclutx.org/kyrimmigration\)](https://aclutx.org/kyrimmigration) or request a [KYR presentation \(action.aclu.org/webform/tx-kyrpresentations\)](https://action.aclu.org/webform/tx-kyrpresentations). If you feel your rights have been violated, you can seek legal assistance from a variety of organizations, including the [ACLU of Texas \(aclutx.org/intake\)](https://aclutx.org/intake).

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