

**SOUTHERN ILLINOIS UNIVERSITY
EDWARDSVILLE**

*Protocol for Calls or Visits by Immigration and Customs (ICE) agents
on Southern Illinois University Edwardsville property.*

This document outlines the steps for SIUE faculty and staff to follow if Immigration and Customs Enforcement (ICE) or other federal agents come to campus. This does not constitute legal advice, but is meant to provide guidance to the University community to ensure legal compliance while protecting the rights and privacy of students, staff and faculty.

Steps to Take When Contacted by Immigration Customs Enforcement

- 1. Remain Calm and Professional.**
 - a. Stay composed and avoid escalating the situation.
- 2. Request Identification and Documentation to ensure the person is an authorized federal immigration officer.**
 - a. Politely request the ICE agent's:
 - i. Name and identification number.
 - ii. Agency affiliation.
- 3. Inform the ICE agent that University policy requires you to consult SIUE Police and the Office of General Counsel (Legal Counsel) for assistance.**
 - a. Contact SIUE Police at 618-650-3324
 - b. SIUE Police will work directly with the agent.
 - c. SIUE Police will consult with Legal Counsel as needed.
- 4. Protect Student and Employee Privacy.**
 - a. Inform the agent that you are consulting with the appropriate university personnel who will be able to answer their questions and that you are not obstructing the process.
 - b. Please do not answer questions or provide personally identifiable information about others unless required by a valid subpoena/warrant and told to do so by SIUE PD or a member of the Office of General Counsel. Examples of personally identifiable information may include and are not limited to name, contact information, class lists, student schedules, etc.
 - c. Ensure compliance with FERPA and HIPAA regulations as applicable.
- 5. Additional Support is Available.**
 - a. If you or others around you are in need of support, affected individuals can be directed to the TimelyCare app.
 - b. SIUE Counseling Services is available on a walk-in basis, during regular business hours, if additional support is needed or requested.

The University has developed a set of FAQs to answer some common questions regarding these issues.

SOUTHERN ILLINOIS UNIVERSITY EDWARDSVILLE

Frequently Asked Questions

Can SIUE prevent federal immigration enforcement officers from coming onto campus or entering campus buildings and other university property?

As a public university, SIUE welcomes the public to a significant portion of its campus. However, access is restricted or limited in certain non-public areas due to privacy concerns, operational needs or safety considerations. Federal immigration enforcement officers are subject to these same access restrictions and must adhere to legally established parameters when entering non-public spaces.

Further, University personnel may not impede or obstruct the work of lawfully authorized federal immigration officers.

It is important to note that ICE or federal Department of Homeland Security officials may be on campus for reasons unrelated to enforcement actions such as career recruitment events and guest lectures.

Due to our international programs, the university must report certain information about students with F-1 or J-1 visa status to ICE. This reporting is routine, and the university must comply with on-site visits to review records when requested.

In what situations can federal immigration enforcement officers enter limited access and restricted access areas, including residence halls?

Federal immigration enforcement officers are required to have a criminal arrest or search warrant to lawfully enter restricted access, nonpublic areas without consent. Most often, immigration officers who might come to campus would be acting on civil, not criminal, authority, and generally carry administrative warrants. Administrative warrants are not signed by a judge and do not authorize officers to enter restricted access areas without consent.

ACCESS CATEGORIES

Access Category	Description	Examples
Public Access	Areas open to the general public where entry is not restricted or limited. These spaces are freely accessible and may include outdoor and common-use areas.	Library commons areas, Morris University Center common areas, public walkways, hallways in academic buildings, dining areas open to the public, unrestricted access buildings and streets, public portions of WHYHEC.
Restricted Access	Areas that require a key card, locked doors, or monitored entryways for access are protected to maintain safety and privacy.	Residence halls, apartments in Cougar Village, locked classrooms, private offices, restricted research laboratories, clinical patient areas in SDM, patient care areas within Counseling and Health Services, patient care areas within We Care Clinic, Charter High School facilities, Head Start facilities, Early Childhood Center.
Limited Access	Spaces are generally left unlocked during work hours but are not considered public due to their function. Access to these areas may require special permission or operational needs.	Some faculty and staff offices, public facing administrative offices, classrooms in session, residence hall lobby areas, locker rooms, kitchens, food preparation areas, maintenance areas, storage rooms and other operational facilities.

SOUTHERN ILLINOIS UNIVERSITY EDWARDSVILLE

I am an employee. If an immigration enforcement officer requests personally identifiable information about a student or employee, am I obligated to provide the requested information?

An employee may choose to voluntarily speak with a federal official and may choose to provide their own personal information to such official if they wish to do so. Also, pursuant to First Amendment principles an employee may speak with federal officials on matters of public concern. Lawful communication with federal officials will not result in adverse employment actions for employees. However, an employee may not provide personally identifiable confidential information regarding others, without appropriate procedures being followed.

Personally identifiable educational records are protected by the federal Family Educational Rights & Privacy Act (FERPA), and student or employee health records are protected by various privacy laws including the Health Insurance Privacy and Accountability Act (HIPAA), the Americans with Disabilities Act (ADA) and several state laws. University employees are required to maintain the confidentiality of these records.

If you receive a request for personally identifiable information or documents, or if a federal immigration enforcement officer gives you a warrant or subpoena seeking such records, before providing any information, you should confirm that you are authorized to provide access to the specified records or information. Ask the officer for their name, and agency affiliation; ask for a copy of any warrant or subpoena presented; inform the officer that you are not obstructing the process but by University policy you must contact SIUE PD at 618-650-3324, and the Office of General Counsel at 618-650-2514 for assistance.

Federal enforcement officers will not request information by phone, and protected information should not be provided in this manner.

What if I receive an email, digital message, or paper-based inquiry from someone seeking information about an individual?

Should you receive a request for information from an external party that is outside of your normal interactions via email, other digital platforms, or through hard-copy documents, please contact the SIUE PD non-emergency number at 618-650-3324, forward the communication to the Office of General Counsel for review, and refrain from responding yourself.

Will the SIUE Police Department work with federal immigration officers to apprehend and remove individuals from campus?

No. The SIUE Police Department will not ask anyone about their immigration status, and SIUEPD does not arrest anyone solely on the basis of their immigration status. SIUEPD also does not act on detainers issued by Immigration and Customs Enforcement (ICE).

The only time officers are required to take immigration enforcement action is when a judge has signed a warrant, but SIUEPD would not typically be involved in immigration enforcement under normal circumstances. In other situations, not related to immigration, officers may inquire about an individual's country of origin to notify their consulate of an arrest, but that inquiry does not include questions about immigration status.

SOUTHERN ILLINOIS UNIVERSITY EDWARDSVILLE

Additionally, Illinois state law prohibits law enforcement from acting on federal detainers or stopping, arresting, or searching an individual based solely on immigration status (5 ILCS 805/-[Illinois TRUST Act](#)). As of June 21, 2019, the [Keep Illinois Families Together Act](#) (5 ILCS 835) officially prohibits state and local law enforcement in the state of Illinois from entering into 287(g) agreements with ICE.

Can a student refuse to allow a federal immigration enforcement officer to enter a campus residence hall room or Cougar Village Apartment?

Yes. A residence hall room or campus apartment is considered a restricted access area and cannot be legally accessed by immigration enforcement officers without a valid criminal warrant or the voluntary consent of the occupant. A student need not allow entry to any law enforcement officer who is not in possession of a criminal warrant, regardless of what that officer might say.

Can federal immigration enforcement officers enter off-campus apartments?

Not without a criminal warrant or consent. A student's rights are the same regardless of whether they live in on-campus university housing or in an off-campus apartment. A student need not allow entry to any law enforcement officer who is not in possession of a criminal warrant, regardless of what that officer might say.

Individuals have a reasonable expectation of privacy in their homes, both on and off campus. A warrant of removal/deportation (U.S. Immigration and Customs Enforcement (ICE) warrant) is a civil or administrative warrant and is not signed by a judge. Administrative warrants do not authorize officers to enter a home without consent. If an immigration officer has a civil or administrative warrant, Undocumented students have a personal choice whether to grant consent to enter their residence. However, if a law enforcement officer has a criminal search or arrest warrant signed by a judge, the officer does not need consent to enter the apartment or arrest an individual named in the warrant.

Federal and state law require individuals to provide basic identifying information when lawfully requested by a law enforcement official, and refusing to do so could lead to arrest. However, regarding potentially incriminating matters, individuals have the right to remain silent under the 5th Amendment of the U.S. Constitution, and do not need to answer questions, or sign documents without a lawyer present.

If I am a student or faculty/staff member working at a clinical or practicum site that is not controlled by SIUE, what should I do if approached by a federal immigration enforcement officer at that location?

If you are approached by enforcement agents at a hospital, clinic, school or other clinical or practicum site location, you should let the individual know that you are not an employee of that site and then direct them to your site supervisor or other supervisory or management personnel at that site. You should follow the policies and procedures of the site where you are working while you are at that location.

Sources:

<https://www.niu.edu/undocumented/education-and-training/ice.shtml>

<https://open.illinois.edu/faq-federal-ice-officers-on-university-illinois-property/>