



Responding to Immigration Issues at Riverside Community College District

Keith R. Dobyns

General Counsel



Background

- 2 million+ students enrolled in California higher education institutions
- 150,090 DACA recipients
- 83,000 undocumented postsecondary students
 - 38,000 DACA
- All students have a right to receive an education without discrimination based on immigration status – Plyler v. Doe (1982)
- SB 54 (2017) – limiting assistance with immigration enforcement
- AB 21 (2017) – affirmative obligations to prevent immigration enforcement



SB 54 California Values Act

Prohibits cooperation with federal immigration enforcement efforts in the following areas:

1. Use of state/local funds
2. Federal supervision
3. Immigration authorities as language interpreters
4. Transfers to immigration authorities
5. Provision of office space
6. Facilities contracts



SB 54 Prohibition on Use of State/Local Funds

Cannot use personnel or funds to

- Investigate...
- Interrogate...
- Detain...
- Detect...
- Arrest...

...for immigration enforcement purposes

- Inquire into an individual's immigration status
- Detain an individual on the basis of an Immigration and Customs Enforcement hold request
- Provide information regarding a person's release date from custody or other non-public info.
- Make or intentionally participate in arrests based on civil immigration warrants
- Assist immigration authorities in the activities not authorized by a judicial warrant
- Perform the functions of an immigration officer



SB 54 Prohibition on Federal Supervision

RCCD police cannot be under supervision of federal agencies or be deputized as special federal officers for purposes of immigration enforcement.



SB 54 Immigration Authorities as Language Interpreters

RCCD cannot use immigration authorities as interpreters for law enforcement matters.



SB 54 Transfers to Immigration Authorities

RCCD police cannot transfer individuals to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination or has committed a serious crime.



SB 54 Provision of Office Space

RCCD cannot provide office space dedicated for immigration authorities.



SB 54 Facilities Contracts

RCCD cannot allow the housing of federal detainees.



AB 21 Access to Higher Education for Every Student

Imposes the following obligations on RCCD:

1. Protection of personal information
2. Notice of immigration enforcement activity
3. Notification of emergency contact
4. Compliance with judicial warrants and subpoenas
5. Response to on-campus immigration enforcement
6. Single point of contact
7. Legal services
8. Hold undocumented students harmless



AB 21 Protection of Personal Information

RCCD will not disclose personal information about students, faculty, classified professionals.

- FERPA (Family Educational Rights and Privacy Act)
- Federal and State Right to Privacy
- Exceptions
 - Judicial Warrant, Court Order, Subpoena



AB 21 Notice of Immigration Enforcement Activity

Presence of / Contacted by immigration officer → Notify:

- Point of Contact
 - MVC – Roosevelt Charles, Vice President, Student Services
 - NC – Sonia Gonzalez, Dean, Enrollment Services
 - RCC – Kyla Teufel, Dean, Enrollment Services
 - District – Mark DiMaggio, Chief of Police
- Chancellor – Wolde-Ab Isaac
- College President
- Chief of Police – Mark DiMaggio
- General Counsel – Keith Dobyns
- RCCD police officer



AB 21 Notification of Emergency Contact

RCCD will notify emergency contact if student, faculty, classified professional, or other individual is taken into custody.



AB 21 Compliance with Judicial Warrants and Subpoenas

Immigration officers allowed to access non-public areas only with judicial warrant

- ICE or DHS administrative warrant insufficient



AB 21 Single Point of Contact

Each college designates a single point of contact for handling immigration orders or inquiries.

- MVC – Roosevelt Charles, Vice President, Student Services - (951) 571-6120
- NC – Sonia Gonzalez, Dean, Enrollment Services - (951) 372-7014
- RCC – Kyla Teufel, Dean, Enrollment Services - (951) 222-8649
- District – Mark DiMaggio, Chief of Police - (951) 222-8171



AB 21 Legal Services

Contact list of immigration legal service providers:

- https://rccd.edu/immigration_related_resources.html
 - TODEC Legal Center
 - Informed Immigrant
 - Immigrants Rising – Services and Resources
 - United We Dream Network
 - CA Department of Social Services – DACA Legal Services
 - Coalition for Humane Immigrant Rights – Rise for DACA
 - National Immigration Law Center - Resources
 - U.S. Citizenship and Immigration Services – DACA Information
 - Asian Americans Advancing Justice – Southern California
 - Immigration Legal Resource Center
 - California Community Colleges – Undocumented Students



AB 21 Hold Undocumented Students Harmless

In the event that an undocumented student is detained, deported, or is unable to attend to his or her academic requirements due to an immigration enforcement action, RCCD shall make all reasonable efforts to assist the student in retaining benefits received and allow re-enrollment when able to return.



4 Distinct Areas

1. Gathering and Handling Student and Family Information
2. Responding to Law Enforcement Requests for Access to Campus and Residential Units for Immigration Enforcement Purposes
3. Responding to Law Enforcement Requests for Access to Student Records for Immigration Enforcement Purposes
4. Responding to Immigration Actions Against Students or Family Members



1. Gathering and Handling Student and Family Information

A. Family Educational Rights and Privacy Act (FERPA) + federal and state right to privacy protections allow for the refusal to disclose personal information to federal authorities

- Exceptions
 - Judicial Warrant, Court Order, Subpoena

B. Applications for Financial Aid

“Country of citizenship” questions – Blank or “No Selection”



2. Responding to Law Enforcement Requests for Access to Campus for Immigration Enforcement Purposes

- Single Point of Contact
- Any presence of outside law enforcement (police, sheriffs, ICE, DHS) should be sent to the designated Point of Contact or other identified person
 - Point of Contact
 - MVC – Roosevelt Charles, Vice President, Student Services
 - NC – Sonia Gonzalez, Dean, Enrollment Services
 - RCC – Kyla Teufel, Dean, Enrollment Services
 - District – Mark DiMaggio, Chief of Police
 - Chancellor
 - College President
 - Chief of Police
 - General Counsel
 - RCCD police officer



3. Responding to Law Enforcement Requests for Access to Student Records for Immigration Enforcement Purposes

- No access to records is given to federal authorities unless they present:
 - Judicial Warrant
 - ICE Administrative warrant insufficient
 - Judicial Subpoena
 - ICE/DHS Administrative subpoena insufficient
 - Court Order
- Alert Single Point of Contact for further handling



4. Responding to Immigration Actions Against Students or Family Members

- Notify individual's emergency contact
- Provide legal service providers contact list
 - https://rccd.edu/immigration_related_resources.html
 - TODEC Legal Center
 - Informed Immigrant
 - Immigrants Rising – Services and Resources
 - United We Dream Network
 - CA Department of Social Services – DACA Legal Services
 - Coalition for Humane Immigrant Rights – Rise for DACA
 - National Immigration Law Center - Resources
 - U.S. Citizenship and Immigration Services – DACA Information
 - Asian Americans Advancing Justice – Southern California
 - Immigration Legal Resource Center
 - California Community Colleges – Undocumented Students



Resources

- RCCD resource pages
 - MVC - <https://mvc.edu/student-support/common-ground/undocumented-students.php>
 - NC - <https://www.norcollege.edu/sd/sp/unity/index.html>
 - RCC - : <https://www.rcc.edu/student-support/student-support/dreamers.html>
 - RCCD - https://rccd.edu/immigration_related_resources.html
 - RCCD - <https://rccd.edu/culture.html>
- CA Attorney General Guidance
 - <https://oag.ca.gov/sites/all/files/agweb/pdfs/immigration/higher-education-guidance.pdf>
- CA Community Colleges Chancellor's Office Advisory
 - https://www.cccco.edu/-/media/CCCCO-Website/Files/General-Counsel/x_18-01-sanctuary-jurisdiction-advisory-ada.pdf



Printed Support Collateral

ICE Poster

What To Do if an Immigration & Customs Enforcement (ICE) Official is on Campus

If a federal immigration official is on campus and requests access to student information, access to district records or entrance to a facility:

- 1 Do Not Panic**
Maintain a calm and professional demeanor. Inform the official that the college has procedures that we are required to follow. You are not required to do anything on behalf of the official.
- 2 Know Your Rights**
You are not legally obligated to speak, answer, or respond to an enforcement official. Only comply if presented with a warrant.
- 3 Notify the Dean of Enrollment Services or RCCD Police**
Contact the Dean of Enrollment Services at (951) 372-7014 during regular office hours. After hours call RCCD Police at (951) 222-8171

**** Warrant verification and subpoenas are required ****

FREQUENTLY ASKED QUESTIONS

Can Norco College release student information to law enforcement officials?
No. Norco College will not release student information to law enforcement officials without official District permission from the Vice President of Student Services of Norco College. Student information is governed by the Family Educational Rights and Privacy Act (FERPA), which protects student data.

Will the RCCD Police Department enforce federal immigration laws?
No. Norco College will not enforce federal immigration laws. Norco College is an open campus, can law enforcement officials access all areas of campus without permission? No. Although Norco College is a public institution, there are areas on campus that have restricted access, including classrooms, locked offices or areas marked as "authorized personnel" that cannot be accessed without official District permission.

Are there different rules for international students?
No. Campus policies also pertain to international students.

For more information regarding immigration issues at Norco College, please contact the Unity Zone at (951) 739-7873 or Unityzone@norcolleage.edu. Location GSS 216. Additional immigration related resources are available here: https://rccd.edu/immigration_related_resources.html

NORCO COLLEGE

TODEC Flyer

KNOW YOUR RIGHTS

YOU HAVE THE RIGHT TO REMAIN SILENT!
The United States Constitution protects you.

If you are arrested by immigration agents:

- Do not answer any of their questions. Do not give them answers as to where you were born or how you entered the United States of America.
- Do not share any documents unless it is a letter from a lawyer. Most importantly, do not provide any false documents.
- Do not sign anything, specifically an order of voluntary departure without consulting with an attorney first.
- Tell the immigration authorities: I do not wish to speak to you, answer your questions, or sign any documents based on my 4th Amendment rights under the United States Constitution.
- Be sure to carry with you the Red Card to explain and assert your rights.

If immigration agents arrive at your home, DO NOT OPEN THE DOOR!

- A search warrant must be presented, if the agent does not have one do not open the door.
- Do not sign anything, specifically an order of voluntary departure without consulting with an attorney first.
- Do not disclose any information regarding where you were born or how you entered the United States of America.
- Tell the immigration officer: I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant, signed by a judge to enter.

If the immigration agents perform a raid at your workplace:

- Do not run. It is best to remain calm.
- It is possible to escape the raid calmly by leaving the premises where the immigration agents are located.
- If possible, take photographs and videos.
- If ICE enters your workplace without a search warrant, ask them for their name and their badge number.
- Request a hearing with an immigration judge.

What can parents do? Establish a plan for the care of your children in case you are detained.

- Prepare a list with important documents of your children.
- If you do not want ICE to pick up your children, then identify and authorize a person you trust with the power of legal representation in order to take financial responsibility and make legal decisions regarding your children.
- Complete a "Caregiver Affidavit" so that another adult can care for your children temporarily.
- Always have the telephone number of an immigration attorney with you.
- If your children are born in the United States, also register them with the government of your country.
- If you have children under the age of 18 who are US citizens or Permanent Residents of the US, inform the agent.

Very important!

- Find out if you qualify to become a citizen.
- Find out if you qualify to become a permanent resident.
- Inform yourself on how to apply for a Visa or a Visitor's Permit.
- Figure out if previous charges to your criminal record, if any, would affect your case, or if there is a way to clear your record.

To locate an individual detained by ICE:

<https://locator.ice.dhs.gov/locator/home> or call a 1-800-898-7180

The Ralph Civil Rights Act (California Civil Code Section 51.7) forbids acts of violence, because of the example your race, color, religion, ancestry, national origin, age, disability, sex, sexual orientation, political party or your parent's a later decision to submit a complaint. 1-800-898-7180

Please contact your Consulate

Mexico Consulate g@n.bec: (909) 384-8114 & 1-855-463-6395
Guatemala Consulate g@n.bec: (909) 572-8800 g@A. (213) 365-9251
El Salvador Consulate g@n.bec: (213) 234-9200

Honduras Consulate: (213) 995-6406
Nicaragua Consulate: (213) 252-11709251
Panama Consulate: (562) 612-4677

@TODEC1
www.TODEC.org

234 South D. St., Perris, CA. 92570
1560 Sixth St., Coachella, CA. 92236
14335 Hesperia Rd Suite 116, Victorville, CA. 92395

(951) 943-1955
(760) 698-8787
(442) 327-9117

RED Cards

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door.

I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

Usted tiene derechos constitucionales:

NO ABRA LA PUERTA si un agente de inmigración está tocando la puerta.

NO CONTESTE NINGUNA PREGUNTA de un agente de inmigración si el trata de hablar con usted. Usted tiene el derecho de mantenerse callado.

NO FIRME NADA sin antes hablar con un abogado. Usted tiene el derecho de hablar con un abogado.

Si usted está afuera de su casa, pregunte al agente si es libre para irse y si dice que sí, váyase con tranquilidad.

ENTREGUE ESTA TARJETA AL AGENTE. Si usted está dentro de su casa, muestre la tarjeta por la ventana o pásela debajo de la puerta.

Sticker

IMMIGRATION RELATED RESOURCES

Scan the Code

RCCD RIVERSIDE COMMUNITY COLLEGE DISTRICT

MORENO VALLEY COLLEGE NORCO COLLEGE RIVERSIDE CITY COLLEGE