



# Immigration Enforcement



# Responding to ICE

- Responding to ICE Inquiry
  - Contact college president / designee
  - Refer all requests from federal immigration authorities to legal counsel
  - Contact student / student's family
  - Document the interaction
    - Request and make copies of officer's credentials
    - Ask for ICE documentation and copy it
    - Ask for signed consent to disclose information
    - Do not resist physically



# Judicial Warrants/Subpoenas

- Federal Judicial Warrants / Subpoenas
  - Comply or risk contempt of court
- Search warrant will specify areas to be searched in non-public areas of school
- Arrest warrant will specify the student who will be seized
- Subpoena will identify specific records to be searched or produced



# Administrative Warrants/Subpoenas

- ICE Administrative Warrants / Subpoenas
  - Have not been reviewed by a Court to ensure probable cause / due process compliance
  - An internal instruction to ICE agent to do something
- Search warrant does not allow ICE or law enforcement to search non-public areas
- A student may not be detained, prevented from leaving campus, or taken out of class to aid in the investigation of a non-criminal immigration violation.
- Subpoena does not require employee to produce information or records.



# Warrants

AO 93 (Rev. 11/13) Search and Seizure Warrant

## UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of  
*(Briefly describe the property to be searched  
or identify the person by name and address)*

Case No.

### SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the \_\_\_\_\_ District of \_\_\_\_\_  
*(Identify the person or describe the property to be searched and give its location):*

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(Identify the person or describe the property to be seized):*

**YOU ARE COMMANDED** to execute this warrant on or before \_\_\_\_\_ *(not to exceed 14 days)*

in the daytime 6:00 a.m. to 10:00 p.m.  at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to \_\_\_\_\_  
*(United States Magistrate Judge)*

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*

for \_\_\_\_\_ days *(not to exceed 30)*  until, the facts justifying, the later specific date of \_\_\_\_\_

Date and time issued: \_\_\_\_\_  
*Judge's signature*

City and state: \_\_\_\_\_  
*Printed name and title*

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

File No. \_\_\_\_\_

Date: \_\_\_\_\_

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that \_\_\_\_\_ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**YOU ARE COMMANDED** to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

\_\_\_\_\_  
*(Signature of Authorized Immigration Officer)*

\_\_\_\_\_  
*(Printed Name and Title of Authorized Immigration Officer)*

#### Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at \_\_\_\_\_  
*(Location)*

on \_\_\_\_\_ on \_\_\_\_\_, and the contents of this  
*(Name of Alien) (Date of Service)*

notice were read to him or her in the \_\_\_\_\_ language.  
*(Language)*

\_\_\_\_\_  
*Name and Signature of Officer*

\_\_\_\_\_  
*Name or Number of Interpreter (if applicable)*

Form I-209 (Rev. 06/16)



CALIFORNIA COMMUNITY COLLEGES

# Subpoenas

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT  
for the

Plaintiff

v.

Defendant

Civil Action No.

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To:

(Name of person to whom this subpoena is directed)

**Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place:	Date and Time:
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**Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
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The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(c) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date:

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party), who issues or requests this subpoena, are:

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

1. To (Name, Address, City, State, Zip Code) [Redacted]	DEPARTMENT OF HOMELAND SECURITY  IMMIGRATION ENFORCEMENT SUBPOENA to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number [Redacted]	
2. In Reference To [Redacted] (Title of Proceeding) [Redacted] (File Number, if Applicable)	

By the service of this subpoena upon you, YOU ARE HEREBY SUMMONED AND REQUIRED TO:

- (A)  APPEAR before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.
- (B)  PRODUCE the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(E).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear Name: [Redacted] Title: [Redacted] Address: [Redacted] Telephone Number: [Redacted]	(B) Date: [Redacted]  (C) Time: <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
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4. Records required to be produced for inspection  
[Redacted]



If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

5. Authorized Official  
[Redacted Signature]  
[Redacted Printed Name]  
[Redacted Title]  
[Redacted Date]

DHS Form I-138 (8/08)

