



# PROCEDURES FOR RESPONDING TO INQUIRIES OR VISITS BY IMMIGRATION & CUSTOMS ENFORCEMENT (ICE) ON THE CAMPUS OF EASTERN ILLINOIS UNIVERSITY

*These procedures do not constitute legal advice but are meant to provide guidance so as to ensure legal compliance and the rights of all involved.*

## IF YOU ARE CONTACTED BY IMMIGRATION & CUSTOMS ENFORCEMENT:

1.	Remain calm and avoid escalating the situation.
2.	Request identification and documentation confirming the agent is, in fact, an authorized Federal Immigration officer.
3.	Inform the ICE agent that EIU procedures require you to consult with the University Police Department (and/or your supervising Vice President, if an employee) for assistance.
4.	Inform the agent you are contacting the designated campus personnel who will be able to help answer their questions and that you are not obstructing the process.
5.	Contact the <b>University Police Department at 217-581-3212</b> .
6.	The University Police Department will work directly with the agent(s).
7.	The University Police Department will consult with the Office of General Counsel as needed.
8.	The University Police Department will work with the Office of General Counsel (and Human Resources, for employees) to document all campus interactions with Federal immigration agents.
9.	Protect and respect others' privacy. Please do not answer questions or provide personally identifiable information about other persons unless instructed to do so by University Police or General Counsel in response to a valid subpoena or warrant.
10.	Ensure compliance with the Health Insurance Portability and Accountability Act (HIPAA) as well as the <b>Family and Educational Rights and Privacy Act (FERPA)</b> as applicable.
11.	For additional information and support please see <a href="http://www.illinoisimmigrationinfo.org">www.illinoisimmigrationinfo.org</a> .



## FAQ RELATED TO FEDERAL IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) AGENTS ON EASTERN ILLINOIS UNIVERSITY

*Eastern Illinois University follows the same guidelines as other universities in the state of Illinois, this statement has been modified to fit our institution.*

### **Can Eastern Illinois University prevent federal immigration enforcement officers from coming on campus or entering campus buildings and other university property?**

As a public university Eastern Illinois University's campus is open to the general public. Federal immigration enforcement agents may enter these areas open to the general public without a warrant.

However, public access is limited in certain areas of Eastern Illinois University's campus and property. Included in this category of limited access spaces are campus buildings in which access is restricted by residential/office keys, locked doors or monitored entryways, including university residence halls. Limited access spaces also include some buildings and spaces that may be unlocked during normal operations, including administrative or faculty offices, classrooms, and research laboratories.

It is important to note that ICE or federal officials from the Department of Homeland Security may be on campus for reasons unrelated to enforcement actions. As part of the Student and Exchange Visitor Program (SEVP) through the Department of State, in which many International students participate, the university is required to report certain information about F-1 or J-1 visa status students to ICE, as it is an agreed upon part of SEVIS reporting. This reporting is routine, and the university is required to comply with on-site visits to review records when requested.

### **What should staff members do if a federal immigration enforcement agent asks for access to a residence hall or other limited access area?**

If a U.S. Immigration and Customs Enforcement (ICE) agent requests access to nonpublic areas of university property, asks questions, or seeks personally identifiable information or non-public records from university personnel, immediately refer the agent to the University Police and call the University Police non-emergency number at 217-581-3212 to notify them of the agent's presence.

If it is feasible to do so, document the date, time and details of the interaction, and, if available, the name of the agent, agency affiliation, identification number, and contact information. While you have the right to document and report the incident, do not physically obstruct or interfere with the actions of ICE agents.

### **Will Eastern Illinois University Police Department work with federal immigration agents to apprehend and remove individuals from campus?**

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

The only time law enforcement officers are required to take immigration enforcement action is when a judge has signed a warrant, but UPD would not typically be involved in immigration enforcement under normal circumstances. In other situations not related to immigration, law enforcement 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.

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 agent to enter a residence hall room?**

Yes. A residential hall room is considered a limited 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. The Office of the Attorney General for the State of Illinois has issued information to help immigrants living in Illinois from unconstitutional and discriminatory action: [Know Your Rights](#).



## FAQ RELATED TO FEDERAL IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) AGENTS ON EASTERN ILLINOIS UNIVERSITY

### Can federal immigration enforcement agents 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 agents to enter a home without consent. If an immigration agent has a civil or administrative warrant, 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.

In all cases, 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 or provide any documents without a lawyer present.

### What should staff members do if a federal agent asks for or presents a subpoena for personally identifiable private information or records about a student or employee?

Faculty or staff who receive a request from a federal agent for any information about a student should contact the Office of General Counsel for assistance. Personally identifiable educational and university health records are protected by a variety of privacy laws including the Family Education Rights & Privacy Act (FERPA) and the Health Insurance Privacy and Accountability Act (HIPAA). As a university employee, you are required to maintain the confidentiality of these records.

Do not disclose non-public information, such as student information protected by FERPA, or accept service of legal documents, such as a subpoena or warrant, before contacting the Office of General Counsel at 217-581-7264.

If documents are presented, inform the ICE agent that you are not authorized to accept service on behalf of the university or department and refer the agent to the Office General Counsel.

### How are international students and scholars affected?

International students and scholars are affected differently. According to the Department of Education, the Family Education Rights & Privacy Act (FERPA) permits institutions to comply with information requests from the Department of Homeland Security (DHS) in order to comply with the requirements of the SEVP program. However, the information that can be requested and provided is limited to the categories listed in DHS regulations, and that request must be made to a campus Designated School Official (DSO). For other information, international student records are entitled to the same FERPA protection that otherwise governs student education records in the United States.

If you are not a Designated School Official (DSO), you should refer any DHS or ICE request for information about an international student to the DSO and the Office of General Counsel.

### What should I do if I am uncomfortable calling the Eastern Illinois University police?

Eastern Illinois University provides additional resources for members of our community who may feel uncomfortable calling or approaching the Eastern Illinois University's Police Department.

Anyone with emergency issues should still call 911, but those with non-emergency safety concerns may also contact these offices, Monday-Friday, 8 am - 4:30 pm:

- **Vice President of Student Affairs & Dean of Students** | 217-581-3827
- **Office of Belonging, Access & Engagement** | 217-581-7902
- **Counseling Clinic** | 217-581-3413 | (closed for lunch 12-1pm)
- **Student Legal Service** | 217-581-6054
- **Office of General Counsel** | 217-581-7264