

Rent Stabilization Board

## **2 X 2 JOINT COMMITTEE ON HOUSING**

**RENT STABILIZATION BOARD (RSB)/BERKELEY UNIFIED SCHOOL DISTRICT (BUSD)**

**Monday, March 3, 2025 – 5:00 p.m.**

**Rent Stabilization Board Conference Room A – 2000 Center Street, 4<sup>th</sup> floor, Berkeley, CA 94704**

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION.**

For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

**To access this meeting remotely:** Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/85240090170?pwd=agpz3JwCYa64Jcxa0RjHFtaLpKbAuJ.1>. . If you do not wish your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself as anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

**To join by phone:** Dial 1-669-444-9171 and enter Webinar ID: 852 4009 0170 and Passcode: 587250. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment for the Committee's consideration and inclusion in the public record, email [sscole@berkeleyca.gov](mailto:sscole@berkeleyca.gov) with the Subject line in this format: "PUBLIC COMMENT ITEM FOR 2X2 COMMITTEE." Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 3:30 p.m. on the day of the Committee meeting in order to be included.**

Please be mindful that this will be a public meeting and all rules of procedure and decorum apply for both in-person attendees and those participating by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting at the posted location(s). Questions regarding this matter may be addressed to DéSeana Williams, Executive Director of the Rent Board, at 510-981-7368 (981-RENT). The Committee may take action related to any subject listed on the Agenda.

### COMMUNICATION ACCESS INFORMATION:



This meeting is being held in a wheelchair accessible location. To request disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at (510) 981-6418 (voice) or (510) 981-6347 (TDD) at least three (3) business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



## **2 X 2 JOINT COMMITTEE ON HOUSING**

### **RENT STABILIZATION BOARD (RSB)/BERKELEY UNIFIED SCHOOL DISTRICT (BUSD)**

**Monday, March 3, 2025 – 5:00 p.m.**

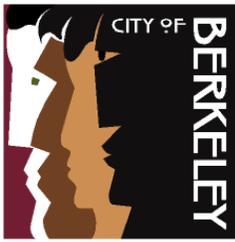
**Rent Stabilization Board Conference Room A – 2000 Center Street, 4<sup>th</sup> floor, Berkeley, CA 94704**

#### **AGENDA**

1. Roll Call
2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-Chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors, and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*
3. Approval of agenda
4. Public Comment
5. Election of Committee Chair
6. Approval of November 18, 2024, meeting minutes (attached to agenda)
7. Follow Up on Family Engagement Services to Students with Disability and African American Students
8. Protections of Students with a Different National Origin Amidst Federal Mass Deportations
9. Housing Transition Plan for 12th-Grade Students
10. Students protected under the McKinney-Vento Homeless Assistance Act
11. Future Items
  - a. Meeting Schedule
12. Adjournment

**STAFF CONTACT: Shamika Cole, Finance Director (510) 981-4903**

**COMMITTEE:** Vanessa Marrero (RSB), Soli Alpert (RSB), Mike Chang (BUSD), Jennifer Shanoski (BUSD)



Rent Stabilization Board

## **2 X 2 JOINT COMMITTEE ON HOUSING**

**RENT STABILIZATION BOARD (RSB)/BERKELEY UNIFIED SCHOOL DISTRICT (BUSD)**

**November 18, 2024 – 5:00 p.m.**

**Rent Stabilization Board Conference Room A – 2000 Center Street, 4th floor, Berkeley, CA 94704**

### **Minutes – To Be Approved**

1. Roll Call: Executive Director D. Williams called Roll at 5:03 p.m.  
Members Present: Shanoski, Chang, Marrero and Simon-Weisberg.  
Staff Present: D. Williams and N. Dahl
2. Land Acknowledgment Statement: The Recording of the Land Acknowledgment Statement was played.
3. Approval of agenda: M/S/C (Shanoski/Simon-Weisberg): Motion to approve the agenda. Roll call vote. YES: Shanoski, Chang, Marrero and Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 4-0-0-0.
4. Public Comment: No public comment.
5. Approval of March 11, 2024 meeting minutes (attached to agenda): M/S/C (Shanoski/Simon-Weisberg). Motion to approve the March 11, 2024 meeting minutes. Roll call vote. YES: Shanoski, Chang, Marrero and Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 4-0-0-0.
6. Rent Board Presentation from Nathan Dahl: Presentation and discussion on the Rent Board's Outreach Plan.
7. Disproportionately African American Student Achievement: No Action Taken
8. Accessibility Accommodations for Students with Disabilities: No Action Taken
9. Future agenda items:
  - Future meeting schedule and items - TBD
10. Discussion and possible action to set the next meeting: To be announced
11. Adjournment: M/S/C (Marrero/Simon-Weisberg) Motion to Adjourn. Roll call vote. YES: Marrero, Chang and Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Shanoski (left at 6:02 p.m.). Carried: 3-0-0-1. Meeting adjourned at 6:07 p.m.

**STAFF CONTACT: Shamika Cole, Finance Director (510) 981-7368**

COMMITTEE: Vanessa Marrero (RSB), Leah Simon-Weisberg (RSB), Mike Chang (BUSD), Jennifer Shanoski (BUSD)

Item 1

**REVIEW OF TRUMP EXECUTIVE  
ORDERS AS OF 1/27/25**

Bob Kim

Executive Director, Education Law Center

## HISTORICAL CONTEXT

- Public education and censorship are not new to us
- Anti-LGBTQ+ sentiment in public schools is not new to us
- Anti-immigrant sentiment is not new to us (post 9/11, Trump Muslim ban...)
- Consider social and cultural movements preceding/during pandemic
- Anti- “critical race theory” activities during first Trump Administration

## WHAT IS AN EXECUTIVE ORDER?

- President's policy statement or directive – most often used to direct federal agencies to perform an action
- Cannot override/disregard a federal law (Congressional statute or Constitutional obligation)
- States have their own laws that may conflict with federal E.O.'s
- For purposes of today's discussion: we include agency directives and presidential actions that are not labeled as an E.O. but have similar impact

## EXECUTIVE ORDERS BY CATEGORY

- Related to DEIA (Diversity, Equity, Inclusion, and Accessibility)
- Related to Sex/Gender Identity (LGBTQ+ Persons)
- Related to Race or Ethnicity
- Related to Immigration
- Other: Environmental, Foreign Relations, Etc.

## ELIMINATING DEIA AND RACE-RELATED ACTIVITIES

- “Ending Radical and Wasteful Government DEI Programs and Preferencing”
  - Seeks to eliminate offices, positions, and programs that advance DEIA-related work and to discontinue “equity-related” grants or contracts
  - US Department of Education has followed up with actions to eliminate DEI activities within the agency:  
<https://www.ed.gov/about/news/press-release/us-department-of-education-takes-action-eliminate-dei>
- “Ending Illegal Discrimination and Restoring Merit Based Competition”
  - Seeks to: terminate affirmative action and diversity preferences used by the federal government, target non-governmental identities for possible investigation, and issue guidance to schools on how to comply with the recent SCOTUS ruling barring affirmative action in colleges and universities

## LIMITING PROTECTIONS FOR LGBTQ+ STUDENTS

- “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government”
  - Defines “sex” as “male” or “female”
  - Seeks to eliminate “gender” as a category in federal policies/programs
  - Seeks to limit LGBTQ+ protections under Title IX (blocking *Bostock* expansion)
- “Initial Rescissions of Harmful Executive Orders and Actions”
  - Rescinds EO 14021, which established protocol to eliminate sexual orientation and gender-identity-based discrimination in schools

# INCREASING IMMIGRATION ENFORCEMENT

- “Protecting The Meaning And Value Of American Citizenship”
  - Seeks to reverse constitutional guarantee of birthright citizenship to those born in the U.S. after Feb. 9, 2025 to non-citizen parents (as specified)
- Repeal of “Sensitive Locations” Policy
  - Rescinds Biden directive restricting immigration-enforcement actions from occurring in sensitive locations such as public schools, bus stops, etc.
- “Protecting the American People Against Invasion”
  - Directs DHS to enforce immigration laws to remove, fine, and deny public benefits to unlawfully present aliens.
- “Guaranteeing the States Protection Against Invasion”
  - Imposes restrictions on entry into the U.S. through the Southern border.

## KEY SUPREME COURT RULINGS

- *Plyler v. Doe* (1982), establishing that schools may not deny children who are undocumented immigrants a free public education
- *Bostock v. Clayton County* (2020), establishing that sex discrimination in the employment context encompasses discrimination on the bases of sexual orientation and gender identity
- *Students for Fair Admissions v. Harvard* (2023), establishing that college admissions policies that include consideration of students' race violates Title VI as well as the Fourteenth Amendment of the U.S. Constitution
- *United States v. Wong Kim Ark* (1898), establishing, under the Fourteenth Amendment, that persons born or naturalized in the United States are U.S. citizens
- AND other key rulings related to First Amendment (free speech), Fourth Amendment (student and family privacy), and the Fourteenth Amendment (related to equal protection and nondiscrimination)

QUESTIONS?



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**ROB BONTA***Attorney General*

# In Response to Increased Threats to California Immigrant Communities, Attorney General Bonta Provides Guidance to Public Institutions to Protect Immigrants' Rights Under the Law

Press Release / *In Response to Increased Threats to California Immigrant Com...*

Wednesday, December 4, 2024

Contact: (916) 210-6000, [agprossoffice@doj.ca.gov](mailto:agprossoffice@doj.ca.gov)

*Issues updated model policies and recommendations for California schools, libraries, healthcare facilities, courthouses, shelters, and labor agencies*

**SAN FRANCISCO** – In response to the incoming Trump administration’s inhumane threats of mass arrests, detention, and deportations, California Attorney General Rob Bonta today issued updated model policies and recommendations to guide public institutions in complying with California law limiting state and local participation in immigration enforcement activities. This guidance, first issued in 2018, is intended to help staff develop practical plans to protect the rights of immigrants and their families to safely access public institutions by limiting support of immigration enforcement activity at these institutions. While the guidance is tailored to certain types of public institutions, any institution that is accessible to the public may choose to adopt a similar policy to protect the rights and safety of their patrons.

“No matter who is in the White House, in California, we will continue to lead with California values. California is the most diverse state in the nation, and immigrants are the backbone of our economy, history, and culture. We will not be caught flat-footed if the President-elect follows through on his threats of mass deportation,” **said Attorney General Bonta**. “Many public institutions already have policies in place for how to respond to immigration enforcement authorities – and we advise those who do not to make a plan today. My office will

continue to use the full force of the law and every tool at our disposal to protect the rights of California's immigrants – and we need staff at these critical locations to do the same. We cannot let the Trump deportation machine create a culture of fear and mistrust that prevents immigrants from accessing vital public services.”

Attorney General Bonta issued updated guidance for courthouses, healthcare facilities, colleges and universities, K-12 schools, labor agencies, public libraries, and shelters. Of these locations, state courthouses, public healthcare facilities, and public schools are required to adopt the model policies or equivalent policies; all other facilities are encouraged to do so. The guidance and model policies, which have been updated to be consistent with all current state and federal caselaw, are available at <https://oag.ca.gov/publications#immigration> :

1. Guidance and Model Policies to Assist California's Superior Courts
2. Guidance and Model Policies to Assist California's Healthcare Facilities
3. Guidance and Model Policies to Assist California's Colleges and Universities
4. Guidance and Model Policies to Assist California's K-12 Schools
5. Guidance and Model Policies to Assist the Division of Labor Standards Enforcement, the Agricultural Labor Relations Board, and the Division of Workers Compensation
6. Guidance and Model Policies to Assist California's Public Libraries
7. Guidance and Model Policies to Assist California Shelters

Each model policy was originally developed in consultation with a wide range of stakeholders, advocates, and state and local agencies, and each: (1) outlines relevant federal and state protections for all individuals seeking access to the public institution; (2) provides policy recommendations that comply with federal and state laws, and that may mitigate disruptions from immigration enforcement actions at the institution; and (3) lists model policies that may be adopted by the institution. Depending on the type of institution, this may include policies to:

- Prohibit the unauthorized collection or disclosure of information that might indicate an individual's or family's citizenship or immigration status;
- Provide notification of individual and family privacy rights to everyone who seeks to use the institution's resources;
- Refer law enforcement to a designated person or persons, such as an administrator or legal counsel, who will have the authority to respond to immigration enforcement-related requests;
- Identify nonpublic restricted locations within the institution;
- Document all immigration enforcement-related requests; and
- Train workers about the institution's procedures for handling immigration-enforcement-related requests.

The guidance and model policies advise public institutions to treat all law enforcement agencies that seek to enforce immigration law the same. However, Californians should be aware that Senate Bill 54 (Statutes of 2017) – also known as the “California Values Act” – prohibits state and local law enforcement agencies from assisting with

immigration enforcement, with limited exceptions. If you believe a state or local law enforcement agency, a public institution or its staff are unlawfully assisting with immigration enforcement, report it to our office at [oag.ca.gov/report](https://oag.ca.gov/report).

The California Department of Justice's Office of Community Awareness, Response, and Engagement (CARE) will be hosting a community briefing on Friday, January 10, 2025, from 11:00-11:30 AM on immigrant rights resources. You can register to attend the briefing [here](#).

# # #

# WARRANTS AND SUBPOENAS

## What to Look Out for and How to Respond

JANUARY 2025

The three immigration agencies of the U.S. Department of Homeland Security (DHS)— U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) — have, in recent years, used increasingly aggressive tactics to intimidate immigrants and coerce them into cooperating with federal immigration enforcement. Understanding the differences between a *subpoena* and a *warrant* — documents that immigration agencies rely on as part of their tactics to coerce cooperation — is critical and enables people to exercise their rights in an informed manner. This fact sheet provides community members and advocates clarification on:

- Immigration enforcement power and immigration subpoena power;
- How to distinguish between judicial warrants, subpoenas, and their administrative immigration counterparts;
- What to do in response to receiving an immigration warrant or immigration subpoena.

This fact sheet also includes a case study about Liberty High School in New York City, highlighting how schools, advocates, and lawyers can intervene to block immigration subpoenas and keep immigrant communities safe.

### **Immigration Enforcement and Subpoena Powers Are Limited by the Fourth Amendment.**

The three immigration agencies — ICE, CBP, and USCIS — share the same immigration enforcement power and the same immigration subpoena power. ICE is responsible for immigration enforcement in the interior of the U.S. while CBP is the agency responsible for enforcement at or near the nation’s borders as well as functional equivalents of the border.<sup>1</sup> In contrast, USCIS’s main function is to process and make decisions about immigration relief, immigration status, and citizenship-related applications. USCIS does not, nor is it authorized to, engage in the types of immigration enforcement that ICE and CBP do.

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<sup>1</sup> Functional equivalents of the border include ports of entry and international airports.

ICE and CBP’s power to enforce immigration law —referred to in this fact sheet as “immigration enforcement power” — is limited by our Fourth Amendment constitutional right to be free from unreasonable searches and seizures of persons or objects.<sup>2</sup> Under the Fourth Amendment, a search or seizure against you is unreasonable if you had a *reasonable expectation of privacy* in the area searched or items seized.<sup>3</sup> You had a reasonable expectation of privacy if, at the time of the search, (1) you had an actual (subjective) expectation of privacy in the place or things searched, *and* (2) your expectation was one that society recognizes as (objectively) reasonable.<sup>4</sup>

The prime example of a place where a person has a reasonable expectation of privacy is their own home. Our legal system acknowledges that people would expect privacy in their own homes *and* that society would recognize such an expectation as a reasonable one. Conversely, our legal system does not find that a person has a reasonable expectation of privacy in public areas or places accessible by members of the public.

The Fourth Amendment also places restrictions on “immigration subpoena power,” which is the power immigration agencies have to gather physical evidence or testimony from individuals for their immigration investigations. Under the Fourth Amendment, to be legally valid an immigration subpoena must not be unreasonable. This means that immigration subpoenas, which are formal written requests for information or witness testimony, must be tailored in scope, relevant, and clear in describing what specific information is being sought, why the request is being made, and for what purpose.<sup>5</sup>

Thus, the Fourth Amendment functions as an important limit on *both* immigration enforcement power and immigration subpoena power. Still, immigration agencies continue to test the limits of Fourth Amendment protections by seeking new ways to conduct enforcement activity and compel people to hand over sensitive information. Their most common forms of doing so are through the increased use of immigration warrants and immigration subpoenas and by inducing consent by presenting warrants or subpoenas to the people they’re targeting for enforcement.

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<sup>2</sup> U.S. CONST. amend. IV. (“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.”).

<sup>3</sup> *Katz v. United States*, 389 U.S. 347 (1967).

<sup>4</sup> *Id.*

<sup>5</sup> Under the Fourth Amendment’s reasonable requirement standard for administrative subpoenas, an immigration subpoena may not be overbroad in scope, irrelevant and improper in purpose, or ambiguous such that compliance is unreasonably burdensome. See *v. City of Seattle*, 387 U.S. 541, 544 (1967) (“[T]he subpoena [must] be sufficiently limited in scope, relevant in purpose, and specific in directive so that compliance will not be unreasonably burdensome”).

## Key Differences between Judicial Warrants, Immigration Warrants, Judicial Subpoenas, and Immigration Subpoenas.

### Terminology Basics

Immigration warrants and immigration subpoenas are administrative warrants and administrative subpoenas, respectively, given that the issuing parties — ICE, CBP, and USCIS — are administrative agencies. These terms encompass any warrant or subpoena issued by any of the three agencies — e.g., “immigration warrant” encompasses ICE warrants and CBP warrants, and “immigration subpoena” covers USCIS, ICE, and CBP subpoenas. To distinguish between judicial warrants, immigration warrants, judicial subpoenas, and immigration subpoenas, the basic terms and distinctions between judicial and administrative documents must be carefully defined and understood:

- A *judicial warrant* is a formal written order authorizing a law enforcement officer to make an arrest, a seizure, or a search. A judicial warrant is *issued by a judicial court*. Courts that issue judicial warrants include both state and federal courts, such as a “Superior Court of California” or a “U.S. District Court,” and a judicial warrant is signed by a judge or magistrate judge. Furthermore, *judicial warrants must be complied with*, and there are serious consequences for refusing to comply with a judicial warrant. ***Note that a warrant signed by an immigration judge is not a judicial warrant.***<sup>6</sup>
- An *administrative warrant* is a formal written document authorizing a law enforcement officer from a designated federal agency, such as an ICE agent from DHS, to make an arrest or a seizure. An administrative warrant is *issued by a federal agency* such as DHS and can be signed by an “immigration judge” or an “immigration officer.”<sup>7</sup> Unlike a judicial warrant, an administrative warrant *does not authorize a search*. Therefore, an ICE agent who has only an administrative warrant may not conduct a search based on the warrant, though, in certain circumstances, the administrative warrant would authorize the agent to make a seizure or arrest.

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<sup>6</sup> An immigration judge (IJ) presides exclusively in immigration court over administrative deportation proceedings, and an IJ’s authority to issue administrative warrants and administrative subpoenas exists only in the immigration court context. See 8 C.F.R. § 1240.41. Warrants and subpoenas signed by or otherwise issued by an immigration judge are not judicial warrants or judicial subpoenas.

<sup>7</sup> “Immigration officer” is a term that designates employees and agents of U.S. Immigration and Customs Enforcement (ICE), U.S. Citizenship and Immigration Services (USCIS), and U.S. Customs and Border Protection (CBP). See INA § 101(a)(18).

	<b>Judicial Warrant</b>	<b>Administrative Warrant</b>
<b>Issuing entity?</b>	A judicial court; federal court judge or magistrate; state court judge or magistrate	Administrative agencies such as DHS, USCIS, ICE or CBP; immigration judge or immigration court
<b>Compliance required?</b>	Yes — always, if it is a valid judicial warrant	Depends. An administrative warrant does not authorize a search, but, in some circumstances, it may authorize a civil arrest or seizure.

- A *judicial subpoena* is a formal written order directed at a person to compel: (1) his/her/their testimony as a witness in court or in a deposition or (2) the production of evidence under a penalty for failure to comply. A judicial subpoena is *issued by a judicial court*. Courts that issue judicial subpoenas *include both state and federal courts*. **Judicial subpoenas must be complied with**, and there are serious consequences for refusing to comply with a judicial subpoena. However, it’s possible that not everyone who works for or is associated with a particular entity is authorized to accept a judicial subpoena directed at the entity — for example, not all employees of a city, school district, or business are authorized to accept judicial subpoenas issued to that city, school district, or business. Therefore, it is important to check your entity’s internal employment policies to understand how to respond to and comply with a judicial subpoena. **Note, a subpoena signed by an immigration judge or issued by an immigration court is not a judicial subpoena.** (See footnote 6)
- An *administrative subpoena* is a formal written document directed at a person to compel (1) his/her/their testimony as a witness in an investigation or (2) the production of evidence. However, an administrative subpoena is *issued by a federal agency* such as DHS and can be signed by an “immigration judge” or an “immigration officer.” Unlike a judicial subpoena, *there is no immediate requirement to comply with an administrative subpoena*, even if the issuer was an “immigration judge”; penalties for failure to comply may occur *only if* the issuer takes additional steps to enforce the subpoena in federal district court.

	<b>Judicial Subpoena</b>	<b>Administrative Subpoena</b>
<b>Issuing entity?</b>	A judicial court; federal court judge or magistrate; state court judge or magistrate	Administrative agencies such as DHS, USCIS, ICE or CBP; immigration judge or immigration court

<b>Compliance required?</b>	Yes — always if it is a valid judicial subpoena	No. Compliance is not required unless a separate and additional judicial court order requires compliance with the subpoena.
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## Distinguishing Between a Warrant and a Subpoena Generally.

Because compliance with either a warrant or a subpoena requires different action steps and different time/deadlines apply to each, upon receiving or being served with a document from ICE or CBP or USCIS, it is important to determine (1) what the received/served document actually is and (2) whether the document is judicially enforceable such that compliance with it is required. *For guidelines on what your rights are and what to do if ICE or immigration authorities come to your home or business with one of these documents, see “How to Respond if ICE, CBP, or USCIS Comes to Your Door with a ‘Warrant’ or ‘Subpoena,’” below.*

To determine what type of document you received, first scan the document for the word “warrant” or “subpoena”; usually, the document will be titled or labeled as one or the other. (*Samples of each of these documents are included as appendices to this fact sheet.*) Also, skim through the document to confirm whether its content matches what the document claims to be in its title. If the document seems to generally authorize the officer or agent from ICE or CBP to conduct a search or make an arrest, the document is likely a *warrant*. If the document says that a person must appear in court at some later date to give testimony as a witness *or* that a person must produce or hand over certain papers, forms, materials, information, etc., then the document is likely a *subpoena*.

After determining whether the document is either a warrant or a subpoena, try to ascertain whether the document is a *judicial* warrant or subpoena that must be complied with or whether it is an *administrative* warrant or subpoena, which is not immediately enforceable.

## Distinguishing Between a Judicial Warrant/Subpoena and an Immigration Warrant/Subpoena.

### Judicial Warrant v. Immigration Warrant

An immigration officer from ICE or CBP may not enter any nonpublic areas—or areas that are not freely accessible to the public and hence carry a higher expectation of privacy—*without a valid judicial warrant or consent to enter*. An immigration warrant is not the same as a judicial warrant; an immigration warrant does not authorize a search of nonpublic areas. If an ICE or any other immigration agency officer comes to your address demanding entry to search your

premises or seeking to obtain evidence and the officer has only an immigration warrant, you may refuse the officer entry and refuse to comply with the warrant because it does not grant the officer authority to enter or conduct a search.

Thus, if immigration authorities or other law enforcement agents present you with a warrant, it is crucial to check for the following:

Judicial Warrant ( <i>see Appendix A</i> )	Immigration Warrant ( <i>see Appendix B</i> )
<p>To be valid, a judicial warrant <i>must</i>:</p> <ul style="list-style-type: none"> <li>• Be issued by a judicial court</li> <li>• Be signed by a state or federal judge or magistrate</li> <li>• State the address of the premises to be searched — make sure the stated address is <i>your address</i> or specifically pertains to <i>you</i></li> <li>• Be executed within the time period specified on the warrant</li> </ul> <p>If the warrant includes all the above, then it is a valid judicial warrant and you must comply.</p> <p>However, if the judicial warrant is missing any of the above, lists a different address, or is being executed after the date specified on the warrant, then it likely is <i>not valid</i>, and you may (a) refuse to comply and (b) ask the agents to leave.</p>	<p>In contrast, an immigration warrant:</p> <ul style="list-style-type: none"> <li>• Is issued by a DHS agency (look for a DHS seal, label, and/or the actual form number, i.e., DHS Form I-200, “Warrant for Arrest”; or Form I-205, “Warrant of Removal/Deportation”)</li> <li>• Is signed by an immigration officer or immigration judge</li> <li>• Bears a title that will contain the word “Alien”</li> <li>• States that the authority to issue the warrant comes from immigration law, such as the Immigration and Nationality Act — and does <i>not</i> state that the issuing authority is a court</li> </ul> <p>If the warrant has any of the above characteristics, it likely is an immigration warrant and thus does <i>not authorize the agent(s) to enter the premises</i>. You may (a) refuse to comply with the warrant and (b) ask the agents to leave.</p>

### Judicial Subpoena v. Immigration Subpoena

An immigration subpoena is not the same as a judicial subpoena. An immigration officer from ICE, CBP, or USCIS may not demand compliance with an immigration subpoena *unless it is accompanied by an order from a U.S. district court* requiring that it be complied with. If an ICE agent or any other immigration officer serves you with an immigration subpoena asking you to appear as a witness or to produce certain documents, you do not have to honor the subpoena or

comply with it; you may refuse to respond. Thus, if immigration authorities or other law enforcement agents present you with a subpoena, it is crucial to check for the following:

Judicial Subpoena ( <i>see Appendix C</i> )	Immigration Subpoena ( <i>see Appendix D</i> )
<p>To be valid, a judicial subpoena <i>must</i>:</p> <ul style="list-style-type: none"> <li>• Be issued by a judicial court</li> <li>• Be signed by a state or federal judge or magistrate state the address of the target of the subpoena – make sure the stated address is <i>your address</i> or specifically pertains to <i>you</i></li> </ul> <p>If the subpoena includes all the above, then it is a <i>valid</i> judicial subpoena and <i>you must comply</i> with it. However, if the subpoena is missing any of the above elements or is directed toward a different address, then it likely is <i>not</i> a valid judicial subpoena and, thus, you may refuse to comply with the subpoena.</p>	<p>An immigration subpoena:</p> <ul style="list-style-type: none"> <li>• Is issued by DHS (look for a DHS seal, label, and/or the actual form number, i.e., DHS Form I-138)</li> <li>• Is signed by an immigration officer or an immigration judge (look for “CBP Official,” “ICE Official,” or “USCIS Official,” or a similar phrase)</li> <li>• Bears a title such as “Immigration Enforcement Subpoena” or something to that effect</li> <li>• States that the authority to issue the subpoena comes from immigration law, such as the Immigration and Nationality Act (look out for a citation to 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4, or a reference to “U.S. immigration laws”)</li> </ul> <p>If the subpoena shown to you has any of the above characteristics, it likely is an immigration subpoena and thus is <i>not enforceable on its own, unless a court orders you to comply with it</i>. You may refuse to comply with the subpoena.</p>

If you refuse to comply with an immigration subpoena because it is not enforceable on its own (see the table immediately above), the entity that issued the subpoena – either an immigration agency (ICE, CBP, or USCIS) or an immigration judge – can seek an order from a U.S. district court compelling you to comply with the subpoena.<sup>8</sup> This is called a *subpoena enforcement action*, and the law requires a party initiating any action in U.S. district court to notify the party against whom the action was initiated. If you receive notice or are served with papers that state that a subpoena enforcement action has been initiated against you, you can fight back in court

<sup>8</sup> *Id.* (“to that end may invoke the aid of any court of the United States”).

and challenge the subpoena for violating the Fourth Amendment’s limits on immigration subpoena power, but it’s best to consult first with an attorney about your case. **If you succeed in your challenge of the immigration subpoena, the court will throw it out. But if the immigration agency succeeds in the case and obtains a court order, the immigration subpoena becomes enforceable against you.** At that point, you must comply with the subpoena, since failure to obey a court order may subject you to punishment for being in contempt of court.<sup>9</sup>

## How to Respond if ICE, CBP, or USCIS Comes to Your Door with a “Warrant” or “Subpoena.”

Below are guidelines for how to respond if immigration agents approach your residence with a “warrant” or “subpoena.”

- **Consent (Don’t!).** Don’t open your door. Opening your door when a law enforcement officer comes to it can be construed as your having consented to a search and seizure that is permissible under the U.S. Constitution. Under the Fourth Amendment, law enforcement and immigration enforcement officers may not enter private areas unless they have either a valid judicial warrant or the consent of a person who is authorized by the entity occupying those private areas to allow people to enter them. If immigration authorities come to your door without a warrant and you open the door and they search your house, they will argue that their search was lawful because you “consented” to it by opening the door. Therefore, if they come to the place you live with a warrant, subpoena, or some other document, ask them to slip it under the door or hold it up to a window. If you can, take a photo of the document.
- **Careful review of document.** If immigration authorities bring a document, they claim is a warrant or subpoena, verify that it is indeed what they claim it to be and not some other form or document. Next, assess whether the document is a valid, judicially enforceable one. For example, if immigration authorities bring a subpoena, verify whether it is a judicial subpoena or an immigration subpoena. If the immigration authorities have a valid judicial warrant or valid judicial subpoena, they may enforce it. If it’s a valid judicial warrant, this means that the immigration authorities may enter or search the private areas indicated in the warrant and question anyone present. Remind all guests, employees, and/or personnel on site that they have the right to remain silent and refuse to answer any questions.

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<sup>9</sup> INA § 235(d)(4)(B).

- **Unenforceable documents.** Remember, immigration warrants and immigration subpoenas, on their own, are not enforceable. You are not required to allow an immigration officer to enter or search your home or premises based on the officer having an immigration warrant or subpoena. If immigration agents show up at your door, immediately try to contact a lawyer or a community defense group for support and advice as you are interacting with the agents. If immigration authorities present you with an immigration warrant, refuse to honor it, ask them to leave, and do not open the door. If immigration authorities present you with an immigration subpoena, do not comply with it: do not hand over requested documents and do not appear as a witness in their investigation. If, in response, immigration authorities say they will go get a judicial warrant or, in the case of an immigration subpoena, initiate a subpoena enforcement action, contact a lawyer. Try to get help from a legal professional before the judicial warrant is served or before the subpoena enforcement action begins.
- **Enforceable judicial warrants.** Pay close attention to and document what is happening during a search. Be ready to object if immigration authorities go beyond the scope of their authority to search places or seize items specified in the warrant. For example, if the warrant authorizes a search only of a particular office in your school or business, immigration agents may not use it as a basis for searching other offices, classrooms, storage rooms, etc.
- **Probable cause.** Immigration authorities and other law enforcement officers may search other private areas and seize materials even without a warrant or outside of what is specified in a warrant if they have “probable cause” to believe that the search may reveal unlawful activity. An officer has “probable cause” if the facts and circumstances justify a reasonable person’s conclusion that unlawful activity (or evidence of unlawful activity) will likely be found in a particular place.
- **Right to remain silent.** Plead the Fifth Amendment and remain silent so immigration authorities cannot use your words against you or coerce you into saying something. Speak only when you have to in order to state that you object to something the immigration agents are doing, to [assert your rights](#) (“I am exercising my right to remain silent”),<sup>10</sup> to refuse consent, or to clarify instructions, such as asking immigration authorities to slip their document under the door.
- **Legal and community support.** Establish a relationship with a local attorney who can be available for advice and counsel if immigration authorities come to your address, whether that is your home, school, or place of business. In addition, memorize the

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<sup>10</sup> National Immigration Law Center, “Know Your Rights Under the U.S. Constitution – No Matter Who is President,” (April 1, 2024), <https://www.nilc.org/resources/everyone-has-certain-basic-rights/>.

phone number (or hotline number) of a local raids-response network or community group, or create a team of people whom you can call if immigration agents show up at your home, school, or workplace. They can help to document what is happening and follow up afterwards.

## **CASE STUDY: Liberty High and Lessons Learned in Blocking Immigration Subpoenas.**

On Wednesday, July 21, 2010, immigration attorney Lauren Burke received a phone call from a guidance counselor at New York City's Liberty High School Academy for Newcomers (Liberty High) who informed her that the school had just received a subpoena from the Department of Homeland Security signed by an ICE special agent. Noting that the document demanded the release of any and all records relating to the contact information, dates of attendance, and class schedules of then-student O.C., the guidance counselor asked attorney Burke, who represented O.C. in his immigration and family court matters, for advice on what to do and how to respond.

Ideally, educators and education advocates would know and exercise their rights under the law.

As recognized under the law:

- An immigration subpoena is not a judicial subpoena or a court order.
- A school may refuse to respond to an immigration subpoena without fearing any immediate civil, criminal, or legal liability.<sup>11</sup>
- Schools have additional privacy requirements under federal law and may not release students' sensitive information freely. The Family and Educational Rights and Privacy Act (FERPA), 20 U.S.C. section 1232(g), protects the personal information and records of all students, regardless of immigration status.

**What really happened: Educators yielded to the pressure of DHS's coercive tactics.**

After reviewing the document and confirming that it was an immigration subpoena and not a judicial subpoena, attorney Burke advised the school not to do anything. However, two days later, on Friday, July 23, 2010, she received a letter from a New York City Department of Education (DOE) attorney informing her that the DOE, rather than challenging or refusing to honor the immigration subpoena, would be requiring Liberty High to comply with it on the

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<sup>11</sup> Refusal to respond may lead DHS (or ICE or CBP) to initiate a *subpoena enforcement action* in court so it can obtain a court order requiring compliance. See note 8, above, and accompanying text.

following Tuesday, July 27. The DOE, unsure of the law and the legal rights of schools and educators, yielded to the coerciveness of the immigration subpoena's language.

**Attorney Lauren Burke's response: Leverage legal tools and communications to block compliance.**

Having been unable to secure the support of the city's DOE or the Mayor's Office — because each believed it had to comply with DHS's demands despite not wanting to — Burke and O.C. had to push back against the immigration subpoena. On Monday, July 26, the day before the DOE was set to comply with the subpoena, Burke and the Door's Legal Services Center sued in U.S. district court to block the immigration subpoena and won an *emergency restraining order* against the DOE. The order, a legally enforceable judicial court order, prohibited the DOE from releasing O.C.'s records and information in violation of FERPA until the court could hold a full hearing at a later date (September 27). In effect, Burke used the legal system to block the DOE and Liberty High from complying with the immigration subpoena. This showed not only that refusal to comply with an immigration subpoena is permissible under the law but also that it is sometimes required, especially to comply with overarching federal privacy laws such as FERPA.

Moreover, the *New York Times* published an article ten days before the September 27 hearing highlighting O.C.'s case and how immigration enforcement authorities had recently stepped up their use of immigration subpoenas in an alarming way.<sup>12</sup> After the article was published, DHS dropped its investigation of O.C. and abandoned its effort to enforce the immigration subpoena. The media coverage of O.C.'s case and the Liberty High incident provided a strong pressure point to uplift and strengthen the legal win — the emergency restraining order — by shining a light on DHS's unscrupulous enforcement tactics.

**Lessons learned from Liberty High and over the years since 2010.**

- While the law does not require a recipient of an immigration subpoena to honor or comply with its demands, if the recipient does not understand the law and chooses to comply (out of fear, coercion, or affirmative consent), legal advocates, organizers, and the media can play an important role in pushing back against the subpoena.
- Greater outreach and community education efforts are needed to educate advocates, educators, service providers, and community members about how to prepare for and

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<sup>12</sup> Kirk Semple, "Immigration Agency's Tactic Spurs Alarm," *New York Times*, Sept. 17, 2010, <https://www.nytimes.com/2010/09/18/nyregion/18subpoena.html>.

respond effectively to immigration subpoenas and warrants and to other aggressive immigration enforcement tactics.

- Stronger partnerships between legal advocates and entities such as schools or local government agencies are necessary to protect immigrant communities and ensure that DHS, ICE, CBP, and USCIS are held accountable to federal and state laws as well as to the U.S. Constitution.
- Attempts by DHS or an immigration agency to enforce an immigration subpoena through the court system can be defeated by involving the public and the media. Engaging the media, in conjunction with broader communications strategies, is vital in combatting aggressive immigration enforcement activity.
- Legal action to address aggressive immigration enforcement can take a variety of forms, including drafting a strongly worded letter or memorandum to the school district (or local department of education) as well as filing for relief in federal court. Understanding what type of legal action to file and when to file it is critical to securing and defending the rights of immigrant students.
- By leveraging the law, legal tools, public advocacy, and media strategies, individuals and advocates have power to defend and support immigrant communities.

**Community members, advocates, lawyers, and allies all play a role in keeping our neighborhoods, schools, worksites, and communities safe from DHS's increasingly aggressive enforcement tactics.** Understanding the key differences between the various documents that immigration agencies rely on to coerce compliance with their tactics can act as a critical intervention, empower individuals to exercise their rights in an informed manner, and ultimately defend our immigrant communities from government overreach and unlawful policing.

## APPENDICES

Appendix A: Sample Judicial Warrant – AO 93 (Rev. 11/13) Search and Seizure Warrant

Appendix B: Sample Immigration (DHS) Warrant – Form I-200 (Rev. 09/16)

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

Appendix D: Sample Immigration Subpoena – DHS Form I-138 (6/09)

Appendix E: PowerPoint Slides: Judicial Warrants v. Immigration Warrants & Judicial Subpoenas v. Immigration Subpoenas

Appendix A: Sample Judicial Warrant – AO 93 (Rev. 11/13) Search and Seizure Warrant

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

<b>Return</b>		
Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of :		
Inventory of the property taken and name of any person(s) seized:		
<b>Certification</b>		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p>		
Date: _____	_____	
	<i>Executing officer's signature</i>	
	_____	
	<i>Printed name and title</i>	

**Print**

**Save As...**

**Reset**

Appendix B: Sample Immigration (DHS) Warrant – Form I-200 (Rev. 09/16)

**U.S. DEPARTMENT OF HOMELAND SECURITY      Warrant for Arrest of Alien**

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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/or
- 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)

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

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

_____	)	
<i>Plaintiff</i>	)	
v.	)	Civil Action No.
	)	
_____	)	
<i>Defendant</i>	)	

**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:
--------	----------------

**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(e) 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).

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_ *Server's signature*

\_\_\_\_\_ *Printed name and title*

\_\_\_\_\_ *Server's address*

Additional information regarding attempted service, etc.:

**Print**

**Save As...**

**Add Attachment**

**Reset**

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**

**(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Appendix D: Sample Immigration Subpoena – DHS Form I-138 (6/09)

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

3. (A) CBP, ICE or USCIS Official before whom you are required to appear	(B) Date
Name	
Title	
Address	(C) Time <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Telephone Number	

4. Records required to be produced for inspection



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

5. Authorized Official

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

# JUDICIAL WARRANTS v. IMMIGRATION WARRANTS

AO 93 (Rev. 12/09) Search and Seizure Warrant

**UNITED STATES DISTRICT COURT**

for the  
Eastern District of California

In the Matter of the Search of )  
(Briefly describe the property to be searched )  
or identify the person by name and address) ) Case No. )  
 ) )  
 ) )  
Davis, California 95616 )

**SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer 211-SW-0161 EFB

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 EASTERN District of CALIFORNIA.  
*(Identify the person or describe the property to be searched and give its location):*  
SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

The person or property to be searched, described above, is believed to conceal *(Identify the person or describe the property to be seized):*  
SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

**YOU ARE COMMANDED** to execute this warrant on or before 5-9-2011  
*(not to exceed 14 days)*

in the daytime 6:00 a.m. to 10 p.m.     at any time in the day or night as I find reasonable 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 \_\_\_\_\_  
*(name)*

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: 4-25-2011  
9:10:00 AM

City and state: SACRAMENTO, CALIFORNIA

*(Signature of Judge)*  
**EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE**  
*(Printed name and title)*

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement  
**WARRANT OF REMOVAL/DEPORTATION**

File No: \_\_\_\_\_  
Date: \_\_\_\_\_

To any immigration officer of the United States Department of Homeland Security:

\_\_\_\_\_ (Full name of alien)  
who entered the United States at \_\_\_\_\_ on \_\_\_\_\_ (Place of entry) (Date of entry)

subject to removal/deportation from the United States based upon a final order by:

an immigration judge in exclusion, deportation, or removal proceedings  
 a designated official  
 the Board of Immigration Appeals  
 a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

**THESE ARE VISUAL CUES THAT THIS IS AN IMMIGRATION WARRANT**

\_\_\_\_\_  
*(Signature of immigration officer)*

\_\_\_\_\_  
*(Title of immigration officer)*

Is this the right address?

Is it still current?

Note: only the person, property, & areas specified may be searched

Is it actually signed by a judge?

**IF THE ANSWER TO ALL OF THESE IS YES, THEN IT IS LIKELY A VALID JUDICIAL WARRANT**



# JUDICIAL SUBPOENAS v. IMMIGRATION 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. ) Civil Action No.  
Defendant )

**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: \_\_\_\_\_

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: \_\_\_\_\_

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(e) 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:  
\_\_\_\_\_  
\_\_\_\_\_ person who issues or requests this subpoena  
of documents, electronically stored information, or tangible things or the  
and a copy of the subpoena must be served on each party in this case before  
ted. Fed. R. Civ. P. 45(a)(4).

Is this directed to you?

Does it specify what documents are being sought?

Is it signed by a clerk of court?

IF THE ANSWER TO THESE IS YES, THEN IT IS LIKELY A VALID JUDICIAL SUBPOENA

1. To (Name, Address, City, State, Zip Code) DEPARTMENT OF HOMELAND SECURITY  
Manager: \_\_\_\_\_ @ebaldco.org  
\_\_\_\_\_  
Oakland, California 94601  
**IMMIGRATION ENFORCEMENT  
SUBPOENA**  
to Appear and/or Produce Records  
8 U.S.C. § 1225(d), 8 C.F.R. § 287.4

Subpoena Number  
USCIS-SFR-17-115

2. In Reference To  
Immigration filing on behalf of \_\_\_\_\_  
(Title of Proceeding) (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 law. 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)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear Name \_\_\_\_\_  
Title Immigration Officer  
Address USCIS 630 Sansome Street, Rm. 1220 San Francisco, California 94111 (C) Time 0900  a.m.  p.m.  
Telephone Number 415-248-8619 (B) Date 04/28/2017

4. Records required to be produced for inspection  
Please provide a copy of the lease for \_\_\_\_\_ Street, # \_\_\_\_\_ in Oakland, California. The lease should include the names of the current occupants. If there are no current occupants, please provide a copy of the lease for the previous occupants.

5. Authorized Official  
\_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Printed Name)  
Supervisory Immigration Officer  
(Title)  
04/18/2017  
(Date)

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

DHS Form I-138 (6/09)

THESE ARE VISUAL CUES THAT THIS IS AN IMMIGRATION SUBPOENA



# KNOW YOUR RIGHTS

Item 8.c.

## WHAT TO DO IF IMMIGRATION (ICE) SHOWS UP AT YOUR WORKPLACE



Generally speaking, unless you work in a public space, ICE cannot enter your workplace without a warrant signed by a judge or permission from your employer or someone else who is authorized to use and let others into your workplace.

 If you feel comfortable, talk to your employer and co-workers in advance to make sure they know they should not let ICE into your workplace without a warrant.

 **Stay calm.** Do not run. ICE can use that as a reason to arrest you.

### IF ICE DOES NOT HAVE A WARRANT:

 Do not let them in! Calmly ask them to leave.

 Your employer or someone else with authority should also not let them in! If the employer or someone with authority lets them in, ICE no longer needs a warrant.



If ICE enters your workplace by force:

-  State that you do not consent to a search.
-  Write down the agents' names and badge numbers.
-  Document any violence or abuse.
-  Document the details of the search, and persons or property taken.

## IF ICE HAS A SEARCH WARRANT (signed by a judge):



A search warrant, signed by a judge, authorizes ICE to search a location and retrieve certain items, but it does not typically authorize the arrest of individuals.

Before letting the agents in:



Make sure the warrant has the correct address for your workplace. If the address is incorrect, do not let the agents in.



Review the warrant to see what areas and things ICE is authorized to search. Do not let ICE into any place that is not described in the warrant



## IF ICE HAS AN ARREST WARRANT (signed by a judge):



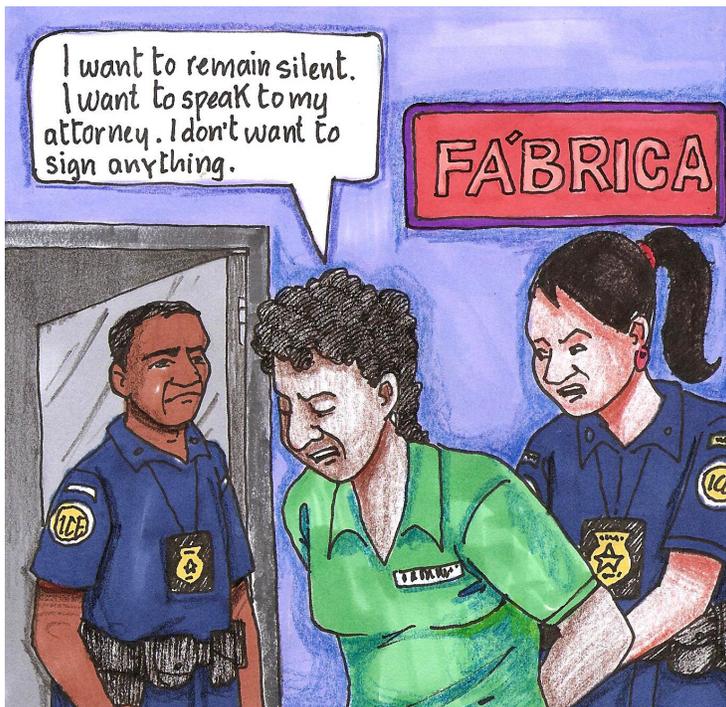
An arrest warrant, signed by a judge, authorizes ICE to arrest an individual or individuals and retrieve certain items, but it does not typically authorize ICE to enter your workplace.



An arrest warrant, signed by a judge, authorizes ICE to arrest an individual or individuals and retrieve certain items, but it does not typically authorize ICE to enter your workplace.



Do not speak to ICE or allow ICE agents to enter. Speak to a supervisor or a manager, who should consult with a lawyer before turning anyone over to the custody of ICE.



## IF ICE ARRESTS OR DETAINS YOU:



Do not speak with ICE. Exercise your right to remain silent.



Ask to speak to your attorney. **DO NOT ANSWER ANY QUESTIONS OR SIGN ANYTHING YOU DO NOT UNDERSTAND WITHOUT YOUR ATTORNEY!**



Contact your attorney or family member immediately.

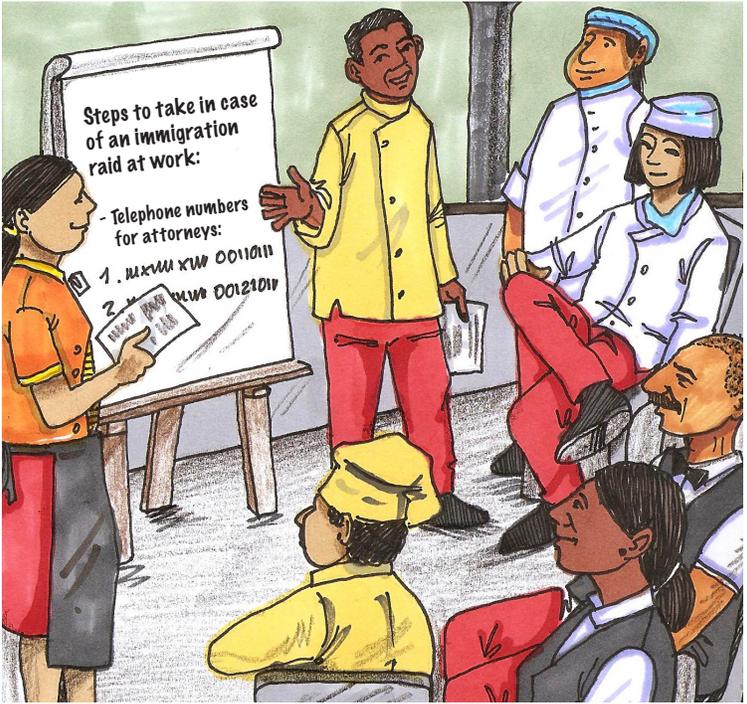


Ask for bond and a hearing before a judge even if ICE says you are not eligible.



Ask for copies of all your immigration documents.

# BE PREPARED! CREATE A SAFETY PLAN IN CASE OF ARREST.



Consider whether your workplace has a policy to limit ICE entry into a workplace. If you have a union, consider raising this with the union.



Carry a Know-Your-Rights card to show to ICE if they stop you. The card should, at the very least, state that you will remain silent and wish to speak with an attorney.



Do not carry any documents from your country of origin or any false documents.



Memorize the phone number of a friend, family member, or attorney to call if you are arrested.



Make arrangements for the care of your children or other loved ones in the event of an arrest.



Designate trusted friends or family members to make decisions



Keep copies of immigration documents, criminal records, and other important documents in a safe place where a trusted friend or family member can access them if necessary.



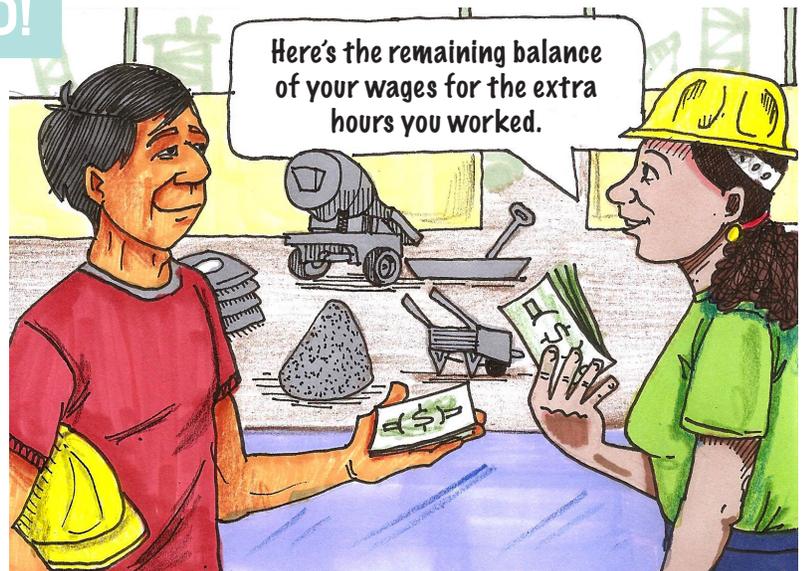
Make sure your loved ones know your immigration number (A number) and how to find you if you are detained by Immigration. Contact the local ICE office or search the online detainee locator: <https://locator.ice.gov/odls/homePage.do>.

# A DAY WORKED IS A DAY PAID!

**DO NOT ALLOW YOUR EMPLOYER TO USE YOUR IMMIGRATION STATUS AGAINST YOU.** Every worker has rights and protections, regardless of whether one has legal status or not.

Basic rights for EVERY employee:

-  Receive full payment of at least the minimum wage.
-  Get paid for time and a half when you work more than 40 hours in a week.
-  The right to a safe workplace, and to file a complaint with OSHA at the website [https://www.osha.gov/workers/file\\_complaint.html](https://www.osha.gov/workers/file_complaint.html)



**HAVE A PLAN TO DOCUMENT AND EXERCISE YOUR RIGHTS.** It is important for you and your co-workers to be alert and prepared to make your rights count.



Documentation in support of your case:

-  Full name of the employer and company address.
-  Address and/or streets where you worked.
-  Dates worked and hours worked. Promised payment and payment received.

**TAKE ACTION AND MAKE YOUR RIGHTS COUNT.** If your employer wants to take advantage of you, it is important that you do not let them get away with it. You are not only protecting your rights, but those of your friends and family.

-  Collect your documentation and evidence.
-  Seek help from a worker center to help you negotiate and file a claim.
-  If negotiating with the employer does not work, you can go to the department of labor file a complaint.

**DO NOT ALLOW THE USE OF THREATS TO INTIMIDATE YOU AND STOP YOU FROM DEMANDING YOUR RIGHTS.** If your employer threatens you with calling immigration or other authorities, do not worry. If possible, make sure to get the information you need to make a claim and leave the site as soon as possible.

Documentation in support of your case:

-  Federal agencies that protect workers seek to protect the rights of all employees, even if they do not have legal status in the country.
-  There are laws against retaliation for asserting your rights.

  
NOTE: The content of this handout does not constitute legal advice. Please consult an immigration attorney for legal advice.

  
**NDLON**  
NATIONAL DAY LABORER  
ORGANIZING NETWORK



**CHICAGO  
TEACHERS  
UNION**

## CTU Sanctuary Toolkit 2025

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**Please let CTU know that you are starting a Sanctuary Team at your school!**

Having information regarding which schools have teams will help us share info with you all as we get it, help us connect sanctuary teams that are in close proximity with each other and connect you with community orgs in the area if possible! Thank you!

<https://bit.ly/ctusanctuaryteam>



**Organizing a Sanctuary Team at Your School:  
Things to Consider**

**What is a school sanctuary team and what is the purpose of a sanctuary team?**

- A team that agrees to be point persons on a protocol or response plan to protect and defend students from deportation (in particular) and other unjust situations (in general) and knows what to do if:
  - 1) ICE shows up to the school
  - 2) a raid is in progress or happens in the community or at the school,
  - 3) a student/parent shares someone in their family has been detained or deported
  
- A team that everyone at the school knows exists! Let everyone know about the team and who is on it. Staff at the school should know who to seek for support. Ideally, everyone on staff is trained on basics like Know Your Rights.

**Step 1: Setting Up the Team**

Identify a group of people at your school who care about the concept of sanctuary, human rights, Black Student Union, LGBTQIA+ rights, racial justice, or restorative justice. Think about groups that already exist at your school/community you can count on. The team can include:

- School clerk
- Security
- Administrator(s)
- Counselor/ social worker
- Teachers
- TAs or other PSRPs
- Members of the community
- Parents
- Members of local organizations
- Students
  
- Bilingual coordinators (BAC)
- Parent advisory council (PAC)

**Step 2: Organize a meeting to solidify the team and plan:**

*Distribute copies and review the following documents:*

- [CTU/CPS Sanctuary Contract Language Article, 46-7 & 46-8](#)
- [Joint CTU/CPS letter distribute on Dec. 20, 2024](#)
- [Guidance Docs from CPS Regarding ICE Interactions](#)

**Step 3: Establish a clear channel of communication among the team:**

- The “signal” app, for example, is relatively secure and allows the creation of a team channel for instant communication.
- Determine who will be the point person/s should there be a report that ICE is present at or around the school and; (this could be a clerk, counselor or social worker for example.
- Identify who will act as liaison to a community network/rapid response network, if one exists in your community
- Create a plan of action and have a list of resources/numbers to call or give to a student/parent should you be notified that someone has been detained or in deportation proceedings. The number to call is: 1(855)HELP-MY-FAMILY or 1(855)435-7693
- Determine which staff members will volunteer to be outside before and after school if there is a need for staff presence outside the school (external proximity of school property)

**Step 4: Create a response plan/plan of action (which includes the following):** (see [safety plan doc](#) below)

*If you're hearing that ICE is in the community, it is ESSENTIAL to confirm whether that information is true or not, i.e., the info needs to be VERIFIED.*

- Option 1: If someone is documented and comfortable, they can approach the unmarked car and ask for the people inside to identify themselves. You can record this as a video or audio recording if you are comfortable doing so.
  - If possible, take photos of the vehicle, license plate, the people's clothing, identification documents of the agents, etc. This will all help identify who the people/agents are.
- Option 2: Contact a community rapid response team (if you have that relationship), and they will send someone to attempt to verify the situation
- Option 3: Call ICIRR, who does have connections to Rapid Response Networks, and ask them to verify whether the report is accurate, if possible.

ICIRR's Family Support Hotline is the number to call at: 1-855-435-7693

- If the incident involves a student(s) at the school and/or their parents, family members, or guardians; have a plan of action for providing trauma related services to them (i.e. role of school counselor, social worker, outside agencies that work with immigrant youth, teachers, and siblings)
- Determine a plan of action if detention/arrest is in progress; again consider training and/or reaching out to local defense network and/or call OCAD/ICIRR number
- Organize activities at your school! Recognize that everyone will have different levels of participation, don't feel discouraged! Also, don't feel overwhelmed by how much time this will consume and don't recreate the wheel, borrow materials from others. Remember: an organized community is better equipped to protect, defend and create change. What your committee can do:
  - Organize Know Your Rights Trainings & other workshops at the school, you can partner with a community or immigrant rights organization:
    - <https://www.beyondlegalaid.org/>
    - <https://www.enlacechicago.org/>
    - <https://www.northwestcenterchicago.org/>
    - <https://www.icirr.org/>
    - <https://immigrantjustice.org/>
    - <https://www.palenquelsna.org/>
    - <https://www.trpimmigrantjustice.org/knowyourrights>
  - Partner with a local organization or defense network or rapid response group
  - Petition, call and mobilize to advocate for policy change at the city and state level
  - Work with organization to provide support family readiness planning
  - Clearly delineate private spaces. ICE officers cannot enter private areas of a workplace without permission, so it is important to clarify what those spaces are. Possible action include:
    - Clearly mark private areas with a "private" or "employees only" sign (consider spaces like break rooms, offices, meeting rooms, restrooms, employee only cafeterias, etc.)
    - Mandating that doors be kept closed and locked at all times

- Require permission for the general public and visitors to enter private areas.

**Other things to consider:**

- Clearly delineate private spaces. ICE officers cannot enter private areas of a workplace without permission, so it is important to clearly mark those spaces as “private” or “employees only”.
  - (Consider spaces like break rooms, offices, meeting rooms, restrooms, employee only cafeterias, etc.)
- Mandating that doors be kept closed and locked at all times
- Require permission for the general public and visitors to enter the school
- Require permission for the general public and visitors to enter private areas.

**(Insert School Name Here) ICE Safety Plan - Draft**

\*This document is meant to be a draft for you to edit as needed for your school. Click this [link](#) to make a copy that you can edit for your school!

**Situation (A) ICE comes to the school with warrant naming specific student/staff:**

Steps	On the hook
1. Security or person at front desk: <ul style="list-style-type: none"> <li>Do NOT open the door</li> <li>Ask through the door or via intercom for them to show you a badge, state their name, agency and purpose of visit</li> </ul>	Main desk security
2. Call for Admin to come to the front	Main desk security
3. Admin or designated personnel video record the entire situation until ICE agents leave premises with no stops	Admin/security
4. Call CPS Safety and Security 773-535-3335	Admin/security
5. Security or Admin read script*	Admin
6. Admin or sanctuary team activates either a hard or soft lockdown *Email to staff should be sent with slides **Security to check outside to ensure PE classes heard and any other classes or students who are outside come in**	Admin
7. Admin call the CPS Legal Department 773-553-1700	Principal
8. Admin calls Network Chief who then calls Central Office	Principal
9. Sanctuary Team Member calls <a href="#">CTU Organizer</a> , <a href="#">Field Rep</a> or CTU Main Line 312-329-9100	CTU member
10. Admin or Sanctuary Team Member calls (Insert Community Org) and report the situation-- (Insert Community Org) should call ICIRR	Assistant Principal or Sanctuary Team Member
11. Notify student/staff on warrant and take them to a secure location	Sanctuary Team Member or Admin
12. Admin to call the emergency contact listed for the student/staff in question. Inform family of situation and ask that a documented and trusted person come to the school	Assistant Principal
13. Lock back gates (so that there is only one entry into the building) Modify for your building based on layout of building	Security
14. Notify DREAM Team Sponsors (or similar at your school if it exists)	Security/admin
15. Deny ICE from entering (insert school name here) or taking any records - wait for CPS Legal	All

**\*Script**

1. What is your name? What is your badge number? What organization do you represent?
2. I do not have authorization to allow law enforcement officers to enter (school name)
3. Can I see your identification and badge?
4. This school does not consent to entry of Immigration and Customs Enforcement Agents without a judicial warrant signed by a judge.
5. I do not consent to entry and I am not authorized to review court orders.
6. As a school, we have the right to deny entry until legal counsel arrives.
7. Please wait outside while the School administration contacts CPS legal counsel.

**\*Email to Staff:**

"ICE presence has been verified outside of (insert school name here). We are commencing a 'soft lock-down'. This means that no one will be allowed into the building, but the school day will run as scheduled. We are a sanctuary school and we will do everything possible to keep our students safe. Please [use these slides](#) to help you with messaging the situation to students.

Please make sure that students are not on their phones. We have contacted (insert community org here) so that they can work on safely engaging the community and the media. If students want to call home, please allow them to go to the Main Office. If students indicate that they are distressed or look distressed, please allow them to go to the Counseling Office.

Please try to continue the day with as much normalcy as possible, but allow for some flexibility given the delicacy of this situation.

Thank you all and please feel free to reach out should you have any questions or concerns.”

**All-Call to parents notifying them of ICE Presence in the community**

“We have verified that there are ICE agents in the community. (insert school name here) is a Safe Haven and will not allow agents into the building. Please do not come to the school. Students are safe in the building. We will update you as we have more information to share.”

Once the situation is verified to be clear, follow up with an all-call to parents to let them know that it is clear. “We have verified that we are all clear. Please do not come to the school. Students are safe in the building.”

AssistPrincipal1 outside in case families come to (insert school name here); once (community org) arrives, Assistant Principal re-enters.

If parents/guardians come to pick up students early, “check- out station” is created **outside**

- One Admin and one Security outside with radio
- Verify parent/guardian ID via radio to main office (check emergency form)
- Call student to main office and then have student go outside to the parent/guardian.

Will be posted up front:

*Hate has no home at (insert school name here). We are committed to protecting the rights of ALL students and families.*

*ICE Access to CPS Property in line with the City of Chicago’s Welcoming City Ordinance: ICE agents will not be permitted access to CPS facilities unless there is a verified, criminal warrant. If ICE agents arrive at a school and present paperwork, the Law Department will be called.*

**Situation (B) In case of ICE presence outside of the school (in the community)**

Steps	On the hook
1. Safe Passage to notify (insert school name here) admin	Safe passage
2. Call (Community Org/Community Rapid Response Team) and ICIRR and report the situation. Ask if they can confirm threat is real. ICRR’s number: 1-855-435-7693	AssistPrincipal1
3. Call the CPS Legal Department	Principal
4. Go out into the (insert school name here) community to verify that this is true. AssistPrincipal1 outside in case families come to school; once community org arrives, s/he re-enters. <i>If someone is documented and comfortable, they can approach the unmarked car and ask for the people inside to identify themselves. You can record this as a video or audio recording if you are comfortable doing so.</i> <ul style="list-style-type: none"> <li>• <i>If possible, take photos of the vehicle, license plate, the people’s clothing, identification documents of the agents, etc. This will all help identify who the people/agents are.</i></li> </ul>	Principal and AssistPrincipal2 take walkies and go into community  (Insert selected name here) to stay outside school doors
5. Notify DREAM Team Sponsors (or similar at your school if it exists)	Security

6. If it is verified to be true, use the Soft Lock-Down drill procedure for school. <ul style="list-style-type: none"> <li>• *Email to staff should be sent with slides</li> <li>• **Security to check outside to ensure PE classes heard and any other students outside come in**</li> </ul>	AssistPrincipal2
7. Notify <b>Team Counseling &amp; College (or similar)</b> of verified outdoor threat	Principal
8. Email teachers and announce for teachers to check their emails to share information.* <ul style="list-style-type: none"> <li>• Teachers asked to share with students in their class.</li> </ul>	AssistPrincipal1
9. Notify neighboring schools: <b>(insert neighboring school names here)</b>	Principal
10. All-Call to parents notifying them of Lock-Down and that they should NOT come to the school as no one will be allowed in or out until this is cleared. Note: Students are allowed to come to the office to call family.	Principal
<b>11. Lock back gates (so that there is only one entry into the building)</b> <b>Modify for your building based on layout of building</b>	Security

**\*Email to Teachers:**

"ICE presence has been verified outside of **(insert school name here)**. We are commencing a 'soft lock-down'. This means that no one will be allowed into the building, but the school day will run as scheduled. We are a sanctuary school and we will do everything possible to keep our students safe. Please [use these slides](#) to help you with messaging the situation to students.

Please make sure that students are not on their phones. We have contacted **(insert community org here)** so that they can work on safely engaging the community and the media. If students want to call home, please allow them to go to the Main Office. If students indicate that they are distressed or look distressed, please allow them to go to the Counseling Office.

Please try to continue the day with as much normalcy as possible, but allow for some flexibility given the delicacy of this situation.

Thank you all and please feel free to reach out should you have any questions or concerns."

**All-Call to parents notifying them of ICE Presence in the community**

"We have verified that there are ICE agents in the community. **(insert school name here)** is a Safe Haven and will not allow agents into the building. Please do not come to the school. Students are safe in the building. We will update you as we have more information to share."

Once the situation is verified to be clear, follow up with an all-call to parents to let them know that it is clear.

"We have verified that we are all clear. Please do not come to the school. Students are safe in the building."

AssistPrincipal1 outside in case families come to **(insert school name here)**; once **(community org)** arrives, she re-enters.

If parents/guardians come to pick up students, "check- out station" is created outside

- One Admin and one Security outside with radio
- Verify parent/guardian ID via radio to main office (check emergency form)
- Call student out to the parent/guardian

**Situation (C) A student or family member of a student has been detained:**

- Follow typical Crisis protocol (Per CPS & **(insert school name here)**)
- Contact **(community org)** to try to:
  - Connect the family with a lawyer
  - Decide on next steps with the family (what they are comfortable with)

**Situation (D) ICE was accidentally allowed in the building** (This protocol has not been fully developed)

Steps	On the hook
1. Call for Admin to come to the front	Main desk security
2. Admin or designated personnel video record the entire situation until ICE agents leave premises with no stops	Admin/security
3. Call CPS Safety and Security 773-535-3335	Admin/security
4. Admin call the CPS Legal Department 773-553-1700	Principal
5. Admin calls Network Chief who then calls Central Office	Principal
6. Sanctuary Team Member calls <b>CTU Organizer, Field Rep</b> or CTU Main Line 312-329-9100	CTU member
7. Admin or Sanctuary Team Member calls <b>(Insert Community Org)</b> and report the situation-- <b>(Insert Community Org)</b> should call ICIRR	Assistant Principal or Sanctuary Team Member
8. Admin to call the emergency contact listed for the student/staff in question. Inform family of situation and ask that a documented and trusted person come to the school	Assistant Principal

- Request to see identification and document the name of the supervising ICE officer.
  - Demand that ICE produce a judicial warrant authorizing agents to search the premises.
  - Request a copy of any warrant.
- Do not consent to ICE entering any location or taking any records.
- If ICE conducts a search, whether with or without a judicial warrant, staff should not attempt to physically interfere with the search.
- Staff should accompany ICE officers during the search. Take notes and video record all ICE's actions and request that they provide a list of any items seized.
- Staff and visitors on the property will be advised that they are not required to speak to ICE agents, provide identification, or share other documents. They may consult with a lawyer if needed.
- If ICE provides an administrative warrant identifying a CPS employee, staff is not required to inform ICE whether the employee is working that day or to take ICE to the employee.

**Start videotaping interaction (+ any narration)**

- Strategies when filming police
  - Distance: grabbing distance plus a step away (8-10 feet)
  - If you can help it, do not be alone (one filming another one person closer filming)
  - When filming or dictating audio, film it to the end with no stops
  - Narrate what you are seeing, say date, time, location (like an intersection)
    - Any identifying info (badge numbers, license plates)
      - Cops are supposed to say their badge number
    - You don't need to stop narrating - repeat it
  - Try to keep the camera focused on law enforcement more on the person they are detaining
    - All evidence can be used against all parties involved (witnesses, victims, cops)
- **Document everything**
  - Officer information (Name, Badge number)
  - Write down or record everything that happens during the interaction
  - Important to record if they enter even when told not to.
  - Write down any additional witnesses. Include contact info. Encourage witness to document what happened as well

## **CTU/CPS Sanctuary Contract Language\***

### **46-7. Sanctuary Schools and Sanctuary Employer**

**46-7.1.** In the spirit of [Plyler v. Doe, 457 U.S. 202 \(1982\)](#), the BOARD has consistently afforded students access to a high quality public education at CPS regardless of their immigration status and is committed to continue this practice.

**46-7.2.** CPS is an Immigration and Customs Enforcement ("ICE") designated "sensitive location" in which ICE enforcement activities would pose a severe disruption to the learning environment and educational setting for students and their families.

**46-7.3.** The BOARD and UNION jointly declare that the buildings and grounds of CPS Schools are sanctuary spaces for all students, parents, administrators, bargaining unit members, and community members at the school for school-related business and jointly commit to defend the right to a free and safe learning environment to the extent permitted by law.

**46-7.4.** School personnel shall not inquire about or record a student's or a family member's immigration status, nor shall the Board collect or retain information regarding the immigration status of any CPS students or their families. Except by a court order, CPS shall not disclose to ICE any information regarding the immigration status of any CPS student. CPS will not disclose to anyone other than ICE any immigration information pertaining to any CPS student except pursuant to the Family Educational Rights and Privacy Act. The BOARD recognizes the trust families place in them and shall not voluntarily divulge information to immigration agents to the fullest extent possible under the law.

**46-7.5.** Upon request by ICE agents to enter CPS school grounds or to obtain or review CPS records, CPS administration shall verify the immigration agent's credentials, ask the agent why the agent is requesting access, and require a criminal judicial warrant signed by a federal judge. CPS shall not admit ICE agents based upon an administrative warrant, ICE detainer, or other document issued by an agency enforcing civil immigration law.

**46-7.6.** In the interest of ensuring the success of the commitments made in this article, the BOARD and the UNION shall meet to develop a training program for staff on how to appropriately respond to ICE agents should they request entrance to the school facilities or grounds as well as proactive steps to aid students and families in obtaining legal or other assistance with immigration enforcement actions.

The BOARD and UNION shall also discuss matters pertaining to the issues of Sanctuary employers and schools as requested.

**46-7.7.** CPS Employees shall not face any BOARD discipline for following the policies contained in this Article.

**46-7.8.** The provisions contained within this article shall in no way prohibit the BOARD from honoring and complying with a duly authorized warrant and in no way shall obligate the Employer or any of its agents to violate any State or Federal statutes.

#### **46-8.Sanctuary Employer**

**46-8.1.** On September 5, 2017, the Department of Homeland Security announced the end to the Deferred Action for Childhood Arrivals (“DACA”) policy. The DACA policy protected eligible immigrant youth from deportation and provided work authorization documents to nearly 800,000 young people who came to the United States as children. The BOARD and the UNION recognize that the young people who have received DACA benefits are a valued and important part of our community. Because the termination of the DACA policy may affect the work authorization of employees of the BOARD, the BOARD and the UNION agree to the following:

**46-8.2.** The BOARD shall not inquire about or demand proof of immigration or citizenship status, except as required by law.

**46-8.3.** Effective for SY 2019–20, the Board shall, in consultation with the UNION, develop appropriate guidance and resources of up to \$200,000 per school year, to assist employees in planning for and navigating immigration issues.

**46-8.4.** Upon written request, an employee shall be released for up to ten (10) unpaid working days one time during their employment in order to attend to immigration or citizenship status matters. The days need not be taken consecutively. The Employer may request verification of such absences and/or appropriate certified documentation.

**46-8.5.** In the event that the BOARD is no longer permitted to employ an affected employee, the BOARD agrees to convert the affected employee's termination to an unpaid leave of absence upon the employee's return to work, provided the return to work takes place within two (2) calendar years for tenured teachers or within one (1) calendar year for all other employees.

Specifically, upon the employee providing proper work authorization within the appropriate time frame, the BOARD agrees to reinstate the affected employee to the employee's former position, if available, without loss of prior seniority. If the former position is not available, the BOARD agrees to reinstate the employee to substantially similar employment for which the employee is qualified, including the Reassigned Teacher Pool, at a salary no less than their pay prior to their separation. While separated, the employee shall earn no credit toward step advancement.

**46-8.6.** Within thirty (30) days of the signing of this Agreement, the BOARD and the UNION shall send the following:

1. A joint letter to educators and support staff with immigration or citizenship status resources, such as the immigrant and refugee children guide for educators and support staff.
2. A joint letter to students and their families with immigration or citizenship status resources.

\*If you are a CTU member from a charter school, please check for the sanctuary contract language in your Collective Bargaining Agreement, as it may differ from the sanctuary contract language in the district contract.

## **Joint CPS-CTU Sanctuary Letter from December 2024:**

Dear CPS Staff, Students, and Families-

Chicago Public Schools and the Chicago Teachers Union have been and continue to be committed to protecting the rights and safety of all our students regardless of their race, sex, sexual identity, religious beliefs, or immigration status. This commitment is inclusive of our entire CPS community, including our staff members, parents, families, and neighbors. In 2019, CPS and CTU reached a collective bargaining agreement that declared our schools as sanctuary schools.

Five years later, we feel compelled to reassure our entire district of our unwavering commitment to this agreement. We believed then and believe now that our students, parents, families, teachers, and other personnel deserve to feel welcome, safe, and valued in our schools.

We know that many of our students, families, and staff have expressed concern and anxiety about the impact that the new presidential administration will have on CPS. All school community stakeholders can be assured that our schools will continue to be safe learning environments that promote respect, love, and tolerance.

As part of our commitment to safeguarding the rights and safety of all students, CPS commits to continue to uphold the following protections:

- CPS buildings and school grounds are sanctuary spaces for all students, parents, employees, and community members at the school for school-related business.
- School personnel should make the registration process as easy as possible and should families not have a permanent address, staff should follow the STLS guidance.
- School personnel shall not inquire about or record a student's or a family member's immigration status, nor shall CPS collect or retain information regarding the immigration status of any CPS students or their families. Except by a court order, CPS shall not disclose to Immigration and Customs Enforcement (ICE) any information regarding the immigration status of any CPS student. CPS will not disclose to anyone other than ICE any immigration information pertaining to any CPS student except pursuant to the Family Educational Rights and Privacy Act (FERPA). CPS recognizes the trust families place in them and shall not voluntarily divulge information to immigration agents to the fullest extent possible under the law.
- ICE agents are not permitted to enter CPS school grounds, unless they provide to CPS administration their credentials, the reason they are requesting access, and a criminal judicial warrant signed by a federal judge. CPS shall not admit ICE agents based upon an administrative warrant, an ICE detainer, or other document issued by an agency enforcing civil immigration law.

- The appropriate CPS staff will be trained on how to appropriately respond to ICE agents requesting entrance to school property, and proactive steps to aid students and families in obtaining assistance with immigration issues.

If you have questions about CPS' Sanctuary Schools commitment or if your child needs additional support to cope with the recent events, the Counselor at your school should be your first point of contact. We pledge to do all we can to make every child feel valued and welcomed so they can thrive academically, socially, and emotionally, and so they will be a generation that moves our society toward justice, promotes tolerance, and embraces the diversity that makes us strong.

Sincerely yours,

Pedro Martinez  
Chief Executive Officer  
Chicago Public Schools

Stacy Davis Gates  
President  
Chicago Teachers Union



## **CPS Guidelines Regarding School Interactions with United States Immigration and Customs Enforcement** [\(additional CPS guidance docs can be found here\)](#)

### **Purpose**

Protecting the safety and privacy of our students is our top priority at Chicago Public Schools. Given the recent political climate and events which have occurred on a national stage, some of our students and families have expressed concerns about how our schools may interact with the United States Immigration and Customs Enforcement (ICE). The information below provides general guidance. These guidelines are not intended to supersede other CPS policies or Board Rules, but are instead intended to be a resource guide. When an emergency exists, contact the Law Department for assistance at (773) 553-1700.

### **ICE Access to CPS Property**

In line with the City of Chicago's Welcoming City Ordinance, ICE agents will not be permitted access to CPS facilities unless there is a verified, criminal warrant. If ICE agents arrive at a school and present paperwork, please call the Law Department. ICE agents should wait outside while the school is reviewing the matter with the Law Department.

### **Sharing Student Information with ICE**

Principals should not share student records with ICE. If ICE agents request student records, please call the Law Department for further direction. CPS will not share student records with ICE with the rare exception where there is a court order or consent from the parent/guardian.

Please remember, students records are any writing or other recorded information concerning a student and by which a student may be individually identified, maintained by a school or at its direction or by an employee of a school, regardless of how or where the information is stored. Thus, a student's home address is information contained in the student's record that cannot be disclosed without a court order or consent.

### **Children Left Stranded Because His/Her Parent is Detained by ICE**

As a proactive measure, schools should encourage all parents to update the emergency contact form. Please encourage parents to designate an emergency contact that can be available for their student, including back-up contacts.

If a child is left stranded at your school and you suspect it is because his or her parent is detained, please exhaust the child's emergency contact list. Please have a staff member remain with the student until the parent, guardian, or emergency contact can arrive. If the school is unable to reach the parent, guardian or emergency contact, please call the CPS Student Safety Center at 773-553-3335, available 24 hours a day, 7

days a week.

**Sample Judicial Warrant Signed by a Federal Judge (page 1)**

**U.S. Department of Justice**  
**Immigration and Naturalization Service**

**Warrant of Removal/Deportation**

This is a sample warrant issued by INS/ICE

Este es un ejemplo de una orden emitida por INS/ICE

File No: \_\_\_\_\_

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

**To any officer of the United States Immigration and Naturalization Service:**

\_\_\_\_\_ (Full name of alien)

who entered the United States at \_\_\_\_\_ on \_\_\_\_\_

(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- an Immigration Judge in exclusion, deportation, or removal proceedings
- a district director or a district director's designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

**Sample Judicial Warrant Signed by a Federal Judge (page 2)**

IT IS FURTHER ORDERED that U.S. Immigration and Customs Enforcement shall conduct the entry and search during daylight hours with ten (10) days of the issuance of this warrant, and make its return to this Court with ten (10) days of the date the entry and search have been completed.

Dated: December 8, 2006

Make sure the date is recent (A few months)

Revise que la fecha sea reciente (De unos meses)

*Janie S. Mayeron*  
JANIE S. MAYERON  
United States Magistrate Judge

Make sure it is signed by a JUDGE

Revise que este firmada por un JUEZ (Judge)

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