

## FREQUENTLY ASKED QUESTIONS RELATED TO FEDERAL IMMIGRATION ENFORCEMENT

We know many people within Washington’s community and technical college system are concerned about immigration enforcement actions that may occur across the country. This FAQ responds to common questions and serves as a resource for general education purposes, however, it is not provided for the purpose of giving legal advice of any kind.

### **Can community and technical colleges prevent federal immigration enforcement officers from coming on campus or entering campus buildings and other college property?**

It depends on whether the federal immigration enforcement officers are entering public areas or are entering “limited access” areas.

Most colleges are largely open to the public, and federal immigration enforcement officers may enter any areas that are open to the public, just like anyone else.

Immigration officers cannot legally access areas of the college that are off-limits to the general public – such as private offices, classrooms, residence halls, and labs – without either consent or a judicially issued court order or warrant.

Consistent with their obligations under our state’s [Keep Washington Working Act](#), community and technical colleges do not grant consent/permission to enter limited access areas to anyone engaged in immigration enforcement, which means the immigration officers must have a judicially issued court order or warrant to access these areas.

### **What should college employees do if federal immigration officers ask for access to a limited access area, such as a residence hall?**

College employees should direct federal immigration authorities to an employee who is specifically designated to verify the authorities’ credentials and the legality and scope of the documents they present. If the college is unsure, the college should contact its assigned assistant attorney general. Students may also direct the immigration enforcement officers to the designated employee.

If the immigration enforcement officer has a judicially issued court order or warrant that authorizes immediate entry to the identified location, students and employees should not obstruct or interfere with the immigration enforcement officer.

### **Can federal immigration enforcement officers enter homes, apartments, or residence halls without consent?**

Only if the officer has a judicially issued order or warrant — such as criminal arrest or search warrant signed by a judge. If, on the other hand, the immigration enforcement officer has an [administrative warrant](#) (for example a warrant of removal/deportation from the U.S. Immigration and Customs Enforcement) that is not signed by a judge, the officer cannot legally enter without the person's consent.

Employees are required to direct immigration enforcement officers to the designated college employee who will verify the authorities' credentials and the legality and scope of the documents they present. Students may also direct the immigration enforcement officers to the designated employee.

Under all circumstances, people have the right to remain silent according to the 5<sup>th</sup> Amendment of the U.S. Constitution and do not need to answer questions, or sign or provide any documents, without a lawyer present. The [Immigrant Legal Resource Center](#) provides printable "Know Your Rights" cards.

### **Will community and technical college security guards work with federal immigration officers to identify, apprehend, and remove people from campus?**

No, college security guards will not ask anyone about their immigration status or help with enforcement activities. Like other college employees, security guards will direct immigration officers to a designated college employee who will verify the authorities' credentials and the legality and scope of the documents they present.

### **Are colleges required to provide immigration enforcement officers with personally identifiable information?**

College employees are required to protect personally identifiable information as required by law. This means employees are not required to provide immigration enforcement officials with personally identifiable information upon request, just because they ask.

[State law](#) prohibits college employees from sharing, providing, or disclosing personal information about any person for immigration enforcement purposes without a court order, judicial warrant, or other compelled process.

Additionally, the federal [Family Educational Rights and Privacy Act \(FERPA\)](#) prohibits college employees from sharing personal information contained in [students' education records](#) without a lawfully issued subpoena, order, or warrant. Under FERPA, higher education institutions do, however, share certain information called "directory information," but students can choose to not allow even directory information to be shared. For more information about directory information and the opt-out process, please see your college's webpage on FERPA.

### **What is the Keep Washington Working Act?**

The [Keep Washington Working Act \(KWW\)](#) is a law passed by the state Legislature in 2019 that establishes a statewide policy supporting Washington state's economy and immigrants' role in the workplace.

Under KWW, colleges and universities are prohibited from using their resources to support immigration surveillance or enforcement and must adopt a model policy drafted by the Washington State Office of the Attorney General in order to ensure educational opportunities for all individuals without regard to national origin or immigration status, while leaving immigration enforcement efforts to the federal government.

If a college student or employee encounters an immigration officer on campus, they should direct the individual to the college's designated employee. They should also reach out to the designated employee to ensure that they are aware of immigration enforcement's presence on campus.

**What other resources are available to students and their families?**

- [Washington State Office of the Attorney General – Immigration Services](#)
- [Northwest Immigrant Rights Project](#)
- [National Immigration Law Center](#)
- [Center for Immigration Assistance](#)
- [Immigrant Legal Resource Center](#)
- [Washington Law Help: Resources for Immigrants](#)