



Guidance for Students, Workers, and Teachers Dealing With ICE

Description

By Theo Meranze

As the Trump administration continues to target undocumented people, ICE (Immigration and Customs Enforcement) activity is ramping up across the state. As a result, schools and other public spaces which house children are in increasing danger of being searched by immigration forces. Undocumented students are thus in danger of being detained and deported.

In response to these developments, students have begun organizing on campuses across L.A. county in the name of immigrant rights. [Student walk outs](#), for example, have continued to occur across the city. Now more than ever, administrators, teachers, and protesting students need to know their rights and the best options they have for protecting undocumented students in their care.

We've compiled a list of pointers for dealing with ICE, student's rights to free speech and protest, and advice from a teacher currently on the ground at a school in L.A. county.

Confronting ICE At Home, Work, and School

ICE, shorthand for Immigration and Customs Enforcement, is the branch of government tasked with enforcing Immigration law. ICE agents are government agents tasked with enforcing ICE policy. They can conduct immigration related detainments, and can enter schools or other residencies if given a search warrant.

United Teachers Los Angeles, in a recent [know your rights training](#), laid out a comprehensive list of guidelines for dealing with ICE agents at home and at school. Here are some important highlights.

If approached by an ICE officer at your door,

- Do not open the door (not even with the security chain)
- Ask the agent/officer to slide their order under your door and verify that it is signed by an immigration judge
- If immigration agents enter your home without your permission, tell them you do not give them

- permission to enter your home or search your belongings
- Do not sign any documents before speaking to an attorney

Here are some guidelines for dealing with ICE at worksites (this includes schools):

- Every worksite might have different protocols, but the goal is to minimize the contact employees have with immigration agents
- The immigration agents need to have a search warrant (signed by a judge)
- If the agents only present an “Administrative Warrant” (not a court ordered warrant signed by a judge), your employer is not obligated to give them permission to enter the workplace
- Keep calm. Do not run or try to escape! (This will give the officers probable cause to arrest you)
- Have copies of “[red cards](#)” for staff (red cards are cards that remind their owners of their rights, typically distributed by immigrant advocacy groups)

According to the recently released guidelines from the LA county library:

“It is unlikely that ICE agents would enter a public library and announce that they are seeking out a particular individual and have a warrant for their arrest; if ICE enters a library facility, ICE does not need to show a warrant to access the public areas of a public building. Public areas include community rooms and Adult Literacy Centers, regardless of room activity (activities).

If you become aware that ICE has entered a library building, do not interfere or impede their access in the public spaces of the library. Immediately report that ICE agents are in the building to the City Attorney’s Office at (213) 978-8100, your Chain of Command and the Office of Civics and Community Services 213-228-7380.

When you call the City Attorney’s Office, identify yourself and the department you work for, provide a succinct description of what is happening and ask for the Deputy City Attorney on duty for client department immigration advice.”

Notably, it also states that “a library employee who observes an unusual interaction between an adult and an unaccompanied minor can inquire if the child/teen is ok and ask if you can be helpful or if there is a problem. In this case, a manager could ask the adult if they are law enforcement. If they say yes, you may ask for a name and identification number.”

Understanding Different Types of Warrants

Warrants are legal documents which justify the search of a residence or a building. They must be presented by ICE agents before entering a home or a school. When dealing with ICE, it is incredibly important to know the difference between an **ICE/Administrative warrant** and a **Judicial Warrant**. ICE will typically first try to present an ICE/Administrative warrant when attempting to enter a school or a residence. This kind of warrant, the **ICE/Administrative warrant**, is not signed by a judge. You are **not legally required** to let them in if they present one. You are only legally required to let them in if they have a **Judicial Warrant signed by Judge**. Here is a graphic that shows the difference. This applies to both schools and homes.

CONOZCA LA DIFE

Orden Judicial

AD-93 (Rev. 12/98) (DUEBY) Search and Seizure Warrant. **Este es un ejemplo de orden judicial.**

¿Su nombre y dirección son correctos?

UNITED STATES DISTRICT COURT
for the
District of _____
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.
lea los documentos adjuntos y asegúrese de que se refieran a USTED y SU dirección, no a otra persona

The person or property to be searched, described above, is believed to conceal *Identify the person or describe the property to be seized.*
Verifique la fecha, no debe exceder los 14 días

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 _____
 in the daytime 6:00 a.m. to 10 p.m. at any time in the day of _____ if a reasonable cause has been established.

Unless delayed notice is authorized, 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 *insert the appropriate law.* For _____ days (not to exceed 30).

Check the facts justifying the later specific date of _____
Firmado por un Juez

Date and time issued: _____
City and state: _____
Judge's signature: _____
Printed name and title: _____

- Esta es una **ORDEN DE BÚSQUEDA E INCAUTACIÓN** emitida por la corte.
- **Debe contener** el nombre y la dirección de la persona. Si el nombre o la dirección son incorrectos, la orden no es válida.
- Preste atención a la línea de firma: **DEBE** tener la firma del juez.

EXAMPLE OF AN ICE EJEMPLO DE UNA O

U.S. DEPARTMENT OF HOMELAND SECURITY

To: Any immigration officer, Immigration and Naturalization Service

I have determined that the person is removable from the United States.

the executive order

the pending asylum claim

the failure to register for the National Electronic Employment Eligibility Requirements

biometric information, or other information, that is removable

statements of reliable evidence

other information

YOU ARE COMMANDED to execute this warrant on or before _____
Immigration and Naturalization Service

Esta por un oficial de inmigración, no por un juez.

I hereby certify that the facts stated above are true and correct.

On _____ (Date of Affidavit)

notice were read to him/her.

Name and Title: _____

- Esta es una **ORDEN DE EXTRADICCIÓN** emitida por la corte.
- Preste atención a la línea de firma: **DEBE** tener la firma del juez.
- Por lo tanto, esta es una **ORDEN DE EXTRADICCIÓN** emitida por la corte.

Student's Rights When Protesting And Organizing

As thousands of students continue to organize and [walk out](#) in protest of ICE activity in L.A. county, we

felt it important to provide a summary of student's rights regarding freedom of speech and protest.

Your Rights

You have the right of **Free Speech in school**

What Schools CANNOT Do

Schools CANNOT stop you from passing out flyers, information, petitions, wearing badges, or writing articles in the newspaper.

What Schools CAN Do

Schools can stop you if your speech is:

- > obscene, libelous, or slanderous, or
- > creates the immediate danger of causing other students to violate the law or school rules, or
- > substantially disrupts school activities.

You have the right of Free Speech outside of school campus

You cannot be disciplined for free speech activities outside of school.

Schools can discipline you if you commit an act listed in the Education Code for which you can be suspended, while on your way to school, or leaving school.

(see below)

default watermark

You cannot be suspended for being truant, tardy, or absent

Schools CANNOT:

- > suspend you for simply walking out of school;
- > force you to attend Saturday school unless you were absent, tardy or truant three times in a school year;
- > suspend or expel a student for being truant, tardy, or absent without first imposing alternative punishments

Schools can suspend you if you

- commit an act listed in the Education Code while you were walking out. (* See below)
- > Schools can discipline you in other ways for being truant, tardy or absent such as detention, community service, or Saturday school. If you have a history of truancy, there can be more severe consequences such as an involuntary transfer or referral to a SARB.
 - > Schools may impose alternative punishments for truancy and tardiness rather than suspension or expulsion.

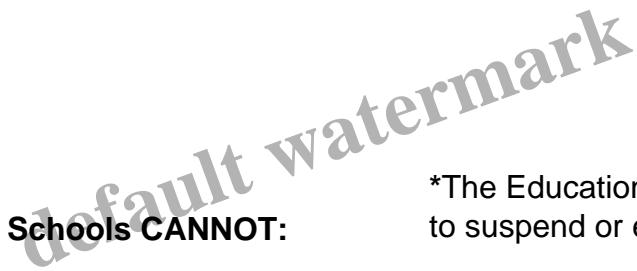
You can only be suspended or expelled for those offenses listed in the Education Code

Schools CANNOT:

- > suspend you for being truant, tardy, or absent.
- > suspend you for exercising your free speech rights.

*The Education Code allows the school to suspend or expel you if you:

- > threaten, bully, fight, or hurt someone, or commit sexual harassment/ assault;
- > possess a dangerous object; carry, use or sell controlled substances, or tobacco, or paraphernalia;
- > damage/steal property, receive stolen property, robbery/ extortion;
- > commit an obscene act or use profanity a lot;
- > disrupt school activities or defy school official.



You should not be suspended if this is your first offense

Unless the act is serious, **schools CANNOT** suspend you for the first offense, and must offer alternatives.

Schools CAN suspend you if you disrupted school activities or defied the authority of school officials **BUT ONLY if**

> other types of discipline were tried but failed (e.g. community service) or

> your presence causes a danger to others or

> your presence threatens to disrupt the instructional process

You have the right to Due Process when you are being suspended

Schools CANNOT suspend everyone simply because they walked out.

They must decide whether YOU violated the Education Code. Schools must give you an opportunity to tell your side of the story before making the decision to suspend

Once they have allowed you to tell your side of the story and your evidence, they can suspend you for violations of the Education Code for up to five days.

Schools must give you a hearing on whether the suspension should be erased from your record.

Testimony And Advice From A LAUSD Teacher

We spoke to an LAUSD teacher who gave these pieces of advice when asked about measures to protect students from ICE.

- “For LAUSD specifically the district has a protocol for administration, a whole process that’s supposed to delay ICE from getting onto proper campus and looking for students through alerting everyone. You can ask your admin what their plan is, whether they’re going to contact the teachers when ICE enters campus and say where ICE is as well, etc.
- I recently attended a training by Barrios Unidos, and they were saying that teachers with

classrooms next door to each other, if ICE is on campus, can switch students so that when ICE comes in and asks for the kids names they can say they don't know. Teachers can also quickly and quietly also get the student to the parent center to meet up with a parent, etc.

- Building coalitions with other teachers to impede the investigation process in a non-illegal way is important.”

Here is a list of organizations working within and with schools to protect students rights provided by the teacher:

- [Students Deserve](#)
- MEchA
- Progressive and Radical Teachers
- [Union de Barrios](#)
- [UTLA](#)

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1. Blog

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1. Judicial Warrant v ICE Warrant
2. Know Your Rights

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