



VICE CHANCELLOR for EQUITY &
INCLUSION 102 CALIFORNIA HALL #1508
BERKELEY, CALIFORNIA 94720-1508

Immigration Customs Enforcement Sweeps Briefing for Students, Staff, Faculty and Administrators

In an effort to operationalize the *University of California Statement of Principles in Support of Undocumented Members of the UC Community*, the campus has prepared a one-page briefing to safeguard our campus from disruptions to our academic environment and to ensure that our campus community is equipped to respond.

Immigration Access to Public versus Limited Access Areas of Campus

As a public university, a large portion of UC property is open to the general public and therefore does not have the authority to prohibit federal immigration enforcement officers from coming on campus to enforce federal law. However, public access is limited in certain areas of UC campuses and property because of privacy concerns, operational needs or safety considerations.

Access Categories	Descriptions
Public Access	Spaces that are open to the general public; entry is not restricted or limited. Examples include: Libraries, Upper and Lower Sproul Plaza, unrestricted access buildings, streets etc.
Restricted Access	Spaces that require a key card, locked doors or monitored entryways, including University housing and restricted lab areas.
Limited Access	Spaces that are normally left unlocked during the workday, including, for example, administrative or faculty offices, classrooms while classes are in session, locker rooms, research laboratories, kitchens and food preparation areas, maintenance areas, storage facilities, and physical plant operations.

Steps to take to ensure immigration enforcement officers have authority to enter the space before admitting them

Step 1- Know your rights; UC employees are not required to affirmatively assist federal immigration authorities or grant permission to enter **limited access** space when officers do not have a judicial warrant to enter.

Step 2- Know the difference between a civil and administrative warrants, which **do not authorize** entry without consent, versus a criminal search or arrest warrant, which may authorize entry without consent

Step 3- Ask the officer for their name, identification number and agency affiliation

Step 4- Ask for a copy of any warrant or subpoena they may have and request that they slip it under the door.

Step 5- Inform the officer that you are not obstructing their process but need to consult with Campus Counsel for assistance. Contact your supervisor, Dean or Chair. If you cannot reach your supervisor, Dean or Chair, call the office of the Vice Chancellor to which your unit reports or the Office of the EVCP. If you cannot reach anyone, email Interim Chief Campus Counsel, David Robinson at dmrobinson@berkeley.edu or phone (510) 642-7791.

Immigration Customs Enforcement Sweeps Roles/Responsibilities—Faculty FAQ

1. *If I work in a public access building, can I prohibit access to federal immigration officers in support of our undocumented community?*

No. UC does not have authority to prohibit federal immigration enforcement officers from coming on campus or entering health facilities to enforce federal law. But, you can alert your Dean/Chair that an immigration enforcement officer is on campus.

2. *I am a faculty member who works in a restricted access building. Am I obligated to provide access to federal immigration officers?*

It depends. If the immigration enforcement officer has a valid warrant, then the answer is yes. But, if the immigration enforcement officer does not have a valid warrant, then the answer is no. Please follow the steps below to validate warrants.

Step 1- Know your rights; UC employees are not required to affirmatively assist federal immigration authorities or grant permission to enter **limited access** spaces when officers do not have a judicial warrant to enter;

Step 2- Know the difference between a civil and administrative warrants, which **do not authorize** entry without consent, versus a criminal search or arrest warrant may authorize entry without consent;

Step 3- If you are served with a warrant, ask the officer for their name, identification number and agency affiliation;

Step 4- Ask for a copy of any warrant or subpoena they may have and request that they slip it under the door;

Step 5- Inform the officer that you are not obstructing their process but need to consult with Campus Counsel for assistance. Contact your Dean/Chair. If you cannot reach either, call the office of the Executive Vice Chancellor and Provost. If you cannot reach anyone, contact Interim Chief Campus Counsel David Robinson immediately by phone at [510-642-7791](tel:510-642-7791) or dmrobinson@berkeley.edu.

Step 6- ***For Restricted and Limited Access Only--Do not*** provide access until Campus Counsel or Medical Counsel authorizes entry.

3. *I am a faculty member, if an immigration enforcement officer request personal and personally identifiable information about a student, am I obligated to provide the requested information?*

No. As a University employee, you are required to maintain the confidentiality of personal and personally identifiable information, and records containing such information. The University generally requires federal immigration enforcement officers and other law enforcement officers to produce a valid subpoena authorizing the disclosure of student or patient records that contain personal or personally identifiable information. Federal officers generally have no greater access to student or other University records than any member of the public unless they have a valid subpoena.

If I am in the middle of instruction with a locked door, am I obligated to allow immigration enforcement officers into my classroom?

ICE can only require you to allow entry to these spaces with a certain type of warrant. Should this occur, follow the instructions above in #2.

Immigration Customs Enforcement Sweeps Roles/Responsibilities—Staff FAQ

1. ***If I work in a public access building, can I prohibit access to federal immigration officers in support of our undocumented community?***

No. UC does not have authority to prohibit federal immigration enforcement officers from coming on campus to enforce federal law. But, you should alert your supervisor/manager that an immigration enforcement officer is on campus.

2. ***I am an RA and I work in the Residence Halls, where public access is restricted. Am I obligated to provide access to federal immigration officers?***

It depends. If the immigration enforcement officer has a certain kind of warrant, then the answer is yes. But, if the immigration enforcement officer does not have that kind of warrant, then the answer is no. Please follow the steps below to determine the requirements imposed by warrants.

Step 1- Know your rights; UC employees are not required to affirmatively assist federal immigration authorities or grant permission to enter **limited access** space when officers do not have a judicial warrant to enter;

Step 2- Know the difference between a civil and administrative warrants, which **do not authorize** entry without consent, versus a criminal search or arrest warrant, which may authorize entry without consent;

Step 3- If you are served with a warrant, ask the officer for their name, identification number and agency affiliation;

Step 4- Ask for a copy of any warrant or subpoena they may have and request that they slip it under the door;

Step 5- Inform the officer that you are not obstructing their process but need to consult with Campus Counsel. Contract your supervisor. If you cannot reach your supervisor, call the office of the Vice Chancellor to which your unit reports. If you cannot reach anyone, email Interim Chief Campus Counsel David Robinson at dmrobinson@berkeley.edu or phone (510) 642 7791.

3. ***I work in the Financial Aid Office, if an immigration enforcement officer request personal and personally identifiable information about a student, am I obligated to provide the requested information?***

No. As a University employee, you are required to maintain the confidentiality of personal and personally identifiable information, and records containing such information. The University generally requires federal immigration enforcement officers and other law enforcement officers to produce a valid subpoena authorizing the disclosure of student or patient records that contain personal or personally identifiable information. Federal officers generally have no greater access to student or other University records than any member of the public unless they have a valid subpoena

4. ***I work in the Martin Luther King, Jr. building where I lock my doors as part of my normal management of the space. Can I lockout immigration enforcement officers and deny access to the space?***

You can limit access to your space, but you are still obligated by law to follow the procedures above (question 2) if presented with a warrant.

5. ***I work in Human Resources, if an immigration enforcement officer requests personal and personally identifiable information about a staff member, am I obligated to provide the requested information?***

No. As a University employee, you are required to maintain the confidentiality of personal and personally identifiable information, and records containing such information. The University generally requires federal immigration enforcement officers and other law enforcement officers to produce a valid subpoena authorizing the disclosure of staff records that contain personal or personally identifiable information. Federal officers generally have no greater access to staff or other University records than any member of the public unless they have a valid subpoena.