

## **Know Your Rights: Information for UNM Instructors Sanctuary Campus Working Group**

### **In General**

- While U.S. Customs and Border Protection (CBP) officers generally wear uniforms, Immigration and Customs Enforcement (ICE) agents do not wear uniforms and are usually “plain-clothed.”
- Do not flee, run, or walk away from an officer. It could lead to being charged with resisting arrest and other similar crimes.
- You have the right to remain silent. If you speak, do not lie. You can ask for a lawyer. Because of ICE’s non-jurisdiction over citizens, one way that citizens can help protect non-citizens is to remain silent and not volunteer their citizenship status. Declining to answer questions from an officer is **not** an unlawful interference with enforcement action.
- Should ICE appear on campus, there is no obligation on anyone’s part to show an ID.
- Record details of your encounters with any officers to help lawyers later.

### **Warrants:**

In general, immigration officers need to have a *judicial warrant* in order to search and detain suspected non-citizens in private spaces. A judicial warrant is signed by a judge and is not easy for ICE to obtain. Mostly, immigration officers only need to have an *administrative warrant* to detain suspected non-citizens in public spaces. Administrative warrants are more common but are not valid in private spaces. Administrative warrants are signed by immigration enforcement officials (i.e., an ICE supervisor).

### **Public vs Private Spaces**

Immigration officers can enter UNM public spaces without a warrant or prior notice. These spaces include dining areas, parking lots, lobbies and waiting areas. However, officers don't have the authority to stop, question or arrest just anyone in those public areas. While immigration officers may question suspected non-citizens without a warrant in public or private spaces, in order to detain suspected non-citizens in public spaces they need an administrative or judicial warrant.

Agents can't enter private spaces without permission or a judicial warrant. They also need a judicial warrant to detain suspected non-citizens in private spaces. Spaces that require keys are more easily designated as “private,” but there are different legal opinions about whether or not classrooms can be private or limited access spaces. However, our Faculty Handbook does grant us authority to limit access to our classrooms to registered students, UNM administrators, and invited guests; you might include this information on your syllabus.

### **If an Officer Approaches a Classroom:**

- Ask the officers to remain outside while you, the instructor, speak with them.
- Obtain information: ask the officer for name, identification number and agency affiliation.
- See the warrant: ask for a copy of any warrant they may have, make sure it is a judicial warrant.
- Tell the officers: you are not obstructing them but that you need to contact appropriate campus authorities.
- Maintain confidentiality of students: as a University employee, you must maintain the confidentiality of personal and personally identifiable information of all students (FERPA, HIPAA, CMIA).
- Advise your students that immigration officers are present and that it is best for all of us to remain silent and not offer our citizenship status.
- Contact a department or program supervisor/point-person, immigration lawyer, or member of SCWG.