

What Should I Do If Immigration Enforcement Comes to Campus Seeking People or Records?

The appropriate response to federal immigration enforcement ultimately depends on what agency may have come to campus and what sort of process they seek to enforce.

First and foremost: be polite and respectful and do not take any action that could be perceived as interfering with an officer's official duties. While it is the University's position (consistent with Oregon law) what we will not take affirmative steps that assist in the enforcement of federal immigration laws, you could be subject to criminal prosecution if you attempted to actively interfere, physically or otherwise, with the actions of a federal officer.

You may wish to say, "I understand that you are here to enforce immigration law, but I am obligated to call our General Counsel's office before you proceed."

Call the Office of the General Counsel at (541) 346-3082. Leave a voicemail if nobody answers immediately (as is likely the case after hours). Voicemails left on that line are set to be monitored, including on evenings and weekends.

As is set forth in more detail below, the proper response to federal immigration enforcement is highly dependent on what sort of process is being served by that agency. The most important step for you to take is to politely advise the officer(s) in question that you have been instructed to notify the General Counsel's office and that they will need to wait for that office to engage. If the officer(s) persist, do not interfere with their actions. Instead, observe their conduct and take detailed notes of what transpires, if you are able. It remains possible for officers to claim "exigent circumstances" authorizing their access to our facilities or people without a warrant. In such a situation, we should comply with their commands, knowing that their justification can be challenged later, if appropriate.

We remain hopeful that this guidance will prove unnecessary, especially since the current administration has not openly repudiated its policy of restraint when enforcing in "sensitive areas," which include schools and universities. That could, however change, and it is difficult to predict how individual officers might choose to act. For that reason, we are providing this guidance to assist the university community in being prepared.

Background for this guidance:

While the University is obligated to follow state and federal law, please know that Oregon law prohibits state law enforcement agencies from using state resources "for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the U.S. in violation of federal immigration laws." The federal immigration officers who seek to apprehend and remove an individual unlawfully present in the United States are typically officers of U.S. Immigration and Customs Enforcement (ICE). ICE officers work for the Department of Homeland Security and typically act on civil, not criminal, authority. Thus the warrants these officers carry to apprehend individuals are generally administrative warrants that do not authorize officers to enter limited access areas of the University without consent. In some cases, ICE officers may exercise criminal enforcement powers or may be assisting criminal law enforcement officers who issue a criminal arrest or search

warrant. This gives those officers greater authority to enter University areas that are not open to the general public. The execution of criminal search or arrest warrants may authorize entry without consent.

The Office of the General Counsel (OGC) is here to assist and help answer questions related to immigration enforcement activities attempted at UO campuses. Below are some steps to remember if you are contacted by ICE or other federal immigration enforcement agents (such as U.S. Customs and Border Patrol) for information or access, or receive a subpoena, warrant, or other request:

- UO employees are not required to affirmatively grant permission to federal immigration officers to enter limited access spaces if the officers do not have a valid judicial warrant to enter. Do not permit entry of or searches by immigration agents of such non-public spaces (e.g., classrooms, laboratories, UO housing and clinic areas, administrative/faculty offices, locker rooms, areas secured by key card, etc.) before contacting OGC.
- If you are presented with a warrant, subpoena, or other request from federal immigration officers, contact OGC immediately and provide us with a copy of the document presented along with the agent's name, title, agency, and contact information. Explain to the officer(s) that you are not obstructing their process but are required to contact OGC first.
- Do not accept service of any subpoena/warrant/request by immigration agents before contacting OGC.
 - Please explain that you are not authorized to accept service on behalf of the University or any particular department, office, or person, and refer the officers to OGC.
 - OGC will assist you in determining the validity of the request and whether it is lawful and enforceable on its face.

For general information on how to respond to subpoenas and government requests for information, please see <https://generalcounsel.uoregon.edu/help#state> and <https://generalcounsel.uoregon.edu/subpoena-summons>. Please remember that the Office of the General Counsel is here to help.