

TITLE: LAUSD Campuses as Safe Zones and Resource Centers

NUMBER: REF-6767.3

ISSUER: Pedro Salcido, Deputy Superintendent
Business Services and Operations Office

DATE: December 2, 2024

ROUTING

- All Schools
- All Region
- Superintendents
- Region
- Administrator of Operations
- Instructional Directors
- Operations Coordinators
- Los Angeles School
- Police
- SAA
- Non-School Site
- Administrators
- Charter School Division
- Early Education Centers
- Beyond the Bell
- Adult Schools

DUE DATE: Not Applicable.

PURPOSE: The purpose of this Reference Guide is to provide guidance to site administrators and District staff on the process and procedures to follow if Federal immigration officials, including Immigration and Customs Enforcement (“ICE”) agents or designees, request access to a school site or District facility, student, or student records. This guidance also may be applied in situations where federal immigration officials seek access to employees, volunteers, or their respective records.

MAJOR CHANGES: This revises REF-6767.2 and specifies the steps school sites, Region Administrators of Operations and Region Operations Coordinators shall follow when Federal immigration officials, including ICE agents, request access to a school site or District facility, student, or student records. Additionally, it includes a school site notification checklist (see Attachment A: School Site Notification Checklist). These updates are made pursuant to the California Attorney General’s Office *Guidance and Model Policies to Assist California’s K-12 Schools in Responding to Immigration Issues*, issued in December 2024.

BACKGROUND: On February 9, 2016, the Board of Education (“Board”) reaffirmed its position regarding immigration reform, as noted in Board Resolution 032-15/16, entitled “LAUSD Campuses as Safe Zones and Resource Centers.” The Board declared that every LAUSD site will be a place of support and resource for all students and families, regardless of immigration status.

On November 19, 2024, the Board reaffirmed that Los Angeles Unified School District will be a sanctuary district and safe zone for families threatened by immigration enforcement as noted in Board Resolution 034-24/25. The Board offers unwavering support for families facing threats of immigration enforcement. Protocols for responding to immigration personnel who request information about students, families, and staff have been included within this Reference Guide. A communications plan has been uploaded to the Principal’s Portal to provide students with a sense of security and belonging, allowing them to thrive academically and emotionally without fear.

The 1982 U.S. Supreme Court case *Plyler v. Doe* held that undocumented children have a constitutional right to receive a free public K-12 education which provides the means to becoming a “self-reliant and self-sufficient participant in society” and instills the “fundamental values necessary to the maintenance of a democratic political system.” The Board resolved that the Superintendent shall establish all K-12 schools, early education centers, adult schools, and parent centers as resource and information sites for students and their families. Further, the Board encouraged the Superintendent to increase and enhance partnerships with community-based organizations and legal services organizations that provide resources for families facing immigration challenges. Additionally, the Board encouraged that a rapid response network be created to assist children whose family members have been detained through providing crisis management and support services.

In 2017, the California Legislature passed Assembly Bill 699 titled the Educational Equity: Immigration and Citizenship Status bill (AB 699). AB 699 amended sections 200, 220, and added 234.7, which in part required the Attorney General to issue model policies to help California’s public K-12 schools and other local educational agencies, protect the rights of undocumented students and their families. The Attorney General released a guide that includes model policies to help California’s public K-12 schools and other local educational agencies protect the rights of undocumented students and their families.

In 2018, the District affirmed its commitment to providing a working and learning environment free from discrimination, harassment, intimidation and/or bullying. It also affirmed its commitment to the prohibition against discrimination, harassment, intimidation and/or bullying based on actual or perceived nationality, ethnicity and immigration status including a person's association with a person or group with one or more actual or perceived legally protected characteristics. The District's Uniform Complaint Procedures (UCP) complaint process is the vehicle for ensuring compliance with applicable state and federal laws and regulations, and under such the District will investigate complaint allegations of discrimination, harassment, intimidation, and/or bullying. UCP brochures are available at all schools and on the District's website in primary languages of the school community.

KEY TERMS

Below are key terms that will help District staff understand language which may be used when referring to students who have recently arrived to the United States. Although the District does not inquire about a student's immigration status, this reference guide aims to better support and assist our students and families that may be impacted by immigration matters.

Accompanied Immigrant Youth

Youth who had entered the U.S. with a biological parent and were apprehended and placed in a detention center. Release occurs once a sponsor is identified. The deportation process begins; however, unlike unaccompanied youth, families do not have the pro-bono (free) legal services available.

Unaccompanied Immigrant Youth

Youth under 18 years of age who entered the U.S. without a biological parent, were apprehended and placed in a detention center. These youth are held until a sponsor can be identified. Once released, the deportation process is initiated, and youth must attend court hearings to determine whether relief will be granted. Pro-bono legal services may be available for these youth.

Undocumented Student

A student who does not have the legal documentation to live in the U.S. or who has overstayed his or her visa.

Enforcement Actions

Pre-planned arrests of immigrants working, studying or living in the United States without lawful immigration status. These arrests can target a wide

range of immigrants, from long-term lawful permanent residents who may have committed a minor offense, to undocumented immigrants who have final deportation orders.

Exigent Circumstances

Exigent circumstances include, but are not limited to:

- National security/terrorism
- Imminent risk of death, violence, or physical harm to any person
- Fresh pursuit of dangerous felon
- Protection of evidence in a criminal case

Extended Support Site (ESS)

The Extended Support Sites are located at each Region and in key highly represented areas (See Attachment C). Student Support and Attendance Services staff at these sites assess student and family needs related to school enrollment, attendance, medical referrals, health insurance enrollment, legal resources and mental health referrals and connect them with services to ensure academic success.

Immigration and Customs Enforcement (ICE)

The U.S. Immigration and Customs Enforcement (ICE) enforces Federal laws governing border control, customs, trade and immigration to promote homeland security and public safety. ICE consists of three directorates including Homeland Security Investigations (HSI), Enforcement and Removal Operations (ERO) and Management and Administration (“M&A”). Although ICE is the main immigration enforcement body, there may be other federal immigration officials or designated agents who may request access to school sites and facilities, students, or student records. These include Customs and Border Protection (CBP) agents and local law enforcement officers who may have an agreement with the federal government to enforce immigration laws.

GUIDELINES:

LAUSD is committed to creating environments where the school community feels safe, welcome, and excited to learn. The following guidelines provide procedures for addressing federal immigration enforcement efforts as well as safeguarding confidentiality and providing social-emotional support. Additional resources may be found at

<https://www.lausd.org/site/Default.aspx?PageType=7&SiteID=4>.

LAUSD defines protected areas to include its schools, official activities of its schools, including those occurring in public places and adjacent areas, and all LAUSD property, including but not limited to, facilities owned, controlled by, or leased by LAUSD.

Overview of Law Enforcement Requests

The typical circumstances under which law enforcement officers, including federal law enforcement officers, ICE agents, federal immigration officials, or designees may have a need to come to District campuses or facilities, when acting in the scope and course of their employment, include the following scenarios:

- Request for information or for general investigative purposes
- Service of a subpoena for student records
- Service of a search warrant
- Action pursuant to exigent circumstances

Note: Exigent circumstances include, but are not limited to:

- National security/terrorism
- Imminent risk of death, violence, or physical harm to any person
- Fresh pursuit of dangerous felon
- Protection of evidence in a criminal case

These exigent circumstances are no different for any other law enforcement agency that may come onto District property. Exigent circumstances are determined by law enforcement agencies.

Warrants, Subpoenas, Court Orders Used for Immigration Enforcement

An immigration enforcement officer may provide an administrative ICE warrant, federal court warrant, administrative subpoena, federal judicial subpoena, or court order, to search a school, interview a student, or obtain school records. It is important to determine whether the District needs to comply with the warrant, subpoena, or court order. An administrative ICE warrant, for instance, does **NOT** grant an immigration officer any special power to compel a school official to cooperate, access school grounds, or interview a student. (From *Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues*, California Attorney General, December 2024). It is important that the school site follow the procedures outlined below which includes consultation with the Office of the General Counsel to determine appropriate action when presented with a warrant, subpoena, or court order.

For subpoenas or other lawful court orders for pupil records, Education Code section 49077 requires the school to make reasonable efforts to notify the parent/legal guardian of the student prior to complying with the

order. LAUSD shall avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by the Family Educational Rights and Privacy Act (FERPA).

LAUSD personnel shall take the following action steps upon receiving an information request related to a student's or family's immigration or citizenship status:

- Notify a designated [local educational agency] official about the information request.
- Provide students and families with appropriate notice and a description of the immigration officer's request.
- Document any verbal or written request for information by immigration authorities.
- Unless prohibited, provide students and parents/guardians with any documents issued by the immigration-enforcement officer.

Reporting Requirement to the California Department of Justice

The District is required to inform the Bureau of Children's Justice in the California Department of Justice, at bcj@doj.ca.gov, regarding any attempt by law enforcement officers to access a school site or information for immigration-enforcement purposes. Further, AB 699 requires the Superintendent or designee to report to the Board of Education in a timely manner any requests for information or access to a school site by an officer or employee of a law enforcement agency for enforcing immigration laws. These reports should be handled in a manner that ensures the confidentiality and privacy of any potentially identifying information.

I. RESPONSIBILITIES OF SCHOOL ADMINISTRATOR/DESIGNEE

A. A School Administrator/Designee must complete the following tasks if ICE agents or other federal immigration officials come on campus for any reason:

1. Immediately notify your Region Administrator of Operations and the Los Angeles School Police Department (LASPD) Watch Commander at (213) 625-6631. (Refer to Attachment A: School Site Notification Checklist.)
2. Request the name and badge number of the ICE agent or Federal immigration official or designee, phone number of the agent's supervisor and purpose of the visit.

3. Obtain any documentation from the agent (e.g., subpoena; search warrant; or, court order). Make copies and forward to Region Administrator of Operations (AOO).
4. Advise the agent that prior to proceeding with their request, and absent exigent circumstances, notifications and direction from specific District offices, including the Office of the General Counsel, must take place.
5. Wait for further direction and advice from the Region Administrator of Operations to appropriately respond to the ICE agent request.
6. Activate the School Site Crisis Team, as needed.
7. Create an iSTAR, as soon as practicable: Indicate incident type as on or off campus activity. In the Issue Type Tab, select Law Enforcement Activity, sub-category *Immigration and Customs Enforcement (ICE) Inquiry/Investigation*. Do not include the name of the individual who is the subject of the inquiry/investigation.
8. Obtain additional guidance from the Region AOO on any necessary notification to parents/caregiver of the student who may be the focus of the ICE inquiry.

Note: Should an agent declare that exigent circumstances exist and demand immediate access to the campus, administrators should comply with the order of ICE or federal immigration official and immediately contact the Region AOO and LASPD Watch Commander.

Although school staff should not consent to access by an immigration enforcement officer except for a declaration of exigent circumstances, school staff should not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If an officer enters the school premises without consent, a School Administrator or designee shall document the officer/s' actions while on campus. (8 U.S.C. section 1373)

If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation. If the immigration-enforcement officer has:

- an ICE administrative warrant: LAUSD personnel shall inform the agent that they cannot consent to any request without first consulting with the AOO and/or Office of the General Counsel.
- a federal judicial warrant (search-and-seizure warrant or arrest warrant: **prompt compliance with such a warrant is usually**

legally required. If feasible, consult with LAUSD’s legal counsel or AOO before providing the agent access to the person or materials specified in the warrant.

- a subpoena for production of documents or other evidence: immediate compliance is not required. LAUSD personnel shall inform the AOO and Office of General Counsel of the subpoena, and await further instructions on how to proceed.

If ICE agents or other federal immigration officials remove a student from a school campus, the school must obtain the agent/official’s name and contact information and must immediately notify the student’s parent/legal guardian that the agent/official has taken temporary custody of the student. Although the law does not require parent/legal guardian notification when a law enforcement official interviews a student on a school campus, school officials may notify the parent/legal guardian of a student that an ICE agent or other federal immigration official has requested an interview, except when that agent/official has a judicial warrant or court order.

B. If ICE agents or other federal immigration officials/designees are rumored or verified to be in the community, and this information may have an impact on school operations or students attending school, the School Administrator/Designee shall immediately notify your Region AOO for further guidance and direction.

II. RESPONSIBILITIES OF REGION ADMINISTRATORS OF OPERATIONS (AOO)

- A. An AOO must complete the following tasks in all ICE-related situations:
1. When an AOO is notified by any school that an ICE agent or Federal immigration official is on site or they have received an ICE request, immediately notify the Division of School Operations.
 2. Assess the situation, identify the level of crisis and respond as needed.
 3. Designate Region staff to ensure the school site team is provided with guidance and support, as needed.
 4. Verify that the LASPD Watch Commander has been notified.
 5. Contact the Office of General Counsel for guidance needed pertaining to access to student records, subpoena or search warrant service.

6. Verify that an iSTAR has been created. If needed, assist the school administrator/ designee in creating the iSTAR. Do not include the name of the individual who is the subject of the inquiry/investigation.
 7. Follow up with affected school site administrator to provide necessary direction or advice.
- B. On a case-by-case basis, the AOO must do the following:
1. Continue to assess and monitor the situation to determine if Region resources are needed. Possibly activate the Rapid Response Team (Region Crisis Team). (Refer to BUL-5800.1, Crisis Preparedness Response and Recovery for more information).
 2. Consult with the Office of Communications.
 3. Provide consultation in notifying neighboring schools and Regions as needed.
 4. Determine if other communication methods are needed (i.e., Blackboard Connect message, parent meeting, letters, resources, talking points).
- C. If a situation escalates to a crisis response, (i.e., crisis requires central office crisis team to provide direct intervention services, assistance with communications and memos). Region AOO shall coordinate additional support and guidance with the District Office Crisis Response Team.
- D. If ICE agents are rumored or verified to be in the community, the Region AOO shall do the following:
1. Attempt to verify that ICE is conducting enforcement actions/immigration raids in the area by contacting LASPD for confirmation.
 2. Determine if this might affect the school or students attending school.
 3. If it is determined that ICE activity might affect the District or school-site operations, the Region AOO will execute responsibilities outlined above (Section II A) as needed.
 4. Contact the Division of School Operations and the Los Angeles School Police Department (LASPD) Watch Commander at (213) 625-6631.
- E. The Division of School Operations, in collaboration with the LASPD Watch Commander, will assist with providing support from District Headquarters (Beaudry) on a case-by-case basis. To

prevent duplicate communication, further guidance to Regions will be articulated through the Region AOO.

III. COMMUNICATION DURING NON-SCHOOL HOURS

If an ICE agent is on-site during non-school hours (weekdays or weekends), conducting official ICE business, the administrator/designee on campus should immediately call the AOO. Examples of activities or locations in which ICE agents may need to come to a District site during non-school hours include, but are not limited to, Early Education Programs, Youth Service Programs, athletic events, parent conferences, school dances, etc. If a school administrator/designee is not on site, notify your Region AOO and they will coordinate further notifications and assist involved staff with providing support to the school.

IV. U.S. ICE GUIDANCE REGARDING SCHOOLS

According to a policy memorandum released by ICE, dated October 27, 2021, (Attachment B: ICE Memorandum: Guidelines for Enforcement Actions in or Near Protected Areas), absent exigent circumstances or other related exceptions mentioned above, ICE officers and agents are to refrain from enforcement actions at the following locations and events:

- schools
- hospitals
- institutions of worship
- funerals, weddings and other public religious ceremonies
- during public demonstrations

The sensitive locations policy is intended to establish a non-disruptive environment during specific activities. It is important to note that there are exceptions to this policy, such as where prior approval must be obtained from a higher-ranking ICE official before conducting enforcement operations in a sensitive location. In some cases, prior approval is not required, such as when there is an extraordinary circumstance involving public safety. There may be changes to this policy at any time.

V. COLLECTING AND RETAINING STUDENT INFORMATION

LAUSD shall treat all students equitably in the receipt of all school services, including, but, not limited to, the gathering of student and

family information for the free and reduced lunch program, transportation, and educational instruction. LAUSD shall not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.

LAUSD personnel shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's immigration status, such as a green card, voter registration, a passport, or citizenship papers.

Where permitted by law, LAUSD shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of immigration status, citizenship status, or national origin, and that do not reveal information related to citizenship or immigration status. LAUSD shall note the method of age verification but is not required to maintain a copy of the document used to show age. Where residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this policy, LAUSD's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.

LAUSD shall not solicit or collect entire Social Security numbers or cards. LAUSD shall solicit and collect the last four digits of an adult household member's Social Security number only if required to establish eligibility for federal benefit programs. When collecting the last four digits of an adult household member's Social Security number to establish eligibility for a federal benefit program, LAUSD shall explain the limited purpose for which this information is collected, and clarify that a failure to provide this information will not bar the student from enrolling in or attending the school.

If parents or guardians choose not to provide information that could indicate their or their children's immigration status, citizenship status, or national origin information, LAUSD shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.

VI. RESPONDING TO DETENTION/DEPORTATION OF A STUDENT'S FAMILY MEMBER

LAUSD shall encourage families and students to have and know their emergency phone numbers and to know where to find important documentation, including birth certificates, passports, Social Security cards, doctors' contact information, medication lists, lists of allergies, etc., which will allow them to be prepared in the event that a family member is detained or deported. LAUSD shall permit students and families to update students' emergency contact information as needed throughout the school year and provide alternative contacts if no parent or guardian is available.

LAUSD shall ensure that families may include the information of an identified trusted adult guardian as a secondary emergency contact in case a student's parent or guardian is detained. LAUSD shall communicate to families that information provided within the emergency cards will only be used in response to specified emergency situations, and not for any other purpose.

In the event a student's parent/guardian has been detained or deported by federal immigration authorities, LAUSD shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, LAUSD shall release the student into the custody of an individual who presents a Caregiver's Authorization Affidavit on behalf of the student. LAUSD shall only contact Child Protective Services if LAUSD personnel are unsuccessful in arranging for the timely care of the child through the emergency contact information that the school has, a Caregiver's Authorization Affidavit, or other information or instructions conveyed by the parent or guardian.

Student support services are available for impacted students. Please see section IV, above, for additional information.

VII. EXCHANGE STUDENTS

The District welcomes students with F-1 and J-1 visas. If a high school has F-1 or J-1 students, officials from ICE Student Exchange and Visitor Program (SEVP) may make campus visits as part of the SEVP certification and reporting requirements. For assistance or additional information, contact the Foreign Student Admissions Office, Pupil Services at (213) 241-3844 or studyinla@lausd.net.

RELATED RESOURCES:

- [BUL-5800.1 Crisis Preparedness Response and Recovery](#)
- [BUL-5159.13 Uniform Complaint Procedures](#)
- [BUL 6887.1 Pupil Records - Access, Confidentiality, and Notice of Educational Rights](#)
- [MEM-5818.12 Nondiscrimination Required Notices and Ordering of Student Brochures](#)
- [BUL 5212.3 Bullying and Hazing Policy-Student-to-Student](#)
- *Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues*, California Attorney General, April 2018; <https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf>
- Education Code sections 200, 220, and 234.7 (Assembly Bill 699) https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB699

ATTACHMENTS:

Attachment A – School Site Notification Checklist
Attachment B – ICE Memorandum: Guideline for Enforcement Actions in or Near Protected Areas
Attachment C – Extended Support Sites

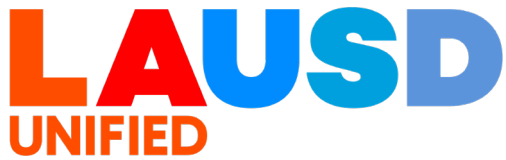
ASSISTANCE:

For assistance or further information, please contact your Region Administrator of Operations. Additionally, the following District offices can provide support:

Division of School Operations
(213) 241-5337
<http://achieve.lausd.net/Page/1604>

Los Angeles School Police Department
(213) 625-6631
<http://www.laspd.com/>

Office of the General Counsel
(213) 241-7600
<http://achieve.lausd.net/Page/2573>



Student and Family Resource Line
Monday – Friday 8:00 a.m. – 4:30 p.m.
(213) 241-3840

https://apps.welligent.com/apps/utilities/lausd_public.inquiryform

Student Mental Health and Wellness Services
(213) 241-3848

[Student Mental Health & Wellness Services / Home](#)

School Enrollment Placement & Assessment (S.E.P.A) Center
(213) 482-3954

<https://www.lausd.org/Page/11906>

SCHOOL SITE NOTIFICATION CHECKLIST

Responsibilities of School Administrator/Designee

IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) REQUESTS ACCESS TO SCHOOL SITE

A School Administrator/Designee must complete the following tasks if ICE agents or other federal immigration officials come on campus for any reason:

- 1. IMMEDIATELY NOTIFY**
 - Region Administrator of Operations (Region AOO) _____
 - Los Angeles School Police Department (LASPD) Watch Commander (213) 625-6631
- 2. REQUEST THE NAME AND BADGE NUMBER** of the ICE agent or federal immigration official or designee, phone number of the agent's supervisor and purpose of the visit
- 3. OBTAIN ANY DOCUMENTATION FROM THE AGENT** (e.g., subpoena; search warrant) make copies of the documentation and send to Region Administrator of Operations who will forward to the Office of the General Counsel
- 4. ADVISE THE AGENT** that prior to proceeding with their request, and absent exigent circumstances, notifications and direction from specific District offices must take place
- 5. WAIT FOR FURTHER DIRECTION AND ADVICE** from the Region Administrator of Operations to appropriately respond to the ICE agent request
- 6. ACTIVATE THE SCHOOL SITE CRISIS TEAM** as needed (Attachment C)
- 7. CREATE ISTAR INCIDENT REPORT**, as soon as practicable: Indicate incident type as on or off campus activity. In the Issue Type tab, select Law Enforcement Activity, sub-category *Immigration and Customs Enforcement (ICE) Inquiry/Investigation*
- 8. OBTAIN ADDITIONAL GUIDANCE FROM REGION AOO** on any necessary notification to parents/ caregiver of the student who may be the focus of the ICE inquiry

ICE RUMORED OR VERIFIED IN COMMUNITY

If ICE agents or other federal immigration officials/designee are rumored or verified to be in the community, and this information may have an impact on school operations or students attending school, the School Administrator/Designee shall do the following:

- 1. IMMEDIATELY NOTIFY YOUR REGION ADMINISTRATOR OF OPERATIONS** _____
for further guidance and direction

Exigent Circumstances

Include, but are not limited to:

- National security/terrorism
- Imminent risk of death, violence, or physical harm to any person
- Fresh pursuit of dangerous felon
- Protection of evidence in a criminal case

NOTE:

Should an agent declare that exigent circumstances exist and demand immediate access to the campus, administrators should comply with the order of ICE or federal immigration official and immediately contact the Region AOO and LASPD Watch Commander.

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

October 27, 2021

MEMORANDUM TO: Tae D. Johnson
Acting Director
U.S. Immigration and Customs Enforcement

Troy A. Miller
Acting Commissioner
U.S. Customs and Border Protection

Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services

Robert Silvers
Under Secretary
Office of Strategy, Policy, and Plans

Katherine Culliton-González
Officer for Civil Rights and Civil Liberties
Office of Civil Rights and Civil Liberties

Lynn Parker Dupree
Chief Privacy Officer
Privacy Office

FROM: Alejandro N. Mayorkas
Secretary

A handwritten signature in blue ink, appearing to read "Alejandro N. Mayorkas".

SUBJECT: **Guidelines for Enforce Actions in or Near Protected Areas**

This memorandum provides guidance for ICE and CBP enforcement actions in or near areas that require special protection. It is effective immediately.

This memorandum supersedes and rescinds John Morton's memorandum entitled, "Enforcement Actions at or Focused on Sensitive Locations" (number 10029.2, dated October 24, 2011), and David Aguilar's memorandum entitled, "U.S. Customs and Border Protection Enforcement Actions at or Near Certain Community Locations" (dated January 18, 2013).

I. Foundational Principle

In our pursuit of justice, including in the execution of our enforcement responsibilities, we impact people's lives and advance our country's well-being in the most fundamental ways. It is because of the profound impact of our work that we must consider so many different factors before we decide to act. This can make our work very difficult. It is also one of the reasons why our work is noble.

When we conduct an enforcement action – whether it is an arrest, search, service of a subpoena, or other action – we need to consider many factors, including the location in which we are conducting the action and its impact on other people and broader societal interests. For example, if we take an action at an emergency shelter, it is possible that noncitizens, including children, will be hesitant to visit the shelter and receive needed food and water, urgent medical attention, or other humanitarian care.

To the fullest extent possible, we should not take an enforcement action in or near a location that would restrain people's access to essential services or engagement in essential activities. Such a location is referred to as a "protected area."

This principle is fundamental. We can accomplish our enforcement mission without denying or limiting individuals' access to needed medical care, children access to their schools, the displaced access to food and shelter, people of faith access to their places of worship, and more. Adherence to this principle is one bedrock of our stature as public servants.

II. Protected Areas

Whether an area is a "protected area" requires us to understand the activities that take place there, the importance of those activities to the well-being of people and the communities of which they are a part, and the impact an enforcement action would have on people's willingness to be in the protected area and receive or engage in the essential services or activities that occur there. It is a determination that requires the exercise of judgment.

The following are some examples of a protected area. The list is not complete. It includes only examples:

- A school, such as a pre-school, primary or secondary school, vocational or trade school, or college or university.
- A medical or mental healthcare facility, such as a hospital, doctor's office, health clinic, vaccination or testing site, urgent care center, site that serves pregnant individuals, or community health center.

- A place of worship or religious study, whether in a structure dedicated to activities of faith (such as a church or religious school) or a temporary facility or location where such activities are taking place.
- A place where children gather, such as a playground, recreation center, childcare center, before- or after-school care center, foster care facility, group home for children, or school bus stop.
- A social services establishment, such as a crisis center, domestic violence shelter, victims services center, child advocacy center, supervised visitation center, family justice center, community-based organization, facility that serves disabled persons, homeless shelter, drug or alcohol counseling and treatment facility, or food bank or pantry or other establishment distributing food or other essentials of life to people in need.
- A place where disaster or emergency response and relief is being provided, such as along evacuation routes, where shelter or emergency supplies, food, or water are being distributed, or registration for disaster-related assistance or family reunification is underway.
- A place where a funeral, graveside ceremony, rosary, wedding, or other religious or civil ceremonies or observances occur.
- A place where there is an ongoing parade, demonstration, or rally.

We need to consider the fact that an enforcement action taken near – and not necessarily in – the protected area can have the same restraining impact on an individual’s access to the protected area itself. If indeed that would be the case, then, to the fullest extent possible, we should not take the enforcement action near the protected area. There is no bright-line definition of what constitutes “near.” A variety of factors can be informative, such as proximity to the protected area, visibility from the protected area, and people’s behavioral patterns in and around the protected area. The determination requires an analysis of the facts and the exercise of judgment.

The fundamental question is whether our enforcement action would restrain people from accessing the protected area to receive essential services or engage in essential activities. Our obligation to refrain, to the fullest extent possible, from conducting a law enforcement action in or near a protected area thus applies at all times and is not limited by hours or days of operation.

Whether an enforcement action can be taken in or near a courthouse is addressed separately in the April 27, 2021 Memorandum from Tae Johnson, ICE Acting Director, and Troy Miller,

CBP Acting Commissioner, entitled “Civil Immigration Enforcement Actions in or Near Courthouses,” which remains in effect.

III. Exceptions and Limitation on Scope

The foundational principle of this guidance is that, to the fullest extent possible, we should not take an enforcement action in or near a protected area. The phrase “to the fullest extent possible” recognizes that there might be limited circumstances under which an enforcement action needs to be taken in or near a protected area. The following are some examples of such limited circumstances:

- The enforcement action involves a national security threat.
- There is an imminent risk of death, violence, or physical harm to a person.
- The enforcement action involves the hot pursuit of an individual who poses a public safety threat.
- The enforcement action involves the hot pursuit of a personally observed border-crosser.
- There is an imminent risk that evidence material to a criminal case will be destroyed.
- A safe alternative location does not exist.

This list is not complete. It includes only examples. Here again, the exercise of judgment is required.

Absent exigent circumstances, an Agent or Officer must seek prior approval from their Agency’s headquarters, or as you otherwise delegate, before taking an enforcement action in or near a protected area. If the enforcement action is taken due to exigent circumstances and prior approval was therefore not obtained, Agency headquarters (or your delegate) should be consulted post-action. To the fullest extent possible, any enforcement action in or near a protected area should be taken in a non-public area, outside of public view, and be otherwise conducted to eliminate or at least minimize the chance that the enforcement action will restrain people from accessing the protected area.

Enforcement actions that are within the scope of this guidance include, but are not limited to, such actions as arrests, civil apprehensions, searches, inspections, seizures, service of charging documents or subpoenas, interviews, and immigration enforcement surveillance. This guidance does not apply to matters in which enforcement activity is not contemplated. As just

one example, it does not apply to an Agent's or Officer's participation in an official function or community meeting.

This guidance does not limit an agency's or employee's statutory authority, and we do not tolerate violations of law in or near a protected area.

IV. Training and Reporting

Please ensure that all employees for whom this guidance is relevant receive the needed training. Each of your respective agencies and offices should participate in the preparation of the training materials.

Any enforcement action taken in or near a protected area must be fully documented in your Agency's Privacy Act-compliant electronic system of record in a manner that can be searched and validated. The documentation should include, for example, identification of the protected area; the reason(s) why the enforcement action was taken there; whether or not prior approval was obtained and, if not, why not; the notification to headquarters (or headquarters' delegate) that occurred after an action was taken without prior approval; a situational report of what occurred during and immediately after the enforcement action; and, any additional information that would assist in evaluating the effectiveness of this guidance in achieving our law enforcement and humanitarian objectives.

V. Statement of No Private Right Conferred

This guidance is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.



EXTENDED SUPPORT SITES

The Extended Support Sites (ESS) assess student and family needs related to school enrollment, attendance, physical and mental health referrals, health insurance enrollment, legal resources and connect them with services to ensure academic success.



Region East

2151 N. Soto St.
Los Angeles 90032
(323) 224-3100



Region North

6621 Balboa Blvd.
Lake Balboa 91406
(818) 654-3600



Region South

1208 Magnolia Ave.
Gardena 90247
(310) 354-3400



Region West

11380 W. Graham Pl.
Los Angeles 90064
(310) 914-2100



School Enrollment Placement and Assessment (SEPA) Center

1339 Angelina St.,
Los Angeles, CA 90026
(213) 482-3954

8015 Van Nuys Blvd.,
Panorama City, CA 91402
(818) 909-4593