



# SAN DIEGO COMMUNITY COLLEGE DISTRICT

CITY COLLEGE • MESA COLLEGE • MIRAMAR COLLEGE • CONTINUING EDUCATION

August 18, 2017

Dear Students, Employees, and Members of the Community:

The San Diego Community College District (SDCCD) is an inclusive organization, governed by a supportive Board of Trustees. The District is committed to providing high-quality educational opportunities for all students without regard to race, ethnicity, cultural heritage, national origin, religion, immigration status, age, gender, sexual orientation, gender identity, medical condition, or disability.

The United States Constitution applies to and protects the rights of everyone within the nation, no matter what their citizenship or visa status might be. Certain rights, like the right to remain silent and not answer questions asked by police or immigration authorities, apply to everyone.

There have been recent discussions at the national level about the federal government enlisting local law enforcement agencies to perform federal immigration enforcement functions pursuant to section 287(g) of the Immigration and National Security Act, by deputizing state and local law enforcement officers to perform the duties of federal immigration authorities. We would like to reaffirm that the San Diego Community College District will not be participating in the 287(g) delegated authority program. Any such participation would only detract from, and would not enhance the core values of the District. The primary function of the College Police Department is campus safety and not immigration enforcement.

As a public institution of higher education, the SDCCD works diligently to ensure that all students have full access to City, Mesa, and Miramar colleges, and Continuing Education and are protected from pressures and intrusive actions that would disrupt or impair their education. The District complies with all Federal and State laws governing the privacy of student records including the Family Education Rights and Privacy Act (FERPA), as well as AB 540 and the California Dream Act, which exempt undocumented and out-of-state students who completed high school in California from non-resident tuition.

As part of the District's compliance with Federal and State laws and regulations, please know that the District:

- **Will not** allow federal immigration officials on campus absent legal authority;
- **Will not** act on behalf of federal agencies to enforce immigration laws or aid in deportation;
- **Does not** share student records containing confidential information about students without written consent, a court order or other legal mandate; and
- The College Police officers **will not** participate in any voluntary program of immigration enforcement.

The San Diego Community College District remains deeply committed to providing excellent educational opportunities and will do everything possible to ensure the academic success of our students.

Sincerely,

Constance M. Carroll, Ph.D., Chancellor, San Diego Community College District  
Ricky Shabazz, Ed.D., President, San Diego City College  
Pamela Luster, Ed.D, President, San Diego Mesa College  
Patricia Hsieh, Ed.D., President, San Diego Miramar College  
Carlos O. Turner Cortez, Ph.D., President, San Diego Continuing Education



## Frequently Asked Questions Regarding Immigration Enforcement on Campus

### Information for Students

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- [How does the District handle requests from Immigration and Customs Enforcement \(ICE\) and other federal immigration enforcement agents?](#)
- [Does the District assist Immigration and Customs Enforcement \(ICE\), or other federal immigration enforcement agents, to arrest students or their family members on campus?](#)
- [Can Immigration and Customs Enforcement \(ICE\), or other federal immigration enforcement agents, access my student records to assess my immigration status?](#)
- [If I have a question about on-campus immigration enforcement generally, or as to me individually, to whom should I direct my question\(s\)?](#)
- [What other information should I know with regard to immigration enforcement and my status?](#)

For Frequently Asked Questions regarding Deferred Action for Childhood Arrivals (DACA), see [Information for Students and Employees](#)

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### **Q: How does the District handle requests from Immigration and Customs Enforcement (ICE) and other federal immigration enforcement agents?**

- A:**
- The District refers all requests from federal immigration agents, including ICE, to the District office at 3375 Camino Del Rio South, Room 100. Such requests are not handled at the campus level.
  - At the District level, there is a Designated District Official (DDO) who is in charge of following a strict protocol to assure that only such information as the District is required by law is provided, and that affected individuals are notified when circumstances permit.
  - Contact information for the DDO is as follows: Vice Chancellor, Student Services at 619-388-6922.

**Q: Does the District assist Immigration and Customs Enforcement (ICE), or other federal immigration enforcement agents, to arrest students or their family members on campus?**

- A:**
- The District has a policy against assisting federal immigration officials with immigration enforcement activities, which includes any activity designed solely to determine immigration status of persons present on campus.
  - We encourage all students and staff to report any on-campus federal immigration enforcement activity to the Designated District Official (DDO) at 619-388-6922 or to campus police.

**Q: Can Immigration and Customs Enforcement (ICE), or other federal immigration enforcement agents, access my student records to assess my immigration status?**

- A:**
- The District does not allow access to student records for law enforcement purposes, including federal immigration enforcement, unless it is presented with a proper subpoena or warrant.
  - If federal immigration officials, including ICE, request access to your student records and they have a proper subpoena or warrant, the District is required by law to grant access in accordance with the subpoena or warrant. However, in such an event the District will attempt to notify you that your records have been requested and will provide you a copy of the warrant or subpoena, as circumstances permit.

**Q: If I have a question about on-campus immigration enforcement generally, or as to me individually, to whom should I direct my question(s)?**

- A:**
- The Immigration Legal Resource Center (<https://www.ilrc.org/>) can provide basic information.
  - Specific questions may be directed to the DDO at 619-388-6922.

**Q: What other information should I know with regard to immigration enforcement and my status?**

- A:**
- **Consult with an experienced immigration attorney or accredited representative** to understand your legal options.
    - Find low-cost immigration legal services: <https://www.immigrationlawhelp.org>.
  - **Avoid fraudulent service providers:** confirm their credentials, ask for a written contract and a receipt for any payments, and if you have doubts, get a second opinion.
    - For more information, go to: <https://www.ilrc.org/anti-fraud-flyers>.

- **Avoid negative contact with law enforcement.** Any arrest, charge, or conviction, especially related to gangs, drugs or a DUI can have a negative impact on your immigration situation.
- **If you have a criminal record, consult an expert.** Certain convictions can be changed to lessen the impact on a future immigration case you may have.

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## KNOW YOUR RIGHTS

Everyone, regardless of their immigration status, has constitutional rights before the immigration authorities.

### Remain Silent

- Don't respond to the questions of an immigration agent or provide any personal information. They may continue to ask you in a forceful, harassing or intimidating manner. You still have the right to remain silent.

### Do Not Open Your Door

- If agents come to your home, ask that a search warrant be passed under your door or shown through a window. Do not open the door for them if they cannot show you a warrant **signed by a judge**. You lose certain rights by allowing agents into your home.

### Do Not Sign Anything

- Do not sign any document. Ask to speak with an attorney and for a hearing in immigration court before signing away any of your rights.

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**Disclaimer: This is being provided for information only. Please consult with legal counsel.**



## Frequently Asked Questions Regarding Deferred Action for Childhood Arrivals (DACA)

### Information for Students and Employees

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- [I currently have DACA status, is there anything I need to do?](#)
- [I am not currently DACA, and may be eligible. Should I apply?](#)
- [Should I renew my DACA status?](#)
- [If I have DACA status, should I travel outside the United States?](#)
- [Are there other options for immigration benefits other than DACA?](#)

For Frequently Asked Questions regarding Immigration Enforcement on Campus, see [Information for Students](#)

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#### Q: I currently have DACA status, is there anything I need to do?

- A:**
- DACA should continue to provide you the same benefits — protection from deportation, work authorization and more. However, even if you have DACA status, immigration authorities may detain you and terminate your DACA status if you, after receiving a DACA grant:
    - are **arrested or convicted** for any criminal offense,
    - **admit to any criminal offense**,
    - are determined to pose a **threat** to public safety or national security,
    - admit to **fraud** in connection with a government agency (such as use of a false social security number), or
    - admit to **gang affiliation**.
  - According to Department of Homeland Security, if you disclosed the above information in previous DACA applications and your case was approved, you will continue to hold DACA status. If you failed to disclose any criminal history in your application or experience new criminal issues after receiving DACA, you should speak to an attorney as you may be at risk.

#### Q: I am not currently DACA, and may be eligible. Should I apply?

- A:**
- Applying for DACA for the first time presents both benefits and risks. You should only apply after consulting with an attorney and considering the risks and benefits of your case. Be sure to have an attorney help you prepare your application.
  - Prior criminal, immigration, fraud or gang issues could be particularly risky. Be sure to consult an expert before applying if you have:

- previous **criminal arrests** or **charges** (even without a conviction);
  - **any type of criminal conviction** (including either misdemeanors or felonies);
  - any history of **fraud related to a government agency** (such as **use of a false social security number**); or
  - been **deported** or have been ordered to be deported from the United States before.
- Initial applications may take anywhere from a few weeks to several months to be processed. If a new application is not approved before the DACA program is changed or terminated, you may lose the \$495 application fee. Furthermore, you risk exposure to immigration authorities by sending them your personal data.

## Q: Should I renew my DACA status?

- A:**
- If you currently have DACA status and want to renew it, you should first consult with an experienced immigration attorney or accredited representative to determine if you should renew your status.
  - DACA renewal applications are still being accepted and approved which means you may receive a new work permit valid for another two years. The main risk is that the DACA program could be changed or terminated suddenly. If your renewal application is not approved before the program is terminated, you may lose the \$495 application fee.
  - You may qualify for a loan or other help with the application costs. Check with your local DACA service providers for information, or your nearest Mexican Consulate or other nationality consulate that would be applicable to your status.
  - If you have **any prior or new immigration or criminal issues**, do not apply to renew your DACA status until you **first consult with a trusted legal service provider** to assess your case. Some past criminal or immigration issues could impact your renewal application now even if you were approved for DACA status in the past.

## Q: If I have DACA status, should I travel outside the United States?

- A:**
- Do not apply for or travel under advance parole through DACA at this time.
  - If you have already been approved for travel outside the United States with advance parole or you need to request emergency advance parole (in person at a United States Citizenship and Immigration Services office), do so only after consultation with an experienced immigration attorney or accredited representative.
  - You **should not travel with parole of any type if you have:**
    - previous **criminal arrests** or **charges** (even without a conviction); **any type of criminal conviction** (including either misdemeanors or felonies)
    - any history of **fraud related to a government agency** (such as **use of a false social security number**); or
    - been **deported** or been ordered to be deported from the United States before.

**WARNING:** Individuals with citizenship or travel documents from the following countries should not, under any circumstances, travel on advance parole because you may not be let back into the country in accordance with President Trump's ongoing executive orders barring individuals from these countries: **Iran, Syria, Yemen, Sudan, Libya and Somalia** (list of countries subject to change).

## Q: Are there other options for immigration benefits other than DACA?

- A:**
- **Consult with an experienced immigration attorney or accredited representative** to understand your legal options and if you might be eligible for a safer, more permanent immigration benefit.
    - Find low-cost immigration legal services: <https://www.immigrationlawhelp.org>.
  - Avoid fraudulent service providers: confirm their credentials, ask for a written contract and a receipt for any payments, and if you have doubts, get a second opinion.
    - For more information, go to: <https://www.ilrc.org/anti-fraud-flyers>.
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