

ICE Site Visit Tips

A faculty member, employee, or student who is asked by ICE to grant access to a non-public area of the university (as defined below) should indicate that they do not have the authority to grant such access and immediately call university police at (614) 292-2121 for assistance. When encountering any law enforcement official attempting to execute a warrant on campus, verbally indicate that you do not have the authority to give them permission to enter a non-public area or to evaluate the validity of a warrant and call the university police. (A sample dialogue is provided on the last page of this document.)

The following tips relate to Immigration & Customs Enforcement (ICE) and Customs & Border Protection (CBP) interactions specifically. ICE has responsibility for removal of noncitizens unlawfully present in the United States and for administration of the Student and Exchange Visitor Information System (SEVIS) schools must use to invite and track F-1 international students and J-1 exchange visitors. CBP has responsibility for border control, customs inspection, and, in some cases, immigration enforcement within a certain distance from the border or on assignment.

If members of the campus community see or encounter ICE on campus, they should contact university police immediately at (614) 292-2121. Please be aware that ICE or other Department of Homeland Security (DHS) representatives often visit campus for non-enforcement related activities. ICE officers may freely access public areas of the campus, including sidewalks, open outdoor spaces, and publicly accessible buildings. Areas where any member of the public may normally enter and freely move around without having their presence questioned would typically be considered a public area. ICE officers must have a judicial warrant to enter non-public areas of the university. Non-public areas typically include classrooms, laboratories, offices, residence halls, and spaces restricted by keycard or security. If there are questions about whether specific areas are public or non-public please contact the Office of Legal Affairs at (614) 292-0611.

University employees and students should not obstruct, interfere with, or provide false information to any law enforcement officials, including ICE.

If you encounter ICE or CBP agents looking for a specific individual on campus, you should request that the agents contact the university police at (614) 292-2121.

Warrants and Subpoenas (See Examples at End of Document)

Only OSUPD and the Office of Legal Affairs have the ability to evaluate, on behalf of the institution, whether a law enforcement agency is properly on campus. **We do not expect, nor do we recommend that faculty, staff or students engage in the evaluation of a warrant or subpoena.** The information below is only being provided as factual background responsive to questions we have received.

There are two types of warrants: judicial and administrative.

- A **judicial warrant** is an official court document, signed by a state or federal judge or magistrate, and based on probable cause. The warrant may authorize a law enforcement official to make an arrest, a seizure, or a search.
- An **administrative warrant** is a warrant signed by an ICE agent, stating that someone is under consideration for possible arrest and deportation. Typically, ICE agents will use Form I-200, Warrant for Arrest of Alien to carry out their duties. Form I-862, Notice to Appear can also serve as an arrest warrant. Administrative warrants may only be executed by ICE agents in public places. They do not authorize agents to enter a place where there is a reasonable expectation of privacy to execute the warrant, unless they are given consent to enter. Generally, administrative warrants do not authorize immigration officials to conduct searches.

There are two types of subpoenas used to request information: judicial and administrative.

- A **judicial subpoena** is an official court document, signed by a state or federal judge or magistrate, and identifies the person or entity (and their address) subject to the subpoena.
- An **administrative subpoena** is a subpoena issued on DHS Form I-138 and signed by an immigration judge or Department of Homeland Security (DHS) official from USCIS, ICE, or Customs and Border Protection as part of a criminal or civil investigation. The subpoena can command the person or entity attend and give testimony and/or produce records. The subpoena is not enforceable on its own. If the witness refuses to comply with the subpoena, the issuing officer or immigration judge can request a U.S. District Court issue an order requiring the witness to comply with the subpoena request.

Requests For Information

The Family Educational Rights and Privacy Act (FERPA), subject to very limited exceptions (see below), protects the privacy of a student's education records. Protected records include immigration status. That means university employees cannot disclose a student's immigration status to law enforcement – proactively or in response to questions, in the absence of a subpoena or court order. Please contact the Office of Legal Affairs (OLA) at (614) 292-0611 if you are asked by an ICE representative for student information or if you receive a subpoena or court order. A judicial order or lawfully issued subpoena is one of the exceptions to providing FERPA-protected information but must be evaluated by OLA before doing so.

There is a limited FERPA exception enabling ICE to obtain certain information concerning students in F, J, or M nonimmigrant status without a warrant or subpoena. (Primarily this relates to international students and exchange visitors.) An ICE representative requesting information for an individual in one of these immigration classifications should contact either the Office of International Affairs at (614) 292-6101 or OLA at (614) 292-0611 to determine the appropriate response. Typically, ICE makes such requests directly to the Office of International Affairs.

All health care providers, including students working in specific roles, must abide by the Health Insurance Portability and Accountability Act (HIPAA) and provide care per clinical expectation.

HIPAA applies to all patients, regardless of immigration status. This means that health care providers cannot disclose any information about a patient's immigration status to law enforcement – proactively or in response to questions, in the absence of a subpoena or court order. Additionally, there is no requirement to document immigration status in the health care setting and, generally, patients are not asked about their status unless it directly relates to their health care. Please contact either WMC Security at (614) 293-8500 or Risk Management, OLA at (614) 293-8446, pager 2001 if you are asked by an ICE representative for patient information.

Noncitizen Obligation To Carry Evidence Of Immigration Status Or “Registration”

U.S. citizens are not legally required to carry evidence of immigration status.

However, federal law does require **noncitizens** to carry evidence of immigration status or otherwise demonstrate that they have registered with federal authorities. It is a crime for a noncitizen to fail to carry evidence of their status or registration. These requirements are explained in detail below.

- Federal law requires that all noncitizens in the United States for 30 days or more register with the U.S. government. Failure to register may result in criminal penalties, financial penalties and/or removal from the U.S.
- Many noncitizens may already be considered registered, including, for example:
 - Noncitizens issued I-94s (including electronic I-94s), even if the period of admission has expired. (Most individuals in nonimmigrant statuses such as F-1, J-1, H-1b, O-1, TN, etc., would be considered registered under this provision.)
 - Lawful permanent residents (green card holders)
 - Noncitizens with employment authorization cards
 - Noncitizens with pending I-485s who have provided fingerprints (i.e., done biometrics).
- Any noncitizens, whether previously registered or not, who turn 14 years old in the United States, must register within 30 days after their 14th birthday. Parents of noncitizens under the age of 14 should be aware of this re-registration requirement.
- **Noncitizens are required to carry evidence of registration. Failure to carry evidence of registration may result in criminal penalties, financial penalties, and/or removal from the U.S. Most nonimmigrants should carry their I-94 printouts and passports; green card holders should carry their green cards.**
- U.S. citizens who are concerned about the possibility of accidental detention during immigration enforcement operations may wish to carry evidence of U.S. citizenship or legal presence in the United States (e.g., Real ID driver's license, passport or passport card).

- **Noncitizens must notify the U.S. government of changes of address within 10 days of any such change.** Failure of a noncitizen to timely update an address may result in criminal penalties, financial penalties, and/or removal from the U.S.

Support and Resources

We want to remind you that it is okay to not be okay and to ask for help and support.

If you are a student looking for or in need of support, please know the university has resources for you. [Counseling and Consultation Service](#) (CCS) has a [list of resources on their website](#) that are available 24/7. Support and resources are also provided by the [Student Wellness Center](#) and the [Student Advocacy Center](#). In addition, feel free to contact the immigration coordinators at the Office of International Affairs at iss@osu.edu or support through [Student Legal Services](#).

For faculty and staff, the Employee Assistance Program (EAP) is available and offers many everyday resources, including counseling sessions. EAP tools and resources are available 24/7 through the personal EAP portal at osu.mylifeexpert.com. The portal can be used to request any of the services offered by completing the online request form for [counseling](#) or [work-life services](#). You can also request services by calling 800-678-6265.

EXAMPLES OF ADMINISTRATIVE & JUDICIAL WARRANTS

**1. ADMINISTRATIVE WARRANT FORM I-200, DOES NOT AUTHORIZE
ENTRY INTO NON-PUBLIC SPACE**

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No.

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____
(Location)
on _____ on _____, and the contents of this
(Name of Alien) (Date of Service)
notice were read to him or her in the _____ language.
(Language)

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

2. NOTICE TO APPEAR IN REMOVAL PROCEEDINGS, DOES NOT AUTHORIZE ENTRY INTO NON-PUBLIC SPACES

U.S. Department of Homeland Security

Notice to Appear

In removal Proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: FIN #:
DOB: File No:
Event No:

In the Matter of:

Respondent: currently residing at:
(Number, Street, city and ZIP code)

1. You are an arriving alien.
 2. You are an alien present in the United States, who has not been admitted or paroled.
 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

on at to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above. (Signature and Title of Issuing Officer)

(Date) (City and State)

Form I-862

SAMPLE

3. ADMINISTRATIVE SUBPOENA FORM I-138, NOT ENFORCEABLE ABSENT COURT ORDER

(NOTE THAT MANY RECORDS FOR F-1 STUDENTS AND J-1 EXCHANGE VISITORS ARE FERPA EXEMPT AND MUST BE RELEASED TO ICE UPON REQUEST)

1. To (Name, Address, City, State, Zip Code)	DEPARTMENT OF HOMELAND SECURITY IMMIGRATION ENFORCEMENT SUBPOENA to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4		
Subpoena Number			
2. In Reference To			
(Title of Proceeding)		(File Number, If Applicable)	
By the service of this subpoena upon you, YOU ARE HEREBY SUMMONED AND REQUIRED TO:			
(A) <input type="checkbox"/> APPEAR before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.			
(B) <input checked="" type="checkbox"/> PRODUCE the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.			
Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).			
3. (A) CBP, ICE or USCIS Official before whom you are required to appear Name Title Address Telephone Number	(B) Date	(C) Time	<input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
4. Records required to be produced for inspection			
 If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.		5. Authorized Official <hr/> (Signature) <hr/> (Printed Name) <hr/> (Title) <hr/> (Date)	

4. JUDICIAL WARRANT AUTHORIZING ENTRY TO NON-PUBLIC SPACE

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address))
Case No.)
)
)
)
)
)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (*identify the person or describe the property to be seized*):

YOU ARE COMMANDED to execute this warrant on or before _____ (*not to exceed 14 days*)
 in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C.

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (*check the appropriate box*)

for days (*not to exceed 30*) until the facts justifying the later specific date of

Date and time issued: _____ *Judge's signature*

City and state: _____ *Printed name and title*

PROPOSED DIALOGUE FOR ICE ENCOUNTER

As noted above, the first action anyone who sees or encounters ICE on campus should take is to contact university police to ensure that qualified individuals are able to respond. The dialogue below is purely hypothetical based on encountering ICE in the classroom setting.

Employee: Excuse me, can I help you?

ICE Officer: I am from Immigration & Customs Enforcement, and we are looking for [name of individual]

Employee: I'm sorry, our instructions are to call the university police to assist with law enforcement.

ICE Officer: Can we come in?

Employee: I'm sorry, but I'm not authorized to give permission for law enforcement to enter any specific area. I have to call the university police.

ICE Officer: We have a warrant. [Officer shows piece of paper.]

Employee: I'm not qualified to evaluate that. University police should be here soon and they can help you.

ICE Officer: Can you tell me if this individual is in the classroom?

Employee: Really, I'm not trying to be difficult, but my instructions are to wait for the university police as they are the representatives from campus that need to speak with you.

ICE Officer: We're coming in to look around.

[If the conversation reaches this point, and the ICE officers proceed, the employee should not physically impede the progress of the ICE officers. The employee is not required to volunteer information but should never provide false information. The employee should not flee or encourage others to leave the area.]

Remember, non-citizens are legally required to carry evidence of their status ('registration') in the United States.