

**U.S. IMMIGRATION**  
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## Immigration & Higher Education: Understanding Our Rights

NOCCCD  
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### Why This Matters/Por Qué Esto Importa

- ❖ 30.8% (992,000) of the 3.2 million OC residents are foreign born (*los residentes del Condado de Orange no nacieron en este país*)\*
- ❖ 588,256 are naturalized citizens (*son ciudadanos*)
- ❖ 46.9% speak a language other than English at Home (*hablan otro idioma que no es ingles en la casa*)
- ❖ 236,000 of OC residents are undocumented (229,000 > 15 years old)

Top Countries of Birth		
Mexico	155,000	66%
Korea	12,000	5%
Philippines	11,000	5%
Vietnam	11,000	5%
El Salvador	9,000	4%

- ❖ 33% live with at least one USC child under 18 (77,800) (*tienen hijos menores de edad*)

\*[https://data.census.gov/profile/Orange\\_County,\\_California?g=050XX00US06059](https://data.census.gov/profile/Orange_County,_California?g=050XX00US06059)  
<https://www.migrationpolicy.org/data/undocumented-immigrant-population/county/6059>

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### The Challenges

- ❖ Living in Fear
- ❖ Embarrassment or Shame
- ❖ Complex immigration and economic concerns
- ❖ Hopeless or ignorance about legalizing their status
- ❖ Often work to pay for school and help their families
- ❖ Legal constraints to work
- ❖ Inability to receive federal financial aid
- ❖ Uncertainty as to available resources and where to go for help

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### The Response

- ❖ Compassion and Emotional Support: having someone other than family to turn to who will protect them and have their back
- ❖ Peace & Hope: they want to know and feel like they belong
- ❖ Practical financial, psychological and legal resources
- ❖ Legal advice they can trust
- ❖ A plan: for themselves or in the event a parent, sibling or loved on is apprehended or detained
- ❖ To Be Seen & Heard: that someone cared enough to notice and supports them

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### The Current Climate

- ❖ Enforcement Efforts Are Going Up
- ❖ More immigrants will be apprehended and deemed ineligible for bond (22.5% increase FY18)
- ❖ Crisis level case processing delays
- ❖ Ongoing risk of termination of Temporary Protected Status
- ❖ Return of Title 42 (which turned back approx. 3 million people from March 2020 to May 2023) and more difficulty to qualify for humanitarian relief
- ❖ Pre-DACA reality for high school graduates going forward and the future of DACA is vulnerable

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### Government Priorities

- ❖ Individuals who have committed any criminal acts (charges or convictions not required);
- ❖ Individuals who are subject to a final order of removal and who have not departed or who have unlawfully returned; or
- ❖ Individuals who have engaged in any type of fraud or misrepresentation before a government agency or abused any program related to receipt of public benefits;
- ❖ Individuals who pose a risk to public safety or national security.
- ❖ Recently entered and should not have been admitted (incl. recent paroles) or reentered the U.S. without permission

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## Notable Executive Orders

- ❖ Birth-Right Citizenship
- ❖ Schools and Churches are no longer off limits
- ❖ No asylum seekers can enter the U.S. and armed forces will be used
- ❖ Harder to get visas and benefits
- ❖ "Remain in Mexico"

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## Three Reasons an Immigration Officer (ICE Agent) May Visit Your Place of Work

1. They are conducting an I-9 Investigation and there to serve a Notice of Inspection
2. They have an arrest warrant or search warrant related to an investigation
3. They are conducting a work place raid investigating an employer

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## Reason 1: I-9 Inspection

- ❖ An employer is entitled to three (3) days notice prior to an inspection of I-9 forms. However, inspectors will not necessarily advise employers of this right.
- ❖ Do not provide any documentation or information to the investigator without permission from President's office or let the investigator wander through the school's premises.
- ❖ Be sure to obtain the name and contact information for the investigator and take detailed notes regarding the communication.

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## Reason 2: Arrest or Search Warrants

- ❖ Immigration agents can enter a private area **ONLY** if they have your permission or a *judicial warrant*.
- ❖ If ICE agents try to enter a private area, let them know that the area is private and that they are not permitted to enter without a judicial warrant. Ask if they have one.
- ❖ If ICE agents tell you that they have a judicial warrant, ask for a copy and read it. Confirm the address is correct and it has a judge's signature and immediately contact Public Safety
- ❖ ICE agents may try to use an *administrative warrant* to enter. However, an administrative warrant does **NOT** allow agents to enter private areas without your permission. Administrative warrants say "Department of Homeland Security" and are on Forms I-200 or I-205.

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## General Protocol

- ❖ Be sure to familiarize yourself with existing policies and protocol designed to protect staff, comply with privacy laws and provide guidance on how to address federal law enforcement.
- ❖ Anyone approached by an immigration official regarding a **STUDENT** should contact Public Safety or President's Office so that a determination made as to how to respond.
- ❖ Anyone approached by an immigration official regarding a **STAFF** member should contact Human Resources so that a determination made as to how to respond.
- ❖ Do not take matters into your own hands. Do not share documentation, information, provide access to private areas or direct them to the location of person of interest.

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## Reason 3: ICE Workplace Raids

- ❖ Evidence is collected using traditional criminal investigative techniques such as the use of confidential informants ("CI"), cooperating witnesses ("CW"), body wiretaps, statements from former or current employees, data from other governmental agencies such as the Social Security Administration, Department of Labor, Wage and Hour, and the Office of Inspector General.
- ❖ Evidence can also be obtained through a routine I-9 audit.
- ❖ Raids result from "lead" driven investigations and the evidence is normally obtained during many months of investigation.

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### ICE Workplace Raids (cont.)

- ❖ Armed ICE agents surround the premises, effectively sealing all exits and routes of escape. The supervising agent serves the search warrant on either a receptionist or other company representative and alerts other agents via radio transmitters that entry has been made, thus allowing their entry.
- ❖ While some ICE agents are questioning employees; others are going through drawers and file cabinets seizing documents and computer-related equipment.
- ❖ Once an employee admits alienage, i.e. admits to not being a U.S. citizen, the burden shifts to the employee to demonstrate legal status in the U.S.



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### How to Address ICE Agents Who Visit the Campus

- ❖ Anyone – including ICE agents – can enter *public* areas of your campus without permission. This include a dining areas, parking lots, lobbies or waiting areas.
- ❖ Being in a public area does NOT give ICE the authority to stop, question, or arrest just anyone.
- ❖ No one can enter a *private* area of a campus or building without permission or a judicial warrant.
- ❖ Do NOT allow ICE agents to enter private areas of the campus. *"I am not authorized to give you permission to enter. Please wait and I will contact Campus Safety."*
- ❖ Do NOT interact with ICE agents. If ICE agents have questions or requests, say, *"Please wait a moment while I contact someone who can help you."*

TIP: To show that some areas are private, mark them with a "Private" sign, keep the doors closed or locked, and have a policy that visitors and the public cannot enter those areas without permission.



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### Be Prepared if ICE Agents Visit the Campus

- ❖ Be alert.
  - Keep an eye out for government vehicles (both marked and unmarked)
  - Look for officers dressed in law enforcement uniform
- ❖ Be proactive.
  - Approach them as soon as possible for the safety and security of the student body.
  - Inquire about the nature of their visit.
  - Again, do not provide any information or the location of any student or employee they may be inquiring about.
- ❖ Be prepared.
  - Have on hand the contact number for Public Safety or President's Office.
  - Identify a space for them to wait and stay with them.



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### If a Police Officer or an Immigration Agent Comes to An Individual's Home

They DO NOT have to open the door unless a search warrant or arrest warrant is presented.

If it is an arrest warrant, the document must have:

- the name of the person to be arrested
- the correct address of the individual
- a Judge's signature

If it is a search warrant, it must have:

- the address of the place to be searched
- a Judge's signature



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### Judicial Warrant Signed by a Judge

UNITED STATES DISTRICT COURT  
Eastern District of California

In the Matter of the Search of \_\_\_\_\_, Case No. \_\_\_\_\_  
Should the person or persons named herein be arrested or searched, the person or persons named herein shall be taken to the County Jail, Sacramento, California 95811.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer 211-SW-0161 EFB

An application by a United States Marshal or an attorney for the government requests the search of the following person or persons located in the \_\_\_\_\_ County of \_\_\_\_\_ California. SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

The person or persons to be searched, described above, is believed to conceal inside the person or describe the \_\_\_\_\_ SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before 5-9-2011

In the daytime 6:00 a.m. to 10 p.m.  at any time in the day or night as I find reasonable cause has been established.

Unless deluged 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 United States Magistrate Judge \_\_\_\_\_

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2703 (except for delay of trial), and authorize the officer executing this warrant to bring notice to the person who, or whose property, will be searched or seized and the supervisor and \_\_\_\_\_

Date and time issued 4-25-2011 10:20 AM

City and state SACRAMENTO, CALIFORNIA EDWARD F. SPERANZA U.S. DISTRICT JUDGE



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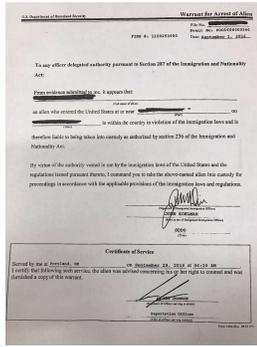
### Judicial Warrant Signed by a Judge

- ❖ If ICE agents do not have a valid judicial warrant, you have the right to refuse them entry.
- ❖ If the arrest warrant appears valid, ICE can arrest the named person if s/he is found in the public areas of the campus.
- ❖ It does not allow ICE to enter private areas in order to carry out the arrest.
- ❖ If a search warrant is presented, check to make sure the information is correct and it is still valid.
- ❖ Valid judicial search warrants allow ICE to enter the non-public areas of the campus.
- ❖ If it does not appear valid, you may refuse ICE entry. If they enter anyway you should continue to refuse consent and document their actions, but do not obstruct their entry.



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## Administrative Warrant



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## Administrative Warrant

- ❖ ICE warrants (*Form I-200* and *I-205*) are administrative documents that identify an individual suspected of being subject to deportation and authorize designated immigration agents to take the identified person into custody.
- ❖ These documents are not reviewed or issued by a court or judicial officer.
- ❖ These warrants do not give ICE the authority to enter the non-public areas of the campus. You may deny ICE access to these areas.
- ❖ This warrant is directed at federal immigration officers, not local law enforcement. Federal regulations only provide authority to ICE agents to execute an immigration warrant.

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## If students or employees have contact with an Immigration Officer...

- ❖ They have the right to remain silent!
- ❖ They are not obligated to answer any questions, including: place of birth or immigration status
- ❖ If asked, give real name. Do not give a fake name
- ❖ Do not show false documentation
- ❖ They are not obligated to sign any document, specifically an order of voluntary departure without speaking to an Attorney.

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## If an Individual is Arrested or Detained

Contact an Immigration Attorney as soon as possible

Give the following information to your family:

- a) Case number - Booking number
- b) Immigration number (It starts with the letter A# and is followed by 8 or 9 digits)
- c) Letters or notices you have received from Immigration

They do not have to disclose their immigration status or their place of birth even if asked.

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## Basic Tips

- ❖ Organize important documents in a safe place where others can access and know where they are (i.e. identification, passports, birth and marriage certificates, receipt notices and approval notices you have for any pending immigration application)
- ❖ If an application has been previously filed for an immigration benefit, be sure to have copies of these applications and receipts.
- ❖ Obtain a power of attorney of a trusted individual to sell your property or conduct business on their behalf should you be unable to do so.
- ❖ If they are a foreign citizen register the family with their consulate.

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## Family Preparedness

- ❖ Be sure that someone other than the parent is registered with the school as an emergency contact
- ❖ "Caregiver's Authorization Affidavit" can be given to a child's school or health care provider so the chosen caregiver can make certain decisions for the child without affecting parental rights.
- ❖ "Qualified relative," means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
- ❖ **Guardianship:** Probate Court appoints someone to have full legal and physical custody of the child, meaning they can make decisions on behalf of the child in lieu of the parent.

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## Understanding Our Rights

- ❖ We have the right to remain silent
- ❖ We are not obligated to answer any questions, including: place of birth or immigration status
- ❖ If asked, give a real name. Do not give a fake name
- ❖ It is important to have identification even if only from a foreign government. Do not show false documentation
- ❖ We are not obligated to sign any document, specifically an order of voluntary departure without speaking to an Attorney.
- ❖ ICE must have a judicial arrest or search warrant to enter the home to apprehend someone involuntarily

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## Proactive Options

- ❖ It is important to have their case evaluated or reevaluated by a competent immigration attorney or DOJ accredited non-profit organization. Options may change over time. (But beware of notaries or consultants who do not understand the law.)
- ❖ Discover their opportunities for legalization.
- ❖ Gain understanding how their immigration or criminal history may impact their ability to legally remain in the United States.
- ❖ Ensure that an attorney has their basic information so that they can respond if you are detained.

Always carry the number of an immigration attorney.

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## Tips for DACA Recipients

- ❖ The future of DACA is currently in the hands of the courts NOT the President. No action can be taken while the case is pending before the 5<sup>th</sup> Circuit Court of Appeals. Stay abreast of the latest information on court case decisions.
- ❖ Be sure to renew your DACA 150 days in advance of their DACA validity period expiring.
- ❖ Explore other legalization options especially if they have married or if they, or their parents, have had an immigrant visa petition previously filed.
- ❖ If they entered without inspection, speak to an immigration attorney about DACA Advance Parole, which will allow them to travel and obtain a legal entry that may allow them to legalize their status in the future without leaving the United States.

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## Legalization Options

- ❖ **Family Based Petitions** – 245(i), AP or lawful entry may allow you to adjust status in the United States Consular processing
- ❖ **VAWA** – victims of physical, verbal or emotional abuse by their U.S. Citizen or Lawful Permanent Resident Spouse or Parent
- ❖ **U Visa** – victims of violent crimes who cooperated with law enforcement in the investigation or prosecution of a crime
- ❖ **PIP** – individuals with immediate family members who are serving or who have served in the U.S. armed forces.

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## Becoming an Ally

- ❖ Create a welcoming and inclusive environment including posting Know your Rights Information or Resources
- ❖ “Market” your support for immigrants and the undocumented in your office, program, and/or department
- ❖ Host an event or contribute to a conversation that will change the narrative around immigration and combat the rhetoric that will be prevalent in the media
- ❖ Other ideas?

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## Characteristics of an Ally

Allies are knowledgeable, empathic, and willing people who:

- ❖ Provide a safe, nondiscriminatory environment for undocumented staff and clients
- ❖ Respond to incidents of discrimination and harassment
- ❖ Understand, stay apprised of, and act upon policies that support staff and clients
- ❖ Assist colleagues to understand the fears, needs, concerns of impacted individuals
- ❖ Support the academic, professional, personal and social growth of impacted individuals

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## Other Steps to Take

- ❖ Stay abreast of changes in the law and know your options
- ❖ Familiarize yourself with campus and community resources
- ❖ Communicate your support effectively to those impacted
- ❖ Make your support visible
- ❖ Review policies of your work place



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## Mental Health\*

- ❖ **Post-traumatic Stress Syndrome (PTSD)** can occur after a primary trauma that happens in your own life, when your well-being has been threatened in some way.
- ❖ PTSD can also cause **Compassion Fatigue**, which limits your capacity for empathy, hope, and compassion for others and yourself.
- ❖ Prolonged compassion fatigue, or **Burnout** is a state of emotional, mental, and physical exhaustion caused by excessive and prolonged stress. It is when you feel overwhelmed, emotionally tired, and unable to meet the constant demands of your work.

\* <https://www.afsc.org/document/vicarious-trauma-struggle-immigrant-justice>



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## Mental Health\*

- ❖ **Vicarious Traumatic Stress (STS)** or Secondary Traumatic Stress (STS) is a genuine disorder that affects individuals who did not witness the traumatic event first-hand but were exposed to it in other ways such as through their profession as clergy, counselors, or emergency personnel or any familiarity with someone who was directly impacted, or repeated exposure through the media.
- ❖ **The symptoms may include:** agitation or irritability, confusion, intense fear, hypervigilancy, angry outbursts, sadness or depression, feelings of guilt or hopelessness, nightmares or sleeplessness, constantly worried about death, unable to focus or concentrate, avoidance of public places, chronic illness (i.e. headaches, stomach pain), socially withdrawn or dissociated or insensitive to violence.

\* <https://www.afsc.org/document/vicarious-trauma-struggle-immigrant-justice>



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## Resources

<p>Camino Immigration Services 849 Bradford Ave., Placentia, CA 92870 (657) 217-2365</p> <p>Coalition for Humane Immigrant Rights 32118 Paseo Adelanto, Suite 9A, San Juan Capistrano, CA, 92675 (888) 624-4752</p> <p>Asian Americans Advancing Justice Southern California 1626 E. 4th St. Santa Ana, CA 92701 (714) 587-2050</p> <p>Catholic Charities of Orange County 1800 E. 17th St. Santa Ana, CA 92705 (714) 347-9600</p> <p>Public Law Center 601 Civic Drive W. Santa Ana, CA 92701 (714) 541-1010</p>	<p>CAIR-CA 2180 W. Crescent Ave., Suite F, Anaheim, CA (714) 776-1177</p> <p>AHRI for Justice 8682 Beach Blvd Suite 200 Buena Park, CA 90620 (323) 565-1101</p> <p>World Relief 13121 Brookhurst St. Suite H Garden Grove, CA (714) 210-4730</p> <p>Community Legal Aid SoCal 2101 N. Tustin Ave. Santa Ana, CA 92705 (714) 571-5200 or (800) 834-5001</p> <p>UCI Immigrant Rights Clinic 401 E. Peltason Dr. Ste. 1000, Irvine, CA 92697 (949) 824-9646</p> <p>Western State College of Law (714) 459-1196 or wsclimmdefenseclinic@wsulaw.edu</p>
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## Resources

- ❖ <https://www.ilrc.org/resources/step-step-family-preparedness-plan#item-4324>
- ❖ <https://www4.courts.ca.gov/documents/caregiver.pdf>
- ❖ <https://www.justice.gov/eoir/page/file/942306/dl#CALIFORNIA>
- ❖ <https://www.ocjusticefund.org/> (bond funds available to help detainees get out of detention)
- ❖ <https://ocrapidresponse.org/Hotline:714-881-1558>
- ❖ [www.usilg.net](http://www.usilg.net) (scroll down to the bottom of the homepage to sign up for our newsletters)
- ❖ <https://findyourally.com/#:~:text=What%20we%20do,and%20plan%20for%20their%20future>
- ❖ <https://oag.ca.gov/sites/all/files/agweb/pdfs/immigration/higher-education-guidance.pdf>
- ❖ <https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf>



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## Questions?



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