

## Step-by-Step Guide for School Administrators

This guide is intended to help school administrators ensure compliance with federal and state laws that protect students' rights, and to ensure that ICE and CBP agents do not unlawfully enter the school premises, conduct searches, or engage with students without the necessary legal documents.

### Ensure Your Schools Are Prepared Before Immigration Officers Arrive

1. Understand and be able to recognize the differences between judicial and administrative warrants and subpoenas and know the limits of each of these on immigration agents' authority to lawfully enter school property. Generally, judicial warrants are issued by a federal or state court and require compliance. Administrative warrants are issued by immigration enforcement agencies and do not require compliance with requests to enter or search nonpublic areas but may authorize an arrest or seizure of the named person in a public space. Likewise, judicial subpoenas issued by federal or state courts require compliance, while administrative subpoenas do not require immediate compliance without a court order. The attached chart further illustrates these differences.
2. Strengthen your school community to decrease fear that results in reduced school attendance, increased behavior issues, and poor academic performance.
  - 2.1. Update data collection policies to ensure unnecessary information is not being requested or maintained and remind parents and guardians what information is included in the school directory, who can access it, and how they can opt-out.
  - 2.2. Explain to parents and guardians what the school will do if law enforcement, including immigration enforcement officers, request to interview students or request information from the school.
  - 2.3. Provide resources for families to understand their constitutional rights and immigration issues. This can include resources, training, and referrals to legal aid services or immigration advocacy groups to ensure families understand their rights and how to protect themselves.
3. Establish a Protocol for Responding to Immigration Officers, such as the following.
  - 3.1. Designate a Liaison  
Designate the principal or an assistant principal to be designated person responsible for managing the situation when immigration officers arrive. This person shall handle all communication with immigration officers, contact legal counsel, and keep the situation under control. Designate a back-up liaison in case the Principal or Assistant Principal is unavailable.

Ensure that all staff understand that the only individual who should speak with immigration officers is the designated liaison or back-up liaison. This will help ensure school safety and security and reduce interruptions and confusion.

3.2. Create Emergency Contact List

Maintain a list of local immigration attorneys, legal aid organizations, and community resources for immediate contact in case of an ICE or CBP visit.

3.3. Train Staff

Ensure that all staff, including office administrators, security personnel, and teachers, know that only the designated liaison is authorized to speak with ICE officers and what steps to follow if immigration agents show up. Also ensure staff understand students', parents', and their own constitutional rights.

3.4. Prepare Template Communications

Prepare a message or template that can be quickly shared with parents and guardians if federal immigration officers arrive at the school.

3.5. Establish a Response Protocol

3.5.1. Step One: Principal or designated administrator verifies identification and documents

- Politely ask the officer to present their credentials, provide a reason for the visit, and to produce a judicial warrant or subpoena if they have one. Scan or take pictures of the documents.
- Advise the officer that you must notify and get guidance from counsel before responding to their requests.
- Ask the officer to remain in an area open to the public such as the front office or outside the building.
- If the officer asserts emergency authority to enter the school or enters without consent, school personnel should document the interaction and contact legal counsel without attempting to prevent their entry.

3.5.2. Step Two: Principal or designated administrator escalates to the school district's legal counsel.

- Inform officials that an attorney will need to review the documents before the officers proceed and immediately contact the school district’s legal counsel.
- Send copies of the presented documents and credentials to legal counsel.

3.5.3. Step Three: Attorney determines if the warrant or subpoena is valid and what, if anything, the school is required to do. Below are the four different types of documents that the immigration officer may have and that your attorney will need to review:

- Valid Judicial Warrant – Valid judicial warrants require compliance with terms of the warrant.
- Administrative Warrant – Administrative warrants *do not authorize officers* to enter nonpublic areas of the school.
- Valid Judicial Subpoena – Valid judicial subpoenas require compliance with the terms of the subpoena. However, subpoenas *do not authorize officers to enter* nonpublic areas of the school.
- Administrative Subpoena – There is *no immediate requirement to comply* with an administrative subpoena; penalties for failure to comply may occur only if the issuer takes additional steps to enforce the subpoena in federal district court.

3.5.4. Step Four: Principal or designated administrator allows or denies entry to school premises based on the warrant/subpoena based on advice from counsel.

- If the officer does not have a valid judicial warrant, inform them that they are not allowed to enter nonpublic areas of the school. If they insist, remain firm and direct them to legal counsel.

*Example:* “We are required to deny entry to nonpublic areas of the school property to anyone without a valid state or federal court-issued warrant.”

- If counsel advises to allow the officer to access a student, remind the student of their right to remain silent and

immediately contact the student's parents or legal guardian unless such contact is prohibited by a judicial order.

3.5.5. Step Five: After the interaction, document the incident.

- Write a detailed report of the incident. Include the date and time of the visit, the names and affiliations of the officers, badge numbers, the type of documents they presented (e.g., administrative warrant, judicial warrant, or subpoena), and any actions taken by the school.
- Keep all records of the visit, including photos or copies of any documents presented by the officers.

3.5.6. Step Six: Inform parents and guardians.

- Immediately notify parents and guardians about the immigration officers' visit. Reassure them that the school took steps to protect their children and explain the rights of students during immigration enforcement.

## Key Differences between Judicial and Administrative Warrants

	Valid Judicial Warrants	Valid Administrative Warrants
Appearance	<ul style="list-style-type: none"> <li>• Issued by a <i>federal or state court</i>,</li> <li>• <i>Signed</i> by a state or federal judge or magistrate,</li> <li>• States the appropriate <i>address</i> of the premises to be searched, and</li> <li>• Specifies a <i>timeframe</i> that has not expired.</li> </ul> <p>If it includes all of these, it is a valid judicial warrant, and you must comply. If any item is missing, it lists the wrong address, or is being presented after the date specified, then it is likely not valid.</p>	<ul style="list-style-type: none"> <li>• Be issued by a <i>DHS agency</i>,</li> <li>• Be signed by an <i>immigration officer</i> or <i>immigration judge</i>,</li> <li>• Bear a title containing “<i>Alien</i>,” and</li> <li>• Cites immigration law as authority for issuance                             <ul style="list-style-type: none"> <li>🔍 <i>Immigration and Nationality Act</i></li> </ul> </li> </ul> <p>Any of these characteristics likely mean this is an immigration warrant and does not authorize agents to enter the premises.</p>
Issuing Entity	<p>Judicial court: federal court judge or magistrate; state court judge or magistrate</p> <ul style="list-style-type: none"> <li>🔍 <i>Florida Circuit Court</i></li> <li><i>U.S. District Court</i></li> </ul>	<p>Federal administrative agencies, such as DHS, USCIS, ICE or CBP; immigration judge or immigration court</p> <ul style="list-style-type: none"> <li><i>DHS Seal or label</i></li> <li><i>DHS Form I-200 “Warrant for Arrest”</i></li> <li><i>DHS Form I-205 “Warrant for Removal/Deportation”</i></li> </ul>
Affect	<p>Requires compliance, with serious consequences of refusing to comply.</p>	<p>Does not authorize a search or entry to nonpublic areas. May authorize seizure of arrest in public areas.</p>

## Key Differences between Judicial and Administrative Subpoenas

	<b>Judicial Subpoenas</b>	<b>Administrative Subpoenas</b>
Appearance	<ul style="list-style-type: none"> <li>• Issued by a <i>federal or state court</i>,</li> <li>• <i>Signed</i> by a state or federal judge or magistrate, and</li> <li>• Have the address of the target of the subpoena.</li> </ul> <p>If it includes all of these, it is a valid judicial subpoena, and you must comply. If any item is missing, or it lists the wrong address, then it is likely not valid.</p>	<ul style="list-style-type: none"> <li>• Be issued by a <i>DHS agency</i>,</li> <li>• Be signed by an <i>immigration officer</i> or <i>immigration judge</i>,</li> <li>• Bear a title containing “<i>Alien</i>,” and</li> <li>• Cites immigration law as authority               <ul style="list-style-type: none"> <li>🔍 <i>Immigration and Nationality Act</i></li> <li><i>8 U.S.C. § 1225(d)</i></li> <li><i>8 C.F.R. § 287.4</i></li> </ul> </li> </ul> <p>Any of these characteristics likely mean this is an immigration subpoena and not enforceable without an additional court order.</p>
Issuing Entity	<p>Judicial court: federal court judge or magistrate; state court judge or magistrate</p> <ul style="list-style-type: none"> <li>🔍 <i>Florida Circuit Court</i></li> <li><i>U.S. District Court</i></li> </ul>	<p>Federal administrative agencies, such as DHS, USCIS, ICE or CBP; immigration judge or immigration court</p> <ul style="list-style-type: none"> <li><i>DHS Seal or label</i></li> <li><i>DHS Form I-138</i></li> <li><i>CBP Official, ICE Official, USCIS Official</i></li> <li><i>Immigration Enforcement Subpoena</i></li> </ul>
Affect	<p>Requires you to produce documents or information; does not authorize officers’ entry into nonpublic areas.</p>	<p>No immediate requirement to comply; does not authorize officers’ entry to nonpublic areas. Penalties for noncompliance may occur only if issuer obtains judicial court order to enforce.</p>