

FAQ: Harvard's Policies Regarding ICE on Campus

Updated as of May 27, 2020

These Frequently Asked Questions (FAQs) were prepared by the Harvard Representation Initiative (HRI). **HRI provides *free* consultations and legal representation to members of the Harvard community.** The responses to the FAQs listed below are informational and do not constitute legal advice. Every case is different, and advice will vary depending on the individual circumstances of each student or staff member. This guidance is valid as of May 27, 2020.

If you have questions about your immigration status, please contact HRI as soon as possible to set up an individual legal consultation. To make an appointment, please call the office at 617-495-6648 or email hri@law.harvard.edu.

1. What is ICE and why might ICE officers be on campus looking for students or staff?

U.S. Immigration and Customs Enforcement or ICE is a federal agency within the Department of Homeland Security (DHS). ICE is charged with immigration enforcement and as part of that role may be looking to arrest and detain individuals who are suspected of violating U.S. immigration law.

2. Can immigration officials conduct deportation activities on Harvard's campus?

Currently DHS has a policy of not taking "enforcement actions" at "sensitive locations," including colleges and universities. For more information, see ICE's [FAQ on Sensitive Locations and Courthouse Arrests](#). Enforcement actions covered by this policy include arrests, interviews, searches, and surveillance.

If in fact immigration officials do enter Harvard's campus, Harvard University Police Department (HUPD) should be notified. It may be in your interest to show valid employment authorization or identification but also know you have the right to remain silent and the right to refuse a search.

ICE must have a valid judicial warrant to search your home or dorm. Students and faculty should call HUPD (617-495-1215) when someone is on campus claiming to be any type of government official. If ICE claims to have a valid warrant, make sure HUPD and the Office of General Counsel (617-495-1280) are aware of the enforcement activity.

3. What are university and campus policies concerning ICE enforcement activities on campus?

"Chief Francis D. Riley of the Harvard University Police Department (HUPD) issued a message restating the HUPD's practice of not inquiring about the immigration status of faculty, students, or staff and noting that the department is not involved in enforcing federal immigration laws. This is consistent with the policies of the cities of Boston and Cambridge. Furthermore, the University does not and will not voluntarily share information on the immigration status of undocumented members

of our community. And, as a matter of longstanding policy, law enforcement officials seeking to enter campus are expected to check in first with the HUPD and, in cases involving the enforcement of the immigration laws, will be required to obtain a warrant.”¹

You can read Chief Riley’s message in its entirety [here](#).

HUPD will not, however, prevent ICE officials from enforcing legitimate warrants. Please refer to the Addendum for more information on valid warrants. Students and faculty should call HUPD (617-495-1215) when someone is on campus claiming to be any type of government official.

4. Does Harvard protect the privacy of students’ personal information?

Yes. The Family Educational Rights and Privacy Act, a federal statute, requires Harvard not to disclose personally identifiable information from students’ education records unless the student has given consent or a valid exception to nondisclosure applies. “Education Record” is broadly defined in FERPA to include all “records that are ... [d]irectly related to a student[] and [m]aintained by” Harvard.

HUPD does not inquire about the immigration status of faculty, students, or staff, and HUPD is not involved in enforcing federal immigration laws. Law enforcement officials are required to check with HUPD before entering the Harvard campus and must obtain a warrant for immigration-related activity. Please note, however, that if served with a valid, enforceable request from law enforcement, such as a subpoena, Harvard may ultimately be required by court order to disclose a student’s personal information.

5. I am a student. What should I do if ICE comes to my dorm?

To enter a dorm, immigration officers need either (1) a valid warrant signed by a judge or magistrate OR (2) permission from the occupants. If ICE comes to a dorm:

Step 1 - Do not open the door. Opening the door could be seen as permission to enter.

Step 2 - Ask for the officers’ name, identification number, and agency affiliation.

Step 3 - Ask for a copy of any warrant or subpoena. ICE must have a valid judicial warrant to search your home or your person. Please see our Addendum to learn how to identify a valid judicial warrant. If the officers say they have a warrant, you may ask to have them slide it under the door. Again, **do not open the door.**

If ICE officers do not have a warrant, they do not have the right to enter. You should decline to let them in and direct them to the Office of General Counsel (20 University Road., 3rd Floor).

¹ Harvard University, “Supporting Our Community.” <https://www.harvard.edu/president/news/2016/supporting-our-community>

Their number is 617-495-1280.

Step 4 - Inform the officers that you are not obstructing their process but need to consult with campus authorities. Call HUPD (617-495-1215) and wait for them to arrive so that they can verify the officers' information and warrant. If the officers have a warrant, you should also call the Office of the General Counsel (617-495-1280) immediately.

6. What if immigration agents force their way in to my dorm?

If agents force themselves in, and you have not given them permission, do not attempt to physically resist. In order to exercise your rights, tell them that you do not consent to their entrance or their search. Tell them that you are exercising your right to remain silent. If they arrest you, tell them that you want to speak with a lawyer as soon as possible. You can contact the HRI team at 617-495-6648 or at our emergency hotline number at 857-242-6755.

Do not lie or show false documents and do not sign any papers without speaking to a lawyer.

7. I am a Harvard employee. What should I do if ICE comes to my workplace?

To enter your workplace, immigration officers need to have either a valid judicial warrant or the permission of your employer. Please see our Addendum to learn how to identify a valid judicial warrant. It is best to remain calm. Resisting or fleeing may lead to arrest or detention.

If immigration officers or the police are questioning you and you wish to remain silent, you may say this out loud. All individuals have the right to be free from discriminatory questioning, as well as a right not to be selected for questioning because of their religion, race, national origin, gender, ethnicity, or political beliefs.

If immigration officers ask you to line up by immigration status or ask you to reveal your status in some other way, you have the right to remain silent and not answer questions. You have the right not to communicate information in any way.

8. I am a faculty member. If an immigration enforcement officer requests personal and personally identifiable information about a student in any scenario, am I obligated to provide the requested information?

No. As a University employee, you are required to maintain the confidentiality of personal and personally identifiable information, and records containing such information. The University requires federal immigration enforcement officers and other law enforcement officers to produce a valid subpoena or other legal process authorizing the disclosure of student or patient records that contain personal or personally identifiable information. Federal officers generally have no greater access to student or other University records than any member of the public, unless they have a valid subpoena or other legal process.

9. What should I do if an immigration official stops me on the street (outside of the Harvard campus)?

Just like in your dorm or workplace, if you are stopped on the street or in a public area by immigration officers, you have the right to remain silent and not answer questions. You may ask to leave at any point in the conversation. Keep in mind that fleeing may draw attention, arouse suspicion, and lead to arrest or detention.

You have a right to refuse a search. If searched, you may state that you do not consent. Without consent, officials can only “pat down” your clothing if they suspect you have a weapon.

You need not answer questions about your immigration status, where you were born, or how/when you came to the United States. You need not show the officer any identification documents from your home country. If an officer finds your passport (without a valid visa) on your person, it can be used as evidence that you are not a U.S. citizen and don’t have permission to be here.

10. What should I do in the case of an immigration-related emergency?

Have your immigration information in a place that is quickly accessible and let a family member or friend with immigration status know where this information is, so that he or she can easily access it in case of an emergency.

Memorize the phone numbers of a qualified lawyer and of a family member or friend with lawful immigration status whom you can call if picked up by ICE.

Know what rights you have and what course of action you will take when speaking to immigration enforcement officials. Under the U.S. Constitution, whether you are undocumented or not, you have, for example:

- The right to remain silent;
- The right to refuse to open your door to immigration or law enforcement officials who do not have a valid, signed judicial warrant;
- The right to a lawyer (in immigration proceedings, at your own expense); and
- The right not to sign any document without first speaking with a lawyer.

For further information, see:

- [Family Preparedness Guide](#)
- [Planning for a Family Emergency](#)

If you are a member of the Harvard community and you have any further questions about ICE or any other immigration-related matter, please contact HRI to set up an individual legal consultation. To make an appointment, please call the office at 617-495-6648 or email hri@law.harvard.edu.

Addendum: Sample Warrants

A warrant for removal or deportation (an ICE warrant) does not allow officers to enter a home without consent.

A valid warrant for removal or deportation will have been issued by DHS and signed by an immigration official. This is an example of a valid warrant for removal or deportation:

U.S. Department of Homeland Security
Warrant for Arrest of Alien

File No. [REDACTED]
Event No: P001606000346
Date: September 1, 2016
FINS #: 1150253900

To any officer delegated authority pursuant to Section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:
[REDACTED] (Full name of alien)
an alien who entered the United States at or near [REDACTED] (Port) on [REDACTED] (Date) is within the country in violation of the immigration laws and is therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.

[Signature]
(Signature of Designated Immigration Officer)
JOHN KOHLMAN
(Print name of Designated Immigration Officer)
SDDO
(Title)

Certificate of Service
Served by me at Portland, OR on September 28, 2016 at 06:20 AM.
I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.
[Signature]
BREW JOHNSON
(Signature of officer serving warrant)
Deportation Officer
(Title of officer serving warrant)

Form I-260 (Rev. 08-01-07)

← Issued by DHS

← Signed by an immigration officer

If you are presented with a warrant for removal or deportation, you may say, “You do not have the right to enter my home with this warrant. Please leave.”

the person is inside.

A valid arrest warrant must state the name of the person to be arrested, describe the person to be arrested, and be signed by a judge, justice of the peace, or magistrate. Here is an example of a valid arrest warrant:

WARRANT OF ARREST or CAPAS - C.C.P., Art. 15.01 - 15.02

IN JUSTICE COURT,
 PRECINCT No. 3
 of Williamson County

WARRANT OF ARREST
 Cause No. 2FSW-14 [REDACTED]

Bond Amount \$ 20,000.00
 Fine & Cost Amount \$ _____
 Warrant Fee \$ _____
 total \$ _____

THE STATE OF TEXAS
 VS.
 [REDACTED]

Address [REDACTED] City [REDACTED] State TX ZIP [REDACTED]
 DOB [REDACTED] D.L. State TX D.L. # [REDACTED]
 D.L. Expires none Social Security # [REDACTED] Other ID Info. _____
 Race White Sex Male Height [REDACTED] Weight [REDACTED] Hair Brown Eyes Brown

THE STATE OF TEXAS
 To any PEACE OFFICER of the State of Texas Greeting:
 YOU ARE HEREBY COMMANDED to arrest [REDACTED] if to be found in the State of Texas, and bring him before me, a Justice of the Peace in and for Precinct No. 3 Of Williamson County, Texas, at my office in Georgetown, in said County immediately, to answer to the STATE OF TEXAS for an offense against the laws of said State to-wit: Manufacture or Delivery of a Controlled Substance in Penalty Group 1 less than 1 gram, to wit: Methamphetamine. HSC 481.112 (State Jail Felony) on or about August 1st, 2014 of which offense [REDACTED] is accused by the written complaint, under oath of [REDACTED] filed before me.
 Herein Fail Not, but of this writ make due return, showing how you have executed the same.
 Witness my official signature this 4th day of Dec, A.D. 2014
Bill J. [Signature] Justice of the Peace,
 Precinct No. 3 Williamson County, Texas.
 W.C.S.O. Case # [REDACTED]

PEACE OFFICER RETURN
 Came to hand the 5th day of December, A.D., 2014, at 0200 o'clock A. M., and executed on the 5th day of December, A.D., 2014, at 0230 o'clock A. M., by arresting the said Defendant at _____ in Williamson County, Texas, and * taking _____ bond, which is herewith returned; * placing him/her in the County jail of Williamson County, Texas. (* Erase according to the facts.)
 I actually and necessarily traveled _____ miles in the service of this Writ, in addition to any other mileage I may have traveled in the service of other process in this cause during the same trip.

FEES - Executing/Processing Arrest Fee \$ _____
 Mileage _____ Miles \$ _____
 Making Bond \$ _____
 Commitment \$ _____
 Release \$ _____
 Total \$ _____

[REDACTED] Sheriff
 [REDACTED] Williamson County, Texas
 [REDACTED] Peace Officer
WCSO
 (Law Enforcement Agency / Department)

← Description of person being arrested

← Name of person being arrested

← Signed by Justice of the Peace

Even if officers have a valid search warrant, you have the right to remain silent. If you choose to speak to the officers, step outside and close the door.