

KNOW YOUR RIGHTS FOR EDUCATORS: IMMIGRATION ENFORCEMENT

MAY 20, 2025



AGENDA

- Introduction
- Overview: the state of immigration
- Who are the agencies enforcing immigration law?
- What are your rights?
- School settings
- Q&A



WHO WE ARE

The American Civil Liberties Union (ACLU) of Hawai'i upholds and defends the civil rights and liberties granted under the U.S. Constitution, Hawai'i Constitution, and other state and federal laws.



Hawai'i Coalition for Immigrant Rights are a coalition of immigrants, immigrant-led and -serving organizations, and allies united in advocacy and education for equal justice and community inclusion for immigrants.

WHO WE ARE



Sergio Alcubilla, Director of Community Engagement

Nathan Lee, Policy Legislative Fellow

Emily Sarasa, Policy Field Fellow



Liza Ryan-Gill, Executive Director

REMINDERS

NOTE: This training is for public education and is not legal advice.

Please contact our community legal services providers or a private immigration attorney.

Our goal is to increase community empowerment by providing accurate information and education. Knowledge is power to combat community fear.

COMMUNITY LEGAL RESOURCES

Hawaii American Immigration Lawyers
Association Deportation Defense
Hotline: (808) 204-5951 (only for those
in detention)

The Legal Clinic: (808)-777-7071

Roots Reborn Maui: (808)707-8892



CONTEXT

The Federal Government is tasked with immigration enforcement.

The redaction of the “sensitive locations” policy on January 20th by the Trump administration puts people in schools, churches, hospitals at renewed risk.

—————
➔ However, it does not change the rights of immigrants or the responsibilities of school districts to students.

On May 9th, the administration announced “Project Homecoming,” which includes, in part, “deputizing and contracting with State and local law enforcement officers, former Federal officers, officers and personnel within other Federal agencies, and other individuals to increase the enforcement and removal operations force of the Department of Homeland Security...to remove illegal aliens who have failed to depart voluntarily.”

THE ACLU'S RESPONSE

100 days into President Donald Trump's second term, the ACLU has filed 110 legal actions, including 53 lawsuits against his administration. These include . . .

- Challenging efforts to dismantle birthright citizenship;
- Challenging the invocation of the 1798 Alien Enemies Act; and
- Protecting free speech rights of targeted immigrants like Mahmoud Khalil, Rümeysa Öztürk, Dr. Badar Khan Suri, and Mohsen Mahdawi.

Remember: Lawsuits are just one piece of the puzzle!

Mobilization, legislation, and solidarity are all important to advancing justice, regardless of how courts rule. Locally, the ACLU of Hawai'i has advocated for several immigration bills and continues to meet with local immigration experts.

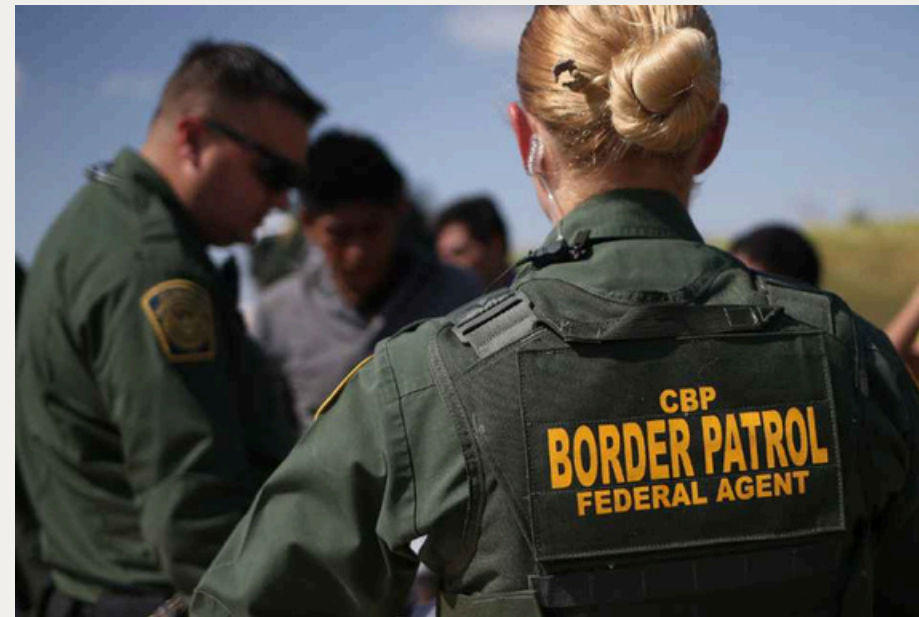
CONTEXT: WHO IS ENFORCING?

Agencies under the Department of Homeland Security (DHS). DHS's work includes customs, border, and immigration enforcement, emergency response to natural and manmade disasters, antiterrorism work, and cybersecurity.



Transportation Security Administration (TSA)

Screens travelers at airports to ensure safety.



Customs and Border Protection (CBP)

Enforces immigration and customs laws at and near the border. CBP is also responsible for keeping terrorists and weapons out of the U.S. so you will see them at ports of entry including airports.



U.S. Border Patrol

Under CBP, conducts border control activities along the coast and land borders of the U.S. and Puerto Rico. The Border Patrol can question, detain, and arrest.

CONTEXT: WHO IS ENFORCING?



Immigration and Customs Enforcement (ICE)

Enforces immigration laws within the U.S., including investigating, arresting, detaining, and deporting noncitizens.



Enforcement and Removal Operations (ERO)

Manages all aspects of the immigration enforcement process, including identification and arrest, domestic transportation, detention, bond management, and supervised release, including alternatives to detention. In addition, ERO removes undocumented aliens ordered removed from the U.S.



Homeland Security and Investigations (HSI)

Investigative arm of ICE: Child trafficking, money laundering, national security, terrorism

NOTE: There has been an expanded use of HSI under the guise of “wellness checks.” This includes officers wearing plain clothes. ICE agents may dress in uniforms that might suggest that they are police officers or they might not wear any uniform at all.

**KNOW
YOUR
RIGHTS**



5TH AMENDMENT: RIGHT TO REMAIN SILENT

Exercise your right to remain silent.

- Do not run the risk of self-incrimination. You can say: “I want to use my right to not answer questions.” or “I exercise my right to remain silent.”
- Do not answer questions about your criminal or immigration history
- Do not lie or show false documents
- Do not run or resist arrest



EXCEPTION: If driving, Hawai'i law requires you to provide your driver's license, insurance, and vehicle registration to an officer.

5TH AMENDMENT DUE PROCESS

You have a right to a hearing before being deported.

- Exception: expedited removal proceedings for people who have been in the US less than two years does not require due process.
- Tip: keep evidence that you have been present in the US for longer than two years on your person. This might look like rent or utility bills.



4TH AMENDMENT: RIGHT AGAINST UNLAWFUL SEARCH AND ARREST

To access your home or private locations, ICE needs your consent or a judicial warrant with your name or address on it to conduct a valid search and seizure.

The standard for a non-public space is one in which there is a “reasonable expectation of privacy.”

Keep in mind the Plain View Doctrine.

Be clear about consent: “I do not consent...”



4TH AMENDMENT: RIGHT AGAINST UNLAWFUL SEARCH AND ARREST

A judicial warrant requires:

- 1) Signature of a judge
- 2) Specific name or address
- 3) the word “warrant”



An administrative warrant or deportation order is NOT a judicial warrant.

VALID JUDICIAL WARRANT

UNITED STATES DISTRICT COURT

Issued by a COURT.

For the
Eastern District of California

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

540 Oak Avenue
Davis, California 95616

Case No.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

2:11-SW-0161 EFB

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 EASTERN District of CALIFORNIA
(Identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

Read attachments to make sure they are regarding YOU and YOUR address, not someone else's.

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be searched):

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
(not to exceed 14 days)

Date for warrant, not
to exceed 14 days

☐ 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 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 United States Magistrate Judge

(Name)

☐ 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: 4-25-2011
at 10:00 AM



Signed by a JUDGE.

City and state: SACRAMENTO CALIFORNIA

EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE

Printed name and title

NOT A
JUDICIAL
WARRANT

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

This is a warrant for civil immigration violations, not a crime. It is generally not enforceable by local law enforcement officers.

File No: _____

Date: _____

To any immigration officer of the United States Department of Homeland Security:

_____ (Full name of alien)

who entered the United States at _____ (Place of entry) on _____ (Date of entry)

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.

is subject to removal/deportation from the United States, based upon a final order by:

☐ an immigration judge in exclusion, deportation, or removal proceedings

☐ a designated official

☐ the Board of Immigration Appeals

☐ a United States District or Magistrate Court Judge

Many removal orders are issued by ICE or CBP agents without a hearing before a judge. These include expedited removal orders, administrative removal orders, and stipulated removal orders.

and pursuant to the following provisions of the Immigration and Nationality Act:

Although the underlying removal order may have been issued by a judge, this warrant for a new arrest still lacks any finding of probable cause by a neutral magistrate, which is the minimum standard for a constitutionally sufficient warrant.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

This warrant directs ICE or CBP to arrest and deport the person without any further hearing or judicial review.

(Signature of immigration officer)

(Title of immigration officer)

(Date and office location)

6TH AMENDMENT RIGHT TO AN ATTORNEY

- If arrested, you have the right to ask to speak to a lawyer and the government cannot hinder your access to an attorney.
- Don't sign documents without an attorney.
- Note: The government is not required to provide an attorney in civil immigration cases.



ICE: THINGS TO WATCH

ICE agents often lie or use “ruses” about who they are or what they are doing. This includes dressing in plainclothes, saying they are police, or not identifying themselves as ICE.

In Person

- “We are conducting an investigation and want to ask some questions.”
- “We are investigating a crime, can we ask you a few questions.”
- “Your son is the victim of identity theft, and we need to talk to him.”
- “Have you seen this suspect?”

Then: “Can we come inside?” or “Can you come outside?”

Goal: Identification or arrest, detention, and deportation

By Phone

- “We found a lost ID.”
- “We’re investigating a crime and you are a suspect.”

Then: “Can we come to you?” or
“Can you come to us?”

Goal: Identification or arrest,
detention, and deportation

ACCESS TO EDUCATION IS A PROTECTED RIGHT



In Plyler v. Doe, the Supreme Court held that states cannot constitutionally deny students a free public education on account of their immigration status.

As immigration enforcement increases and threatens undocumented students' presence in Hawai'i, school absences, well-being, and families of students it is important to have a clear plan on approaching ICE.

INTERACTING WITH ICE

- You have NO obligation to comply with ICE absent a judicial warrant. However, per Dept. of Education guidance you may want to document officer activity rather than physically impede them.
- It is legal to film ICE regardless of your immigration status. Even if you are told to stop recording, you can continue to do so as long as you don't interfere with the arrest.
- If an officer declares that there are exigent circumstances and demands immediate access, ask open ended questions “who, what, when, where and why” instead of leading questions
 - Ask: What factors are present that you believe require immediate access?
 - NOT: Is it an emergency?

If the officer does not provide clear answers on the exigency, inform them that you need to consult with your Complex Area Superintendent. If the officer does not allow this, comply but immediately alert the CAS and Advisory Services in the Superintendent's office.

INTERACTING WITH ICE: PRIVATE AND PUBLIC SPACES

Clearly mark private spaces as private. Public areas might be lobbies or common areas, but classrooms, administrative areas, or other zones could be marked private.

Limit the collection and disclosure of sensitive information of students (see FERPA guidelines).

Be mindful of the Plain View Doctrine: Don't leave information visible. Officers might legally be able to look at this information even if it is sensitive.

INTERACTING WITH ICE: PARENTS

Schools should have an updated list of multiple adults who a child can be released to, and designated contacts for students. This can include parents, guardians, and people with power of attorney.

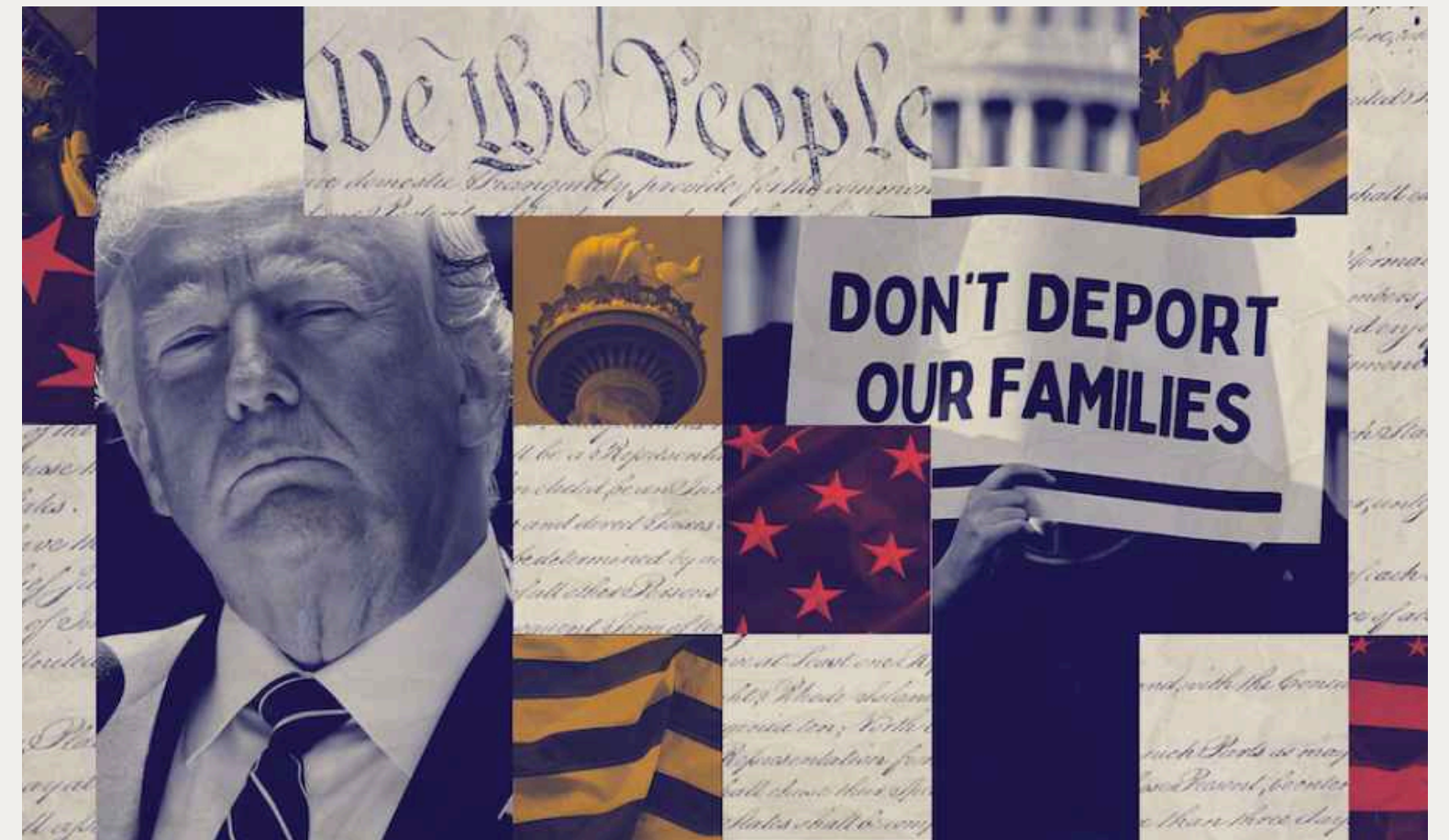
Consider having trusted individuals be given guardianship or power of attorney for school pickup and drop off.

Have a plan to provide real-time updates about students to parents.

INTERACTING WITH ICE: RECAP

For teachers:

- Know your point person to contact if ICE shows up.
- Document interactions and behaviors.
- Keep sensitive information out of plain sight.
- Ask to see the judicial warrant.
- Make clear that you do not consent to searches, even if officers are conducting searches.



WHAT TO DO WHEN LAW ENFORCEMENT COMES TO YOUR SCHOOL

- Ask for the law enforcement officer's identification and business card; and
- Ask the law enforcement officer what their purpose is and request supporting documents

SUBPOENA

Judicial
(Signed by
Judge)

Administrative
(Signed by
agency official)

COMPLIANCE NOT IMMEDIATELY REQUIRED. DOE may challenge in court.

- Notify CAS and await further instructions
- CAS notifies Advisory Services Office and provides documentation received from school

NO DOCUMENT:
Compliance NOT required

- Inform law enforcement that a subpoena or warrant is required.
- Exception may apply if there are exigent circumstances

WARRANT

Judicial
(Signed by
Judge)

Administrative
(Signed by
agency official)

Arrest/Search
Warrant
identifying
the school

Arrest/Search
Warrant with no
information
identifying the
school

COMPLIANCE REQUIRED

- If feasible, notify CAS prior to providing access
- Notify AG's office at (808) 586-1255 if immediate assistance is needed and CAS is unavailable
- CAS shall call DAG Siu directly

- Notify CAS and await further instructions
- CAS notifies AG's Office and provides documentation received from school
- Administrative Warrants may require timely compliance when accompanied by Judicial order.

IMMIGRANTS

ARE

WELCOME

HERE

QUESTIONS?

U.S.

MINUTE

ANT

ADDITIONAL RESOURCES

Hawaii American Immigration Lawyers Association Deportation Defense

Hotline: (808) 204-5951 (only for those in detention)

The Legal Clinic: (808) 777-7071

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