

INFORMATION REGARDING IMMIGRATION AND CUSTOM REINFORCEMENT

Question:	Information and where to go for more information:
What is ICE?	U.S. Immigration and Customs Enforcement (ICE) enforces federal laws governing border control, customs, trade, and immigration to promote homeland security and public safety. ICE was created in 2003 through a merger of the investigative and interior enforcement elements of the former U.S. Customs Service and the Immigration and Naturalization Service. ICE now has more than 20,000 employees in more than 400 offices in the United States and 46 foreign countries. The agency has an annual budget of approximately \$6 billion, primarily devoted to two operational directorates — Enforcement and Removal Operations and Homeland Security Investigations. These two operational directorates are supported by Management and Administration and Office of the Principal Legal Advisor to advance the ICE mission.
What does ICE do?	Immigration enforcement is the largest single area of responsibility for ICE. While certain responsibilities and close cooperation with U.S. Customs and Border Protection, U.S. Citizenship and Immigration Services, and others require significant ICE assets near the border, the majority of immigration enforcement work for ICE takes place in the country's interior.
Can ICE personnel come on campus and seize student records?	ICE is governed by the same rules as other law enforcement agencies when it comes to search, seizure, and entering powers. Generally speaking, they cannot require a Minnesota State employee to produce documents without a subpoena or warrant.
Can ICE personnel compel Minnesota State employees to produce private data on undocumented students?	No. The Family Educational Rights and Privacy Act (FERPA) and Minnesota Government Data Practices Act (MGDPA) apply to the records of all students, regardless of immigration status. Consequently, private data will be provided only as required by law, which in this case would mean pursuant to a valid subpoena or warrant.
Can ICE personnel compel Minnesota State employees to participate in a law enforcement action? For example, can ICE ask a Minnesota State employee to assist with the arrest and/or detention of an individual?	No. While we must not interfere with lawful ICE investigations, the U.S. Supreme Court has ruled that the federal government cannot commandeer state employees to participate in the actions of the federal government.
How does ICE conduct investigations?	ICE has the same investigatory powers as most law enforcement agencies. ICE also has the authority to issue subpoenas, but must actually issue a subpoena to receive records.
Who should be responsible for responding to an ICE subpoena or warrant?	An ICE subpoena for a student's records should be referred to the registrar or the Data Practices Act Compliance Official (DPCO) at the campus. Please send a copy of the subpoena to Sarah McGee, Assistant General Counsel at the Office of General Counsel (sarah.mcgee@so.mnscu.edu).
What documents can ICE ask for in a subpoena or warrant?	ICE can ask for a broad array of documents pertaining to the investigation of an individual, including documents typically protected from disclosure by FERPA and/or the MGDPA.
Can ICE issue "blanket" subpoenas or warrants asking for the names of all students who are not Pell-eligible, for example?	No. ICE subpoenas or warrants must be issued in the matter of a named, targeted individual.
How can I tell if an ICE subpoena or warrant is valid?	Please contact Sarah McGee, Assistant General Counsel at the Office of General Counsel (sarah.mcgee@so.mnscu.edu).
What happens if a college or university ignores an ICE subpoena or warrant?	If a subpoena or warrant is neglected or refused, ICE may petition the relevant United States District Court to issue an order enforcing the subpoena or warrant.