

AR 5017 **Making and Responding to Inquiries of Immigration Status, Citizenship Status, and National Origin Information (New AR 3/19)**

**NOTE:** *This procedure is **legally required**. The following is model language provided by the Office of the California Attorney General. Districts must adopt this language or locally create equivalent language to comply with Education Code Section 66093.3(h).*

Unless required by federal or state law, the District shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's immigration status, such as a green card, voter registration, a passport, or citizenship papers. **In those circumstances in which federal or state law authorizes such an inquiry, the documentation or information shall be used only in accordance with such federal or state laws.**

The District is not permitted to use immigration status, citizenship status, or national origin information in personal statements outside the application process, other than for legitimate educational interests, including the provision of a service or benefit relating to the student, such as health care, counseling, job placement or financial aid.

If the District learns of a student's immigration status through its application process (including the students' personal statement or answers to personal insight questions), the District shall create policies and procedures to protect such personal identifiable information and retain the information only to the extent it is necessary or required by law. The District shall avoid the disclosure of information that might indicate a student or family's citizenship or immigration status if the disclosure is not authorized by the Family Educational Rights and Privacy Act (FERPA) or state law.

Where permitted by law, **the Dean of Enrollment Services or designee** of the District shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of immigration status or citizenship status, and that do not reveal information related to citizenship or immigration status. **Examples of documents that can be used as proof of residency can be found in the Residency Questionnaire in the Admissions and Records website.**

**Responding to Inquiries of Immigration Status**

**The District reaffirms the principles that the attainment of education for the betterment of the individual and the community is paramount, regardless of one's immigration status. It is imperative that the District put necessary protections in place, and show it will take the necessary steps to ensure that all students, faculty, staff, and the public have every opportunity to pursue their education free from intimidation or loss of access to resources and programs that students should enjoy without fear and undue risk.**

The District shall:

- Advise all students, faculty, and staff to notify Campus Police, immediately, if they are advised that an immigration officer is expected to enter, will enter, or has entered the campus to execute a federal immigration order. It is the role of campus police, not the faculty, staff or student, to interact with the immigration officer.
- Comply with a request from an immigration officer for access to nonpublic areas of the campus such as offices, classrooms, or areas marked “authorized personnel” which are off-limits, only upon presentation of a judicial warrant, court order, or subpoena. Contact Campus Police who will verify the legality of any judicial warrant, court order, or subpoena and refer the request for access to the Office of the Superintendent/President.
- Notify the person’s emergency contact if there is reason to suspect that a student, faculty, or staff person has been taken into custody as a result of an immigration enforcement action, as soon as possible.
- Maintain a contact list of legal services providers who provide legal immigration representation, and provide it free of charge to any and all students who request it. The list shall include, but not necessarily be limited to, the organization’s name and contact number, email address, and office address.
- Post in the website the “SMC Guidelines for the Campus Community on Federal Immigration Enforcement Actions”.

Campus Police will not contact, detain, question, or arrest any individual on the sole basis of suspected undocumented immigration status or to discover the immigration status of an individual. Campus Police will not undertake joint efforts with federal immigration enforcement authorities to investigate, detain or arrest an individual for violation of federal immigration law.

**References:** Education Code Sections 66093, 66093.3, and 68076; Title 5 Section 41905

**Dated: 10/30/19**