



PROCEDURE

Policy Name:	Immigration Data
Policy Number:	1010
Applicable Code/Law:	RCW 43.17, 8 U.S.C. § 1373

Definitions:

Civil Immigration Warrant - Any warrant for a violation of federal civil immigration law issued by a federal immigration authority. A "civil immigration warrant" includes, but is not limited to, administrative warrants entered in the national crime information center database, warrants issued on ICE Form I-200 (Warrant for Arrest of Alien), Form I-205 (ICE Administrative Warrant), or prior or subsequent versions of those forms, which are not court orders.

Court Order/Judicial Warrant: A directive issued by a judge or magistrate under the authority of Article III of the United States Constitution or Article IV of the Washington Constitution or otherwise authorized under the Revised Code of Washington. A "court order" includes, but is not limited to, judicially authorized warrants and judicially enforced subpoenas. Such orders, warrants, and subpoenas do not include civil immigration warrants, or other administrative orders, warrants or subpoenas that are not signed or enforced by a judge or magistrate as defined in this section.

De-identified - Information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

F-1 Visa - A United States (U.S.) visa for foreign national students who wish to attend educational institutions in the U.S., of these levels: a) private elementary school (non-U.S. citizens are not allowed to attend U.S. public elementary schools on an F-1 visa); b) high school; c) seminary; d) conservatory; e) university and college; and f) other institutions, such as a language training program.

Federal Immigration Authority - Any on-duty officer, employee, or person otherwise paid by or acting as an agent of the United States Department of Homeland Security (DHS) including, but not limited to, its sub-agencies, Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), United States Citizenship and Immigration Services (USCIS), and any present or future divisions thereof charged with immigration enforcement. "Federal immigration authority" includes, but is not limited

to, the Enforcement & Removal Operations (ERO) and Homeland Security Investigations (HSI) of ICE, or any person or class of persons authorized to perform the functions of an immigration officer as defined in the Immigration and Nationality Act.

H-1B Visa - A United States (U.S.) visa for the purpose of employing nonimmigrant aliens as workers in specialty occupations. A specialty occupation is one that requires the application of a body of highly specialized knowledge and the attainment of at least a bachelor's degree or its equivalent.

Immigration or Citizenship Status - Such status as has been established to such individual under the Immigration and Nationality Act.

J-1 Visa - Visa designated for students and exchange program participants who belong to: Au Pairs, Camp Counselor, Government Visitors, Interns, International Visitors, Interns, International Visitors, Physicians, Professors and Research Scholars, Short-Term Scholars, specialists in different areas, university students, secondary school students, teachers, trainees, work and travel participants. Those who come to the U.S. under this visa program cannot bring dependents to the U.S.

Language Services - Includes but is not limited to translation, interpretation, training, or classes. "Translation" means written communication from one language to another while preserving the intent and essential meaning of the original text. "Interpretation" means transfer of an oral communication from one language to another.

Law Enforcement Agency (LEA) - Any agency of the state of Washington (state) or any agency of a city, county, special district, or other political subdivision of the state (local) that is a "general authority Washington law enforcement agency," as defined by RCW 10.93.020, or that is authorized to operate jails or maintain custody of individuals in jails; or to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities; or to monitor compliance with probation or parole conditions.

Local Government - Any governmental entity other than the state, federal agencies, or an operating system established under chapter 43.52 RCW. It includes, but is not limited to, cities, counties, school districts, and special purpose districts. It does not include sovereign tribal governments.

Notification Request - A federal immigration authority's request for affirmative notification from a state or local law enforcement agency of an individual's release from the LEA's custody. "Notification Request" includes, but is not limited to, oral or written requests, including DHS Form I-247A, Form I247N, or prior or subsequent versions of those forms.

M-1 Visa - Designed for students enrolled in vocational and non-academic education, excluding language courses. This includes, but is not limited to, technical courses, cooking classes, flight school, cosmetology, etc.

Personal Information - Names, date of birth, addresses, GPS [global positioning system] coordinates or location, telephone numbers, email addresses, social media handles or screen names, social security numbers, driver's license numbers, parents' or affiliates' names, biometric data, or other

personally identifiable information. “Personal information” does not include immigration or citizenship status.

Public Schools/Local Education Agency - Any and all public elementary and secondary schools under the jurisdiction of local governing boards or a charter school board and all institutions of higher education as defined in RCW 28B.10.016.

School Resource Officer - A commissioned law enforcement officer in the state of Washington with sworn authority to uphold the law and assigned by the employing police department or sheriff’s office to work in schools to ensure school safety. By building relationships with students, school resource officers work alongside public-school administrators and staff to help students make good choices. School resource officers are encouraged to focus on keeping students out of the criminal justice system when possible and not impose criminal sanctions in matters that are more appropriately handled within the educational system.

State Agency – As defined in RCW 42.56.010.

Procedural Guidelines:

1. Access to Shoreline Community College

- a. The College shall ensure that all employees and volunteers are aware of the rights of immigrant students to an education.
- b. The College shall ensure information reviewed to determine eligibility for in-state tuition and other benefits and any reporting requirements is limited to only the information necessary for residency determination and in compliance with “Keep Washington Working” and other applicable state or federal laws.
- c. The College shall separate all information on individuals with foreign student visa status (F, J, and M visas) retained for the purpose of reporting to the Student Exchange and Visitor Information System (SEVIS) as part of the Student and Exchange Visitor Program from general enrollment platforms or other directory information.

2. Immigration Enforcement on College Grounds

- a. The College does not grant permission for any person engaged, or intending to engage, in immigration enforcement, including surveillance, access to College grounds, or their immediate vicinity.
 - i. Employees shall direct anyone engaging, or intending to engage, in immigration enforcement, including federal immigration authorities with official business that must be conducted on College grounds, to the Safety & Security Office prior to permitting entrance to non-public areas or providing protected data. College employees shall presume that activities by federal immigration authorities, including surveillance, constitute immigration enforcement.
- b. If anyone attempts to engage in immigration enforcement on or near College grounds, including requesting access to a student, employee, or College grounds:

- i. Employees shall immediately alert and direct the person to the Safety & Security Office, which shall collect a copy of the court order or judicial warrant and verify/record the following information: a) the person's credentials (agency name, agent name, and badge number), b) the names of all persons they intend to contact, c) the nature of their business at the College, and d) the date and time of the visit. This information shall then be provided to the President (or designee) for review.
- ii. Safety & Security shall request that any person desiring to communicate with a student, enter College grounds, or conduct an arrest first produce a valid court order or judicial warrant.
- iii. Safety & Security shall review the court order or judicial warrant for signature by a judge and validity. For the College to consider it valid, any court order or judicial warrant must a) state the purpose of the enforcement activity, b) state the name of the specific person to whom access must be granted, c) include a current date, and d) be signed by a judge.
- iv. The President (or designee) shall review written authority signed by an appropriate level director of an officer's agency that permits them to enter College property, for a specific purpose. If no written authority exists, the President (or designee) shall contact the appropriate level director for the officer's agency to confirm permission has been granted to enter College property for the specific purpose identified.
- v. Upon receipt and examination of the required information, the President (or designee) will determine whether access shall be allowed to contact or question the identified individual and shall communicate that decision to the Safety & Security Office.
- vi. If the requestor is seeking access or information regarding a student under 18 years old, the College shall make a reasonable effort, to the extent allowed by FERPA, to notify the parent/guardian of any immigration enforcement concerning their student, including contact or interview.
- vii. The President (or designee) shall request the presence of a College representative be present during any interview. Access to information, records, or areas beyond that specified in the court order or judicial warrant shall be denied.

3. Gathering Immigration Related Information

- a. College employees shall not inquire about, request, or collect any information about the immigration or citizenship or place of birth of any person accessing services provided by, or in connection with the College. College employees shall not seek or require information regarding or probative of any person's citizenship or immigration status where other information may be sufficient for the College's purposes. This does not prohibit residency officers or related staff (such as in Financial Aid, Foundation, or International Education offices) from reviewing information from students or others on a voluntary basis in order to determine that a student is qualified for in-state tuition rates or other types of financial resources.

- b. College policies and procedures for gathering and handling student information during enrollment or other relevant periods shall be made available in writing to students and their guardian(s) at least once per academic year in a manner that Limited English Proficient (LEP) individuals will understand.
- c. If the College is required to collect and provide information related to a student's national origin (e.g. information regarding a student's birthplace, or date of first enrollment in a U.S. school) to satisfy certain federal reporting requirements for special programs, prior to collecting any such information or reporting it, the College shall (except with respect to reporting requirements necessary for compliance with SEVIS or other federal requirements):
 - i. Consult with legal counsel (if feasible) regarding its options, including alternatives to the specific program or documents accepted as adequate proof for the program;
 - ii. Explain reporting requirements to the student and student's parent(s) and/or guardian(s), in their requested language, including possible immigration enforcement impact;
 - iii. If moving forward with the collection of information, review and collect written consent from the student, if over the age of 18, or the student's parent(s) and/or guardian(s).
 - iv. Collect and maintain this information separately from the College's enrollment process and student's records in order to avoid deterring enrollment of immigrants or their children.
- d. When the College reviews information related to immigration status in order to make residency determinations, the residency officer's written confirmation that a student meets any applicable immigration status requirements shall be considered sufficient written evidence that a student meets the requirements of RCW 28B.15.012. All other documents used to prove student or other individual immigration status, aside from those independently required by law to be kept, shall be designated as transitory and disposed of in accordance with the College's record retention policy. Any College employees maintaining said information in any other way shall report their retention procedure and basis to the College President prior to collecting the information.

4. Responding to Requests for Information

- a. College employees shall not share, provide, or disclose personal information about any person for immigration enforcement purposes without a court order or judicial warrant requiring the information's disclosure or approval by the President (or designee), except as required by law. Requests by federal immigration authorities shall be presumed to be for immigration enforcement purposes.
 - a. Note, International Education may continue to collect, share, and disclose information required in accordance with the Student and Exchange Visitor Program (SEVP); and may disclose such information with the U.S. Department of Homeland Security as required by law and the SEVP.

- b. College employees shall immediately report receipt of any information request relating to immigration enforcement to the Safety & Security Office, who shall document the request.
 - a Note, International Education staff are exempt from this notification requirement when disclosing information required by law or the SEVP.
- c. The College shall, to the extent allowed by FERPA or as otherwise advised by legal counsel, notify the student's parent(s) and/or guardian(s) of the request for information at the earliest extent possible.
 - a Note, International Education staff are exempt when disclosing information required by law or the SEVP.

5. Use of College Resources

- a. College resources shall not be used to obstruct, delay, engage in, aid, or in any way assist with immigration enforcement.
- b. College resources and policies regarding immigration enforcement shall be published and distributed to students and their parent(s) or guardian(s) on an annual basis. These resources shall include, at a minimum:
 - i. Information about accommodations for limited English proficiency, disability accommodations, special education programs (if applicable), and tuition assistance grant or loan programs that may be available regardless of immigration or citizenship status;
 - ii. General information policies including the types of records maintained by the College institution, a list of the circumstances or conditions under which the College might release student information to outside people or entities, including limitations under FERPA and other relevant law;
 - iii. Policies regarding the retention and destruction of personal information; iv. The process of establishing consent from students and their parent(s) or guardian(s) as permitted under federal and state law, prior to releasing a student's personal information for immigration enforcement purposes;
 - v. Name and contact information for the College's designated point of contact on immigration related matters; and
 - vi. "Know Your Rights" resources and emergency preparedness forms to have completed in the event of a family separation.