



Immigration and Customs Enforcement at CMS

Office of General Counsel

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&

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UNDERSTANDING LIMITATIONS

School Administrators have a limited level of control when it comes to encounters with immigration officials entering a school.

Charlotte-Mecklenburg Schools have no control over situations that occur off the school's campus.

This includes potential encounters on field trips and encounters within close proximity of the schools.

BOARD POLICY O-ELX

O-ELX: Relations with Enforcement Agencies

- “The Board of Education seeks to cooperate with the various law enforcement agencies of Mecklenburg County and the court system in connection with investigations in the schools. Probation officers may only visit students during school hours as set forth in N.C.G.S. 115C-46.2 and with prior authorization by school administrators. Questioning of students at school by law enforcement officers is permitted in order to obtain information or when there is reason to believe that the student is a victim or a suspect. The questioning must take place in the presence of the principal, the assistant principal or another responsible school official. Parents of students being questioned should be notified in accordance with state law.”

REGULATION O-ELX/R

O-LEX/R (Regulation): Relations with Enforcement Agencies.

- “As provided in Policy KLG, "Relations with Law Enforcement Agencies," The Board of Education seeks to cooperate with the various law enforcement agencies in Mecklenburg County and the court system in connection with investigations in the schools. Therefore, the district will ensure that the procedures described in these regulations are followed by principals and other school staff when officers from outside law enforcement agencies question students in school or on school property about alleged criminal activities.”
 - DUTY TO REPORT SUSPECTED CRIMINAL ACTIVITY
 - ARRESTS
 - INTERVIEWS OF STUDENTS BY LAW ENFORCEMENT OFFICIALS
 - CHILD ABUSE OR NEGLECT INCIDENTS
 - SCHOOL RESOURCE OFFICERS

CAN IMMIGRATION OFFICIALS (ICE) SHOW UP TO YOUR SCHOOL?

Yes, guidelines designating schools as protected areas have been rescinded.

ICE agents now have the authority to take “common sense” enforcement actions in any area/location.

ICE may seek to enter a school to investigate, speak with, or detain a student, parent, or staff member.

- Request a search of an area or records or data collected by the school.

Reminder:

- We must provide equal educational opportunities to all children within our district.
- We are legally obligated to protect student’s education records and personal information, as well as personnel records.

WHAT SHOULD YOU DO IF IMMIGRATION OFFICIALS (ICE) SHOW UP AT YOUR SCHOOL?

STAY CALM.

ICE is allowed in **public areas** without permission.

- School lobbies, waiting areas, and parking lots.

ICE must have a valid judicial subpoena or warrant to search/enter a **private area** or arrest an individual.

PRIVATE AREAS

No one can enter a private area without your permission.

TIP: Mark areas with “PRIVATE” signs.

- Keep these doors closed and/or locked.
- Establish procedures that include who will be the point of contact if an agent shows up.

WHAT SHOULD YOU DO IF IMMIGRATION OFFICIALS (ICE) SHOW UP AT YOUR SCHOOL?

If ICE states they have a warrant or subpoena, the school should first verify the agent(s) credentials and then ask for a copy.

The Principal or other school administrators should contact the Office of General Counsel (“OGC”), and we will verify the document.

ICE should remain in the public area while the school waits for a response from the OGC.

OGC DETERMINES WARRANT/ SUBPOENA IS VALID

If the OGC determines that it is a valid judicial warrant or subpoena, the school must comply.

- The OGC will inform the school regarding the scope of the warrant or subpoena.
- The school may object if they believe the agents are going beyond the scope.

OGC DETERMINES
WARRANT/SUBPOENA
IS
NOT VALID

If ICE presents an administrative warrant or subpoena; then the School is **not** required to comply.

The School should not permit ICE agents into private areas if the OGC determines that it is not a valid judicial warrant or subpoena.

Remember, the determination comes from the OGC.

ADMINISTRATIVE V. JUDICIAL SUBPOENAS

Subpoenas are used to obtain records/information or to compel someone to appear in court.

Subpoenas signed by a governmental official are administrative and do **not** require compliance.

Immigration Judges are administrative judges and subpoenas signed by them do not require compliance.

Subpoenas must be signed by a judicial court to require compliance.

JUDICIAL SUBPOENAS v. IMMIGRATION SUBPOENAS

AD-88B (Rev. 10/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the _____

Plaintiff _____

vs.

Defendant _____

Civil Action No. _____

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: _____

(Name of person to whom this subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place specified below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place: _____ Date and Time: _____

Inspection of Premises: YOU ARE COMMANDED to permit entry into the designated premises, land, or other property possessed or controlled by you, at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: _____ Date and Time: _____

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk _____

Attorney's signature _____

The name, address, e-mail address, and telephone number of the attorney representing (name of party): _____, who issues or requests this subpoena, are: _____

person who issues or requests this subpoena

If documents, electronically stored information, or tangible things are to be produced, a copy of the subpoena must be served on each party in this case before Fed. R. Civ. P. 45(c)(4).

1. To (Name, Address, City, State, Zip Code)

Manager: _____

Subpoena Number: _____

USCIS-88B-17-111

2. In Reference To

Investigation: Existing on behalf of _____

(Title of Proceeding)

File Number: _____

By the service of this subpoena upon you, YOU ARE HEREBY SUMMONED AND REQUIRED TO:

(A) ☐ APPEAR before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.

(B) ☒ PRODUCE the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(b)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear

Name: _____

Title: Immigration Officer

Address: USCIS 430 Buxton Street, No. 1300

San Francisco, California 94115

Telephone Number: 415-299-9439

(B) Date: 04/28/2017

(C) Time: 0900 ☒ a.m. ☐ p.m.

4. Records required to be produced for inspection

Please provide a copy of the lease for _____ Street, Apt. _____ in Oakland, California. The lease should include the names of the current occupants. If there are no current occupants, please provide a copy of the lease for the previous occupants.

5. Authorized Official

Signature: _____

(Print Name)

Supervisory Immigration Officer

Date: 04/18/2017

(Signature)

If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

DHS Form 1-158 (JUN)



NATIONAL
IMMIGRATION
LAW CENTER

IF THE ANSWER TO THESE IS YES, THEN
IT IS LIKELY A VALID JUDICIAL SUBPOENA

THESE ARE VISUAL CUES THAT THIS
IS AN IMMIGRATION SUBPOENA

ADMINISTRATIVE V. JUDICIAL WARRANTS

Warrants are used to obtain immediate access to premises and people, usually for activities like arrest, searches, and seizures.

A judicial warrant is issued by a judicial court and is signed by a judge or a magistrate judge.

A judicial warrant **must** be complied with as there are serious consequences for refusing to comply.

JUDICIAL WARRANTS v. IMMIGRATION WARRANTS

FD-156 (Rev. 12/1995) Search and Seizure Warrant

UNITED STATES DISTRICT 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)

Case No.

Davis, California 95616

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

211-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
to identify the person or describe the property to be searched (describe in summary)

SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

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

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

☐ in the daytime 4:00 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) Other for a limited time

Check the box justifying the later specific date of

Date and time issued 5-25-2011
4:10:00 PM

City and state SACRAMENTO, CALIFORNIA

CLARENCE F. SPENGLER, U.S. MAGISTRATE JUDGE

Is this the
right address?

Note: only the person, property, & areas specified may be searched

Is it still current?

Is it actually signed by a judge?

**IF THE ANSWER TO ALL OF THESE IS YES, THEN
IT IS LIKELY A VALID JUDICIAL WARRANT**



DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

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 _____ on _____
(Place of entry) (Date of entry)

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

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

I, the undersigned officer of the United States, in 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 _____

(Signature of immigration officer)

(Title of immigration officer)

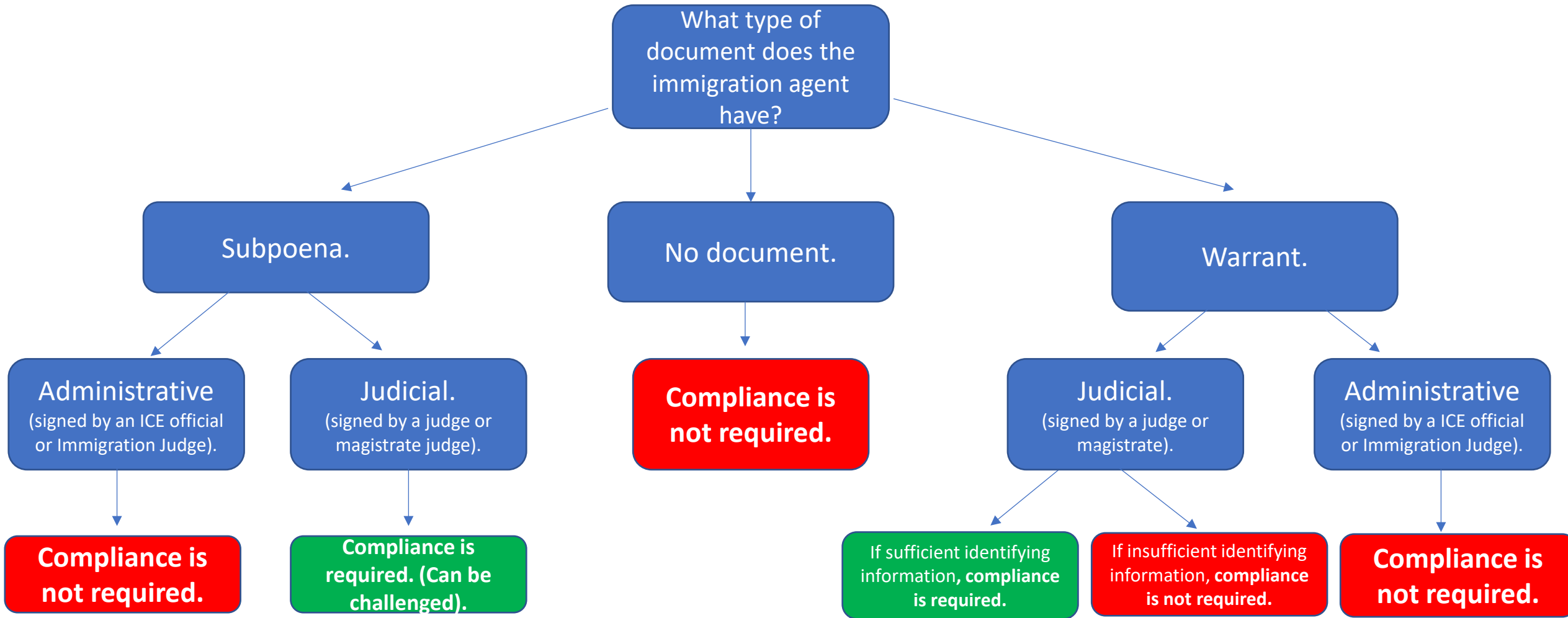
THESE ARE VISUAL CUES THAT THIS IS AN IMMIGRATION WARRANT

THESE ARE VISUAL CUES THAT THIS
IS AN IMMIGRATION WARRANT.

(Signature of immigration officer)

(Title of immigration officer)

COURT ORDER FLOWCHART



WHAT TO DO AFTER AN ICE VISIT?

Document as much information as you can about the visit.

- For example – the number of agents, how they are dressed, what they said to anyone, and other notable behaviors.

If ICE arrests anyone, ask the agents where the individual is being taken to help the family locate them.

If there has been an enforcement action, provide supportive measures to the student.

- Evaluation of the need for school counselor involvement.
- Appropriately review/accept hardship caregiver affidavits when presented.
- Consider whether a student qualifies for McKinney-Vento status.

FIELD TRIPS AND SCHOOL EVENTS

If a field trip occurs off CMS's campus, it is possible for immigration enforcement to take place at those off-site locations.

- The same is true for school events that occur off campus.

School events occurring on-campus would follow the same procedures it follows for all family and guests that appear on campus.

CMS BOARD OF EDUCATION STATEMENTS

The CMS Board of Education has released two separate statements, Feb. 3, 2025, and May 12, 2025, about its unwavering commitment to providing students free, public, and equal education to all students regardless of their immigration status.

[February 3, 2025](#)

[May 12, 2025](#)

RECAP

Public areas v. Private areas.

School administrators → document.

The OGC → reviews.

If judicial, compliance is required.

If administrative, compliance is **not** required.

- Immigration judge = administrative

All determination comes from the OGC.

REMEMBER...

Things can always change. Especially in the world of immigration.

The Office of General Counsel will keep you updated on any changes to the law or Board policy.

The OGC is here to help!

CONTACT INFORMATION
FOR THE OFFICE OF
GENERAL COUNSEL

EMAIL: ogc@cms.k12.nc.us

PHONE: 980-343-6228