

## Attorney General's Model Policies Regarding Immigration

### Model Policy 4: Contact with Federal Immigration Authorities

**Purpose** This policy explains what employees\* should do if, in the course of their work, they encounter federal officials enforcing federal immigration law. **Who Should Understand This Policy** All employees of [PUBLIC BODY] must be aware of this policy and should consult with it as necessary if they encounter federal immigration authorities.

[PUBLIC BODY] has designated [NAME OR POSITION TITLE AND CONTACT INFO] as a resource for employees who may have questions about this policy.

**Policy:** An encounter with federal immigration authorities while at work may be unusual. [PUBLIC BODY] is not tasked with enforcing federal immigration law. Federal immigration authorities do not have unfettered authority to access [PUBLIC BODY]'s facilities, information, or records. These steps will help ensure such interactions are handled appropriately:

- Ask federal immigration authorities to identify themselves.
- Request to copy or photograph identifying credentials, at least with respect to the official who appears to be in charge.
- Request to copy or photograph any other documentation including warrants, orders, or subpoenas presented by the federal immigration authorities.
- Ask about the purpose of the encounter
- If access to areas not accessible to the public is requested, inquire whether the access has been authorized by a judicial order, judicial subpoena, or judicial warrant. If so, request to copy or photograph the order before granting access.
- If the agent does not present a judicial order, judicial subpoena, or judicial warrant, decline to provide information or access.
- If the encounter is in any way uncomfortable, ask the federal officials to wait. Consult with a supervisor or with an attorney.
- Document the encounter in detail, including time and date, duration, location, name of the federal immigration authority, name of the agents present, additional witnesses, what was requested (information, access, etc.), what was done by whom, and how the encounter concluded. Provide the documentation and copies of any documents to your supervisor immediately.

(Note: the word student will be changed to patron

**Federal Immigration Authority Access to Student Records,** Purpose: This policy explains the extent to which employees\* of [PUBLIC BODY] should allow federal immigration authorities access to student records under the control of [PUBLIC BODY]. The policy also explains what records are subject to this policy. Who Should Understand This Policy All employees must be familiar with this policy to know whether they may be in a position to grant access to records covered by the policy. Employees who may be in a position to grant access to student records must know and understand the policy. [PUBLIC BODY] has designated [NAME OR POSITION TITLE AND CONTACT INFO] as a resource for employees who may have questions about this policy. Policy Summary [PUBLIC BODY] complies with federal and state laws governing the confidentiality of student records. Student records, and information from them, shall not be disclosed to federal immigration authorities for purposes of enforcing federal immigration laws. Student records, and information from them, shall not be disclosed except as otherwise authorized under state and federal law and authorized by [PUBLIC BODY]'s policies governing student records ([CITE TO EXISTING STUDENT RECORD POLICY]). Policy Oregon law prohibits disclosure of student records to federal immigration authorities for the purpose of enforcing federal immigration laws. Federal and state laws also make student records confidential and permit their disclosure only in limited circumstances. [PUBLIC BODY]'s policy with respect to student records can be found [CITE TO EXISTING STUDENT RECORD POLICY]. To assure compliance with applicable federal and state law, [PUBLIC BODY]'s employees shall not disclose student records, or information from those records, to federal immigration authorities except as allowed by those policies.

