

RIGHTS OF UNDOCUMENTED AND INTERNATIONAL STUDENTS

Q: What are undocumented students' rights in higher education in California?

A: According to the California Community College Chancellor's office, "California Community Colleges are open to all students who meet the minimum requirements for admission, regardless of immigration status." For more information, the State Chancellor's office has provided a resource page for undocumented students:

<http://www.cccco.edu/ResourcesforUndocumentedStudents.aspx>.

According to the January 11, 2017 SMCCCD Board of Trustees resolution, "San Mateo County Community College District (SMCCCD) is an open access institution and supports, promotes, values, respects and protects all students and employees of the District, irrespective of their immigration status, or that of their families;" For the full resolution, [click here](#).

Q: What rights does a student have if he or she is contacted by law enforcement or ICE?

A: The U.S. Constitution guarantees rights to **all** people in the U.S., regardless of citizenship or immigration status, which includes the right to be free from unlawful searches and seizures. In practical terms, that means that during a law enforcement or immigration officer encounter, you have:

- the right to remain silent;
- the right to refuse consent to a search of your person, your vehicle, or your home without a valid warrant;
- the right to calmly leave the interaction if you are not under arrest;
- the right to ask to speak to an attorney if you are arrested.

We recommend that you read the resources provided below to learn more about your individual rights:

- The Immigrant Legal Resource Center has available a "red card" that you can carry with you with information on what you may say to an ICE agent: <https://www.ilrc.org/red-cards>
- The National Immigration Law Center has resources where you can read and learn about your rights: <https://www.nilc.org/issues/immigration-enforcement/everyone-has-certain-basic-rights/>
- For multi-lingual Know Your Rights materials please see: <http://www.immdefense.org/icehome-and-community-arrests/>
- The American Civil Liberties Union has information about your rights if you are stopped by law enforcement or immigration officers: <https://www.aclu.org/know-your-rights/>.

Q: What will happen if ICE comes on to campus?

A: Although we do not expect ICE to come onto our campuses, if ICE does come onto campus, you should immediately report it to the President's office and/or Public Safety, who will verify the officer's legal authority to be present on campus and oversee the provision of any information to ICE officers. Individual faculty and staff should not directly provide information

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to law enforcement officials without first receiving written permission from Admissions and Records or the General Counsel.

Q: Are our campuses “sanctuary campuses”? Does it matter if they are?

A: The Board of Trustees has declared our District a “safe haven.” This means that the District will “limit access to SMCCCD campuses and property to federal officials for the purposes of immigration enforcement, unless legally compelled to do so.” The terms “sanctuary city” and “sanctuary campus” have no clear definition and do not confer any special rights. Thus, while the District does not use the term “sanctuary”, it is committed to ensuring the safety of its undocumented students, staff, faculty, and others who are a valued part of the District community.

Q: What should a faculty or staff member do if a student discloses that he or she is undocumented?

A: 1) Ensure the student that their privacy is protected. According to the Board’s January 11, 2017 resolution, District employees must *“protect student privacy and ensure confidentiality by prohibiting the release of information about a student’s immigration status to law enforcement and federal agencies unless legally compelled to do so;”*

2) Tell them they are not alone. There are an estimated 3 million undocumented immigrants in CA.

3) Connect the student with resources through one of the District’s Dream Centers:

- Skyline College Dream Center: <http://skylinecollege.edu/dreamcenter/>
- College of San Mateo Dream Center: ???
- Cañada College Dream Center: <http://www.canadacollege.edu/dreamers/dreamcenter.php>

Q: What can you do if you are feeling a lot of stress worrying about these changes and where can you go for help?

A: If you are a student and find that you are impacted by the events and need support, your campus has free, confidential support services available to you:

- Skyline College: <http://www.skylinecollege.edu/healthcenter/psychologicalservices.php>
- College of San Mateo: <http://collegeofsanmateo.edu/personalcounseling/>
- Cañada College: <http://canadacollege.edu/pcc/>

Employees can find support through the Employee Assistance Program: <https://www.smccd.edu/orientation/eap.php>. This is a free, confidential benefit that can help address personal or work-related issues faced by faculty, staff, and dependents.

SPECIFIC CONCERNS FOR INTERNATIONAL (F-1) STUDENTS

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Q: I am a citizen from one of the countries on the Executive Order list of restrict countries, can I travel outside the U.S. and return?

A: If you are an international student or dependent on a visa, we recommend that you do not travel outside the U.S.

Q: I am a citizen from a country not part of the list in the Executive Order. Can I travel outside the U.S.? Can I apply for a new visa?

A: At this time, it is recommended that all international travel be minimized because of possible future changes in visa policies or U.S. entry. In addition, there may be longer processing times for visas and your re-entry may be delayed. However, if you have travel plans that are necessary, please contact the International Student Office for further guidance.

Q: If I am stopped, will immigration officers (CBP or ICE) accept my student ID and/or driver's license as appropriate documentation?

The US Immigration and Nationality Act of 1952 requires foreign nationals to carry appropriate immigration-related documentation at all times. Appropriate documentation includes a valid passport, I-94 Non-immigrant Arrival/Departure Record, and for those persons in F or J status, the I-20 or DS-2019 form. Be prepared to present these documents especially when going through airports, train stations, checkpoints, border crossings, and other transportation hubs.

Q: What can I do now to make sure my record and documents are valid?

A: It is important to review your documents for accuracy and be aware of expiration dates.

- Make sure the spelling of your first and last name match on your passport, visa, and I-20/DS-2019.
- Check your passport expiration date. Make sure it is valid during your stay in the U.S. Apply for a new passport with your embassy or consulate when needed.
- Check your visa expiration date. Make sure that your visa is valid before reentering the U.S. If it is expired, you will need to apply for a new visa. Remember: A visa is an entry permit into the U.S. It does not determine whether you can stay or work.
- Print your current I-94 from the Customs & Border Protection website.
- Make sure the major/field of study on your I-20/DS-2019 reflects your current information. If it is different, request a new I-20/DS-2019 as soon as possible.
- Make sure the program end date on your I-20/DS-2019 has not expired. Request an I-20/DS-2019 extension at least 2-3 weeks before the expiration date.
- Update/enter your local address, phone number, email address, and emergency contact information.

Q: What things could jeopardize my status? Should I participate in protests or demonstrations? What are my rights?

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At any time, it is important to avoid any violations of your F-1 or J-1 status. In addition to enrollment requirements, address reporting, or employment restrictions individuals in non-immigrant status are expected to refrain from breaking any U.S. state or federal laws. Please think carefully before engaging in protest activities, as arrests can seriously impact immigration status or future visa applications. Arrests or convictions that involve violence, drugs or alcohol can have serious or long-lasting impact on current or future immigration status. Be aware that while marijuana use is legal in many U.S. states, it remains illegal at the federal level and use constitutes a violation of federal law. Use of marijuana, or alcohol/drug-related DUI arrests or convictions can lead to severe immigration consequences ranging from fines, visa cancellation to deportation. If you are arrested or have any legal concerns, please notify your International Student Office immediately. In such cases, we urge you to retain immigration legal counsel to advise you as to next steps and possible consequences.

Q: Does the signing of the Executive Order prevent me from applying for OPT, OPT-STEM, CPT, Academic Training?

A: As of March 18, 2017, we have received no information that processing of applications are on “hold.” It is recommended at this time to continue to apply for these immigration benefits.

The International Student Offices will continue to process recommendations and certifications for these benefits. We will provide updates as we get more information about these immigration benefits.

Q: Who should I go to for help or questions about my visa status?

A: The International Student Offices continues to be your point of contact in regards to immigration advice and support. Our advisors are available for appointments to discuss your concerns and questions. If you have a complex immigration related situation, we will provide referral to an immigration attorney.