

# MODEL IMMIGRATION POLICIES

Office of the Attorney  
General



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# INTRODUCTION

The Nevada legislature directed the Attorney General in NRS 228.206 and 228.208 to draft model policies for entities in Nevada that employ public servants in the critical service areas of health care, justice, and education as a resource to help with navigating public servants' obligations when interacting with federal immigration enforcement authorities. Specifically, the legislature directed that the model policies provide guidance for five specific essential public service providers: (1) State and local law enforcement agencies; (2) courthouses; (3) public K-12 schools; (4) higher education institutions; and (5) health care facilities.

The legislature made its intent for the model policies very clear. It directed the Attorney General to draft model policies for law enforcement agencies that: (1) prioritize fostering trust between the law enforcement agencies and the communities they serve; and (2) limit the involvement of law enforcement agencies with federal immigration enforcement activities.<sup>1</sup> For courthouses, public K-12 schools, institutions of higher education, and health care facilities, the legislature directed the Attorney General to draft model policies to limit immigration enforcement to ensure that public spaces remain safe and accessible to everyone in the state.<sup>2</sup> The legislature was also explicit that the model policies should give guidance for limiting immigration enforcement in these essential public service areas, while complying with any applicable law.<sup>3</sup>

The Attorney General approached this task by working with various stakeholders from communities all over Nevada. Attorneys from the Attorney General's office met with and circulated drafts for comments with the Keep Nevada Working Task Force, the Nevada Immigrant Coalition, and professionals from all across the state working in law enforcement, courthouse administration, public education, higher education, and health care facility administration. The invaluable input from these community stakeholders provided immense expertise and real-world insight to shape the model policies, maximizing their impact and usefulness.

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<sup>1</sup> NRS 228.206(1).

<sup>2</sup> NRS 228.208(1).

<sup>3</sup> NRS 228.206(1)(b), NRS 228.208(1).

The model policies that follow are designed to help essential service providers maintain the safety and order of their operations, while complying with both federal and state law. The instruction provided in these model policies ensures that essential service providers are complying with federal law, while also ensuring that state funds supporting these essential services are used for state purposes, rather than federal immigration enforcement.

The model policies aim to provide guidance to the five identified essential service providers without regard to the shifting of political winds. Federal laws, regulations, and agency practices are currently changing rapidly; however, these model policies are intentionally designed to accommodate the potential for further change. Even so, in the event of a future change that alters the usefulness of statements in these policies, the Attorney General intends to revise and post amended model policies as a continued service to the State of Nevada.

The model policies are rooted in common-sense values and principles that matter to Nevadans. They aim to protect the public, spend public money responsibly, treat everyone fairly, and keep public servants focused on the health, safety, and education of all people present in the state. The model policies reflect the principles of:

- ***Public safety.*** Community safety requires successful operation of our justice system. Nevada law enforcement officers should be focused on preventing and investigating violent and serious crime in our communities, not engaging in unpaid, non-criminal, federal immigration enforcement. Successful protection of our communities demands that victims and witnesses of crime, no matter their immigration status, feel safe when interacting with the criminal justice system. Allowing the fear of immigration enforcement to deter victims and witnesses from reporting crimes to local law enforcement or attending court hearings at a prosecutor's request will undercut the criminal justice system's efforts to fulfill its mandate of holding criminals accountable and deterring criminal conduct.
- ***Prudent use of public money.*** Immigration enforcement is the responsibility of the federal government. The cost of immigration enforcement is also a federal responsibility. The federal government is not entitled to free subsidies from our state and local law enforcement agencies, courthouses, schools, and hospitals, which are already carrying the heavy burden of protecting our communities, facilitating justice, educating our children, and keeping us healthy.
- ***Focus on health, safety, education, and justice.*** When police, court staff, teachers, and health care workers are on the job, they should be able to focus on their primary responsibilities—public safety, facilitation of justice,

education, and health. To do so, these public servants should be disentangled, as much as possible, from immigration enforcement. Further, when individuals fear seeking assistance from law enforcement, going to court, sending their kids to school, or seeking medical care, it threatens the very foundations of our public service systems.

- ***Fairness.*** Nevada’s government does not discriminate on the basis of race, ethnicity, and national origin. Our schools are constitutionally required to provide a free and appropriate education to every child, regardless of citizenship. Nevada’s public institutions and essential service providers need to be sure to treat every person present in our state fairly to comply with Nevada’s constitutional responsibilities.

To be clear, nothing in the model policies restricts Nevada law enforcement agencies or officers from enforcing state law, nor should the model policies be interpreted to imply that Nevada harbors or provides “sanctuary” to those who commit crimes. Anyone who violates Nevada’s criminal laws is subject to prosecution, regardless of their citizenship or immigration status.

Likewise, nothing in these model policies limits Nevada law enforcement agencies or officers from complying with federal law, including 8 U.S.C. §§ 1373 and 1644, or valid court orders, including judicially issued arrest warrants, regardless of a person’s citizenship or immigration status. Rather, the model policies will assist state and local law enforcement agencies to distinguish between court-issued criminal process and civil administrative notices. A “judicial warrant” is one reviewed and signed by a federal or state judge, which is not the same as a “civil immigration detainer” or “administrative warrant” issued by U.S. Immigration and Customs Enforcement (ICE) agents. Unlike a criminal warrant issued by a federal or state judge, state and federal law do not require Nevada’s law enforcement agencies and their officers to enforce civil immigration detainers or administrative warrants issued by federal immigration agents.

Lastly, nothing in the model policies prohibits Nevada law enforcement agencies from adopting additional restrictions on assisting federal immigration agents, so long as those restrictions do not (1) violate federal or state law, or (2) impede the enforcement of Nevada criminal law. The model policies do not *mandate* that Nevada law enforcement officials provide assistance, even when they are expressly *permitted* to do so.

# HOW THE MODEL POLICIES ARE TO BE USED

Upon publication of the model policies, all state and local law enforcement agencies, courthouses, public schools, institutions of higher education, and health care facilities must either: (1) adopt policies consistent with the model policies; or (2) decide not to adopt policies consistent with the model policies.<sup>4</sup> If an entity decides not to adopt policies consistent with the model policies, that entity must inform the Attorney General of the reason it chose to not adopt and must send the Attorney General a copy of its actual policies.<sup>5</sup>

The model policies are designed for easy implementation. The Attorney General drafted different policies for each type of essential service provider. Each category provides a placeholder for the name of the public agency or entity indicated by brackets. For example, in the law enforcement model policies, “[LEA]” is used throughout the document to indicate where a law enforcement agency should substitute its name if implementing the policies. A law enforcement agency adopting the model policies would simply need to replace each instance of “[LEA]” with its name.

Essential services providers are not the only entities who can benefit from adopting the model policies. These model policies are drafted broadly so that organizations or entities providing peripheral services in the areas of access to justice, victim services, education, or health care can modify the models to fit the needs of those organizations.

The model policies are not intended to provide legal advice. Each law enforcement agency, courthouse, public school, institution of higher education, and health care facility should consult its legal counsel before choosing whether to adopt the model policies. If possible, essential service providers should consult with legal counsel each time a request is made for information, records, or access in relation to immigration enforcement activities as further legal obligations or restrictions may exist under

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<sup>4</sup> The choice of adoption or non-adoption is required pursuant to NRS 228.206(2) and NRS 228.208(2).

<sup>5</sup> Notification requirements when an entity chooses not to adopt policies consistent with the model policies are set forth in NRS 228.206(3) and NRS 228.208(4).

federal or state law, including the Nevada Public Records Act. In addition, the model policies do not confer any protected entitlement, rights, or liberty interest on any individual and they cannot be construed to create any cause of action under federal or state law.

Multiple terms of art are used throughout the model policies. To avoid confusion, the Attorney General has provided a Glossary of Key Terms for reference and use in conjunction with the model policies. Defined terms are underlined throughout the model policies to indicate that a term is used with a particular meaning. Entities adopting the policies are encouraged to incorporate these definitions in their policies.

# GLOSSARY OF KEY TERMS

“**Administrative subpoena**” means a subpoena issued by a government agent or federal agency without prior approval from a U.S. District Court Judge or Magistrate Judge, state judicial officer, or local judicial officer (*e.g.*, Appendix F). Federal or state law or regulations set a time frame for compliance with an administrative subpoena—immediate compliance is *not* required. Consultation with legal counsel is strongly encouraged before responding.

“**Administrative warrant**” means any document that is not approved or ordered by a U.S. District Court Judge or Magistrate Judge, state judicial officer, or local judicial officer that can form the basis for a person’s arrest or detention for a civil immigration enforcement purpose (*e.g.*, Appendices A and B). “Administrative warrant” includes a civil warrant for arrest of alien (Form I-200), notice to appear (Form I-862), removal order, or warrant of removal/deportation (Form I-205) issued by a federal immigration agent. “Administrative warrant” does *not* include any criminal warrant approved or ordered by a U.S. District Court Judge or Magistrate Judge, state judicial officer, or local judicial officer. Federal or state law or regulations set a time frame for compliance with an administrative warrant—immediate compliance is *not* required. Consultation with legal counsel is strongly encouraged before responding.

“**Citizenship or immigration status**” means information concerning:

- Whether a person is a citizen of the United States; or
- Whether a person has lawful authority to be present in the United States.

“**Federal immigration agent(s)**” or “**agent(s)**” means any officer, employee, or other person otherwise paid by or acting as an agent of U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), U.S. Department of Homeland Security (DHS), any other federal government entity, any division thereof or successor agency thereto, or any officer, employee, or other person paid by or acting as an agent of the United States government, who engages in enforcement of the civil provisions of the Immigration and Nationality Act.

“**Immigration detainer**” means a request from a federal immigration agent to a state or local law enforcement agency for a purpose including, but not limited to: detaining a person for a violation of federal civil immigration law, facilitating the arrest or transfer of a person by or to a federal immigration agent, providing



notification of the release date and time of a person in custody, and notifying a state or local law enforcement officer of the federal immigration agent's intent to take a person into custody (Appendix C). "Immigration detainer" includes detainers issued under 8 U.S.C. §§ 1226 or 1357, 8 C.F.R. §§ 287.7 or 236.1, and "Notice of Action" (Form I-247A) and any predecessor or successor form. Immigration detainers are issued by a federal immigration agent, not a U.S. District Court Judge or Magistrate Judge, state judicial officer, or local judicial officer.

**"Immigration enforcement activities"** means actions taken by federal immigration agents to apprehend, question, detain, interview, search, investigate, arrest, or transfer custody of a person in connection with enforcement of federal civil immigration violations.

**"Judicial order"** or **"court order"** means a court order signed by a U.S. District Court Judge or Magistrate Judge, state judicial officer, or local judicial officer. Prompt compliance with a judicial order is usually required by law. However, if feasible, staff should consult with legal counsel before responding.

**"Judicial subpoena"** (also known as "subpoena for production of documents or other evidence" or subpoena *duces tecum*) means a subpoena issued by a federal or state court (e.g., Appendix G). Federal or state law or regulations set a time frame for compliance—immediate compliance is *not* required. Consultation with legal counsel is strongly encouraged before responding.

**"Judicial warrant"** means a criminal search-and-seizure warrant or arrest warrant signed by a U.S. District Court Judge or Magistrate Judge, state judicial officer, or local judicial officer (e.g., Appendices D and E). Prompt compliance with a judicial warrant is usually required by law. But if feasible, staff should consult with legal counsel before responding.

**"Law enforcement activities"** means any activity by a peace officer acting under the color of law. *See* NRS 171.1233.

**"LEA personnel"** means any employee, including, but not limited to, peace officers, employed by a state or local law enforcement agency or any contractor contracted by a state or local law enforcement agency.

**"Personally identifiable information"** means any information that identifies or describes an individual or can be used to distinguish or trace a person's identity, either alone or in combination with other information. Personally identifiable information includes, but is not limited to, a person's name, social security number, physical description, home or work address, private telephone number, education, financial matters, and medical or employment history. *See* NRS 603A.040; 34 C.F.R.

§ 99.3; Fed. R. Civ. P. 5.2; D. Nev. LR IC 6-1; EDCR 5.214. For the purposes of the model policies, personally identifiable information does not include citizenship or immigration status.

**“Sensitive student information”** means any personal details or information about a student that, if disclosed without proper authority, could potentially harm the student’s privacy, safety, or reputation, including but not limited to medical and/or mental health information, family situations, disciplinary actions, religious beliefs, sexual orientation, gender identity, family income information, and personally identifiable information. For the purposes of the model policies, sensitive student information does not include citizenship or immigration status.

**“State or local law enforcement agency”** or **“LEA”** means any agency, office, bureau, department, unit, or division of the State of Nevada or a political subdivision of Nevada, created by statute, ordinance, or rule which has the duty to enforce the law and employs one or more peace officers. The term includes, but is not limited to, a sheriff’s office, a metropolitan police department, an incorporated city police department, an entity authorized to operate a prison, jail, or detention facility, including a facility for the detention of juveniles, the Department of Public Safety, and school police departments. *See* NRS 179D.050, NRS 228.206(4), NRS 289.010, NRS 392.291, and NRS 392.293.

**“State or local law enforcement officer(s)”** or **“officer(s)”** means a peace officer employed by a State or local law enforcement agency. *See* NRS 289.010(5).

# MODEL POLICIES FOR STATE AND LOCAL LAW ENFORCEMENT

*These policies aim to keep  
Nevada safe.*

Nevada law enforcement's first responsibility is enforcing our state's criminal laws. Immigration enforcement, which is mostly civil rather than criminal, is a federal responsibility. The roles and responsibilities of state and local law enforcement officers are distinct from federal immigration authorities such as Immigration and Customs Enforcement or "ICE." These model policies relieve Nevada law enforcement of the burden of doing unpaid, unfunded federal immigration enforcement and allow our state and local law enforcement agencies to focus on protecting Nevadans from violent and serious crime.

NRS 31.470 generally prohibits peace officers from making arrests in non-criminal matters, with narrow exceptions listed in NRS 31.480. Immigration enforcement is not a listed exception. Unlawful presence in the United States is generally a non-criminal matter. A person's alleged unlawful presence in the United States, or presence without having been admitted for parole, is not a basis for a Nevada law enforcement agency to arrest or detain the person, even if requested to do so by a federal agency.

These policies are designed to build trust between state and local law enforcement and the communities they serve. If victims and witnesses are afraid that law enforcement might arrest or detain them for non-criminal immigration reasons, they will be less likely to report crime or cooperate with police and prosecutors. When victims and witnesses are too afraid to come forward, state and local law enforcement agencies are unable to get the cooperation and information they need to make arrests. Without witnesses, prosecutors' ability to secure convictions for violent crimes is impaired. Public safety decreases when we cannot hold criminals accountable for their crimes.

These policies encourage law enforcement agencies to use a trauma-informed, victim-centered approach to combat serious crime while simultaneously complying with existing state law and constitutional protections for the rights of the accused. This approach includes practices to minimize victimization and additional trauma, and it equally values: identification and stabilization of victims, regardless of immigration

status, as well as detection, investigation, and prosecution of criminal offenses. Noncitizens who have been victimized often:

- Distrust law enforcement and fear arrest and deportation;
- Worry about immediate needs (food, shelter, family);
- Have medical needs, including psychological support; and
- May face language and cultural barriers.

Reducing the hurdles that noncitizens face in reporting crime or participating as victims or witnesses in our judicial system positively impacts public safety.

If these policies are adopted, state and local law enforcement agencies, their officers, and other staff:

- Will not act as unpaid federal immigration agents by participating in operations that solely involve federal civil immigration enforcement.
- Will not divert resources away from fighting crime by detaining or arresting anyone solely to enforce federal civil immigration laws.
- Will not spend public dollars holding people in custody past the time a judge orders for release, just because ICE submitted a “detainer” request that was not approved by a judge.
- Will not be obligated to spend valuable time on the job investigating and turning over individuals’ personally identifiable information to federal immigration enforcers.
- Will not ask about a person’s citizenship or immigration status except to help solve a Nevada criminal offense or provide essential services to victims.
- Will work to build trust with the community, including by helping victims and witnesses obtain services and supports, so everyone present in Nevada will be comfortable coming forward and seeking justice.

## MODEL POLICIES FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES

### I. PURPOSE

1. *Public Safety.* When communities trust law enforcement, witnesses are quicker to cooperate and victims are more likely to come forward because they feel more confident that they will be protected and get justice. Lives could be lost and justice cannot prevail if victims and witnesses do not feel safe enough to contact law enforcement. These policies will keep Nevada safer by fostering trust between the community and the [LEA].
2. *Safeguarding public resources.* Nevada taxpayers fund [LEA] to protect the public by enforcing state and local criminal laws—not to do the federal government’s work by enforcing immigration laws, which are mostly non-criminal. To the fullest extent practicable and consistent with any applicable law, these policies limit [LEA]’s use of state or local public resources for federal immigration enforcement. They ensure that Nevada tax dollars are used efficiently by Nevada law enforcement to enforce Nevada’s criminal law.
3. *Fairness and constitutional compliance.* Federal law and state law prohibit law enforcement from making decisions—like stops and arrests—based on a person’s appearance or racial profile, except when that information is part of a specific subject description. These policies help ensure [LEA’s] officers will not discriminate on the basis of any protected class under federal, state, and local law, including race, color, creed, sex, sexual orientation, gender identity or expression, age, disability, ancestry, or national origin.
4. These policies do not confer any protected entitlement, rights, or liberty interest on any individual and they cannot be construed to create any cause of action under federal or state law.

### II. PROTOCOL DEVELOPMENT AND TRAINING

1. [LEA’s] officer will read and understand the [LEA’s] policies: *Immigration Enforcement Procedures*, dated \_\_\_\_, 202\*.
2. [LEA] will establish written protocols for use by [LEA] personnel likely to receive in-person, written, telephonic, or electronic requests from federal immigration agents or requests from other law enforcement agencies related to federal immigration enforcement activities.
3. [LEA] will designate an on-duty [supervisor or unit] to handle and/or consult with other [LEA personnel] on immigration enforcement activities, ensuring that [LEA] personnel are appropriately handling immigration enforcement inquiries and requests and complying with internal procedures.

4. [LEA] and [designated supervisor or unit] will consult with legal counsel to assist [LEA] in determining when and to what extent [LEA] is required to comply with requests by federal immigration agents.
5. [LEA] will annually train all [LEA] personnel likely to receive requests from federal immigration agents or have in-person contact with agents on the policies' requirements and will provide a copy of the policies to all [LEA] personnel.
6. [LEA] will annually train all personnel regarding the different types of warrants, subpoenas, and court orders that may be presented by federal immigration agents to effect an arrest or to obtain records in relation to immigration enforcement activities. (Appendices A–H.) This training will include the following:
  - a. The ability to identify and differentiate between administrative warrants (Appendices A and B) issued by a federal immigration agent and judicial warrants (Appendices D and E) signed by a U.S. District Court Judge or Magistrate Judge, state judicial officer, or local judicial officer.:
  - b. The ability to identify and differentiate between administrative subpoenas and judicial subpoenas (Appendices F and G).
  - c. The procedure for responding to any warrant, subpoena, or court order issued in connection with immigration enforcement activities.
7. [LEA] personnel will be trained that federal or state law or regulations set a time frame for compliance with administrative subpoenas and judicial subpoenas (immediate compliance is *not* required) and they must submit all administrative subpoenas and judicial subpoenas for review by [designated supervisor or unit] and a decision as to whether [LEA] will comply with or challenge the subpoena. (Appendices F and G.)

### III. COLLECTION AND RETENTION OF INFORMATION

1. [LEA] personnel will not inquire about or investigate the citizenship or immigration status of an individual, a crime victim, a witness, or a person who calls or approaches [LEA] personnel seeking assistance, unless necessary to investigate criminal activity by that individual or when required by law.
2. [LEA] will ensure that forms do not solicit a person's citizenship or immigration status where it is not relevant to investigate criminal activity, unless such information collection is required by law.

#### IV. RESPONDING TO REQUESTS FOR INFORMATION AND/OR REQUESTS FOR PHYSICAL ACCESS TO PERSONS OR NONPUBLIC RESTRICTED LOCATIONS

1. [LEA] will identify nonpublic restricted locations within all [LEA] facilities. [LEA] will train all personnel regarding who is authorized to access nonpublic restricted locations.
2. [LEA] personnel will not provide federal immigration agents with any nonpublic information about an individual, including but not limited to, nonpublic information about an individual's release, court appearance, or any other personally identifiable information, unless compliance is required by law.
  - a. Nothing in this section prohibits [LEA] or [LEA] personnel from:
    - i. Sending to or receiving from any federal, state, or local government entity or official, pursuant to 8 U.S.C. §§ 1373 and 1644, information regarding any individual's citizenship or immigration status, lawful or unlawful;
    - ii. Executing their official duties in investigating violations of criminal law and cooperating in criminal investigations with federal, state, tribal, or local law enforcement agencies (including criminal investigations conducted by federal immigration agents) in order to ensure public safety;
    - iii. Acting as a certifying official for a U Nonimmigrant Status Certification or Victim of Trafficking Declaration; or
    - iv. Disclosing information about an individual's arrest, criminal charges, or convictions for acts that constitute burglary, theft, larceny, shoplifting, assault of a law enforcement officer, or any crime that results in death or serious bodily injury to another person,<sup>6</sup> where disclosure of such information about the individual is permitted or required by law.
  - b. [LEA] personnel must consult with [designated supervisor or unit] before determining whether disclosure of an individual's nonpublic information, personally identifiable information, arrest, criminal charges, or convictions are permitted or required by law.
3. [LEA] personnel must never use an individual's personally identifiable information or citizenship or immigration status received through their

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<sup>6</sup> A "crime that results in death or serious bodily injury" means any criminal offense that results in either (1) bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ; or (2) prolonged physical pain. This may include, but is not limited to, murder, homicide, kidnapping, sexual assault, robbery, arson, home invasion, driving under the influence (DUI), or an act which constitutes domestic violence.

employment in a personal capacity.

4. [LEA] and [LEA] personnel will not provide federal immigration agents with access to an individual in their custody, the use of [LEA] facilities to question or interview such individual, or access to non-public restricted areas of [LEA] facilities if the sole purpose is to engage in immigration enforcement activities, unless presented with a judicial warrant.
5. Judicial warrants (Appendices D and E) and court orders. [LEA] personnel must comply with federal immigration agents presenting judicial warrants or court orders. Prompt compliance with a judicial warrant or court order is usually required by law, but when feasible, [LEA] personnel should consult with and receive direction from [designated supervisor or unit] before providing the federal immigration agent access to the person or materials specified in the judicial warrant or court order.
6. The following documents are insufficient for immediate action by [LEA] personnel as such documents are not directed to [LEA] and federal or state law or regulations set a time frame for compliance (*i.e.*, immediate compliance is *not* required):
  - a. Administrative warrant (Appendices A and B): [LEA] personnel are under no obligation to deliver or facilitate service of an administrative warrant to the person named in the document. [LEA] personnel will inform the federal immigration agent that before proceeding with the agent's request, they must first consult with and receive direction from [designated supervisor or unit]. Provide a copy of the warrant to [designated supervisor or unit] as soon as possible.
  - b. Administrative and judicial and subpoenas (Appendices F and G): Federal or state law or regulations set a time frame for compliance with administrative and judicial subpoenas (immediate compliance is *not* required). [Court] personnel will inform the federal immigration agent they cannot immediately consent or respond to the request and must submit all subpoenas for review by [designated administrator] and a decision as to whether [Court] will comply with or challenge the subpoena. Provide a copy of the subpoena to [designated administrator] as soon as possible.
  - c. Immigration detainer or notice to appear (Appendices C and H): These documents are a form of an administrative warrant. [LEA] personnel are under no obligation to deliver or facilitate service of an immigration detainer or notice to appear to the person named in the document. [LEA] personnel will inform the federal immigration agent that before proceeding with the agent's request, they must first consult with and receive direction from [designated supervisor or unit]. Provide a copy of the immigration detainer or notice to appear to [designated supervisor or unit] as soon as possible.



## V. INTERACTING WITH PERSONS IN NEVADA

1. In the event that a person contacts [LEA] and reports or attempts to report someone as being an undocumented immigrant, [LEA] and [LEA] personnel will refer the person reporting to the local office of federal immigration authorities.
2. [LEA] personnel will not participate in any law enforcement activities where the primary or direct purpose is to enforce federal civil immigration laws or when participation violates state or local law or policy.
3. [LEA] will not perform or support the functions of a federal immigration agent or otherwise engage in immigration enforcement activities, whether on its own accord, pursuant to informal arrangements, or under an agreement made pursuant to 8 U.S.C. § 1357(g) if such agreement violates state or local law or policy.
  - a. Nothing in this section prohibits [LEA] and [LEA] personnel from cooperating with or assisting a federal immigration agent in an officer safety capacity, such as traffic control, during immigration enforcement activities, if prior approval is received from [LEA] sheriff, chief of police, or agency head].
  - b. [LEA] personnel will not participate in any immigration enforcement activities except in an officer safety capacity, such as traffic control, if preapproved by [LEA] sheriff, chief of police, or agency head].
4. [LEA] personnel may stop, detain, question, investigate, interrogate, or arrest any person on reasonable suspicion or probable cause to believe a crime has been committed, but not for the sole purpose of engaging in immigration enforcement activities.
5. [LEA] personnel will not stop, detain, question, interrogate, investigate, search, or arrest a person based solely on any of the following:
  - a. Actual or suspected citizenship or immigration status or racial appearance; or
  - b. Actual or suspected civil violation of federal immigration laws; or an administrative warrant or immigration detainer in the person's name entered into the National Crime Information Center database, or other kind of request by a federal immigration agent, besides a judicial warrant.
6. Individuals in [LEA's] custody will be subject to the same booking, processing, release, and transfer procedures, policies, and practices of [LEA], regardless of actual or suspected citizenship or immigration status.
7. [LEA] personnel will not continue to detain, delay release, question, investigate, interrogate, search, or arrest any person solely for purposes of civil immigration enforcement activities, after the time designated for the

person to be released from custody for an unrelated criminal violation, unless provided with a judicial warrant.

8. [LEA] personnel will not detain, continue to detain, delay release, or arrest any person in response to an administrative warrant entered into the National Crime Information Center database, unless provided with a judicial warrant.
9. In the absence of a judicial warrant, [LEA] may in its discretion determine to notify federal immigration agents in advance of an individual's release from custody, without extending their detention, if:
  - a. There is probable cause to believe the individual has illegally re-entered the United States after a previous removal or return as defined by 8 U.S.C. § 1326;
  - b. The individual has been convicted of a violent crime;<sup>7</sup> or
  - c. There is probable cause to believe that the individual has or is engaged in terrorist activity or the [LEA] identified the individual as a possible match in a terrorist screening database.
10. When encountering a noncitizen victim or witness, [LEA] personnel should develop rapport and establish trust by:
  - a. Connecting the individual to a victim assistance specialist who can connect the victim to support services;
  - b. Explaining the [LEA] personnel's role, answering their questions, and addressing their fears and urgent needs;
  - c. Being sensitive to cultural differences and language barriers and using a competent interpreter when needed;
  - d. Conducting interviews in a neutral location, only after the victim's urgent needs have been met; and
  - e. Being patient and giving the individual time to stabilize.

## **VI. U NONIMMIGRANT STATUS CERTIFICATIONS AND VICTIM OF TRAFFICKING DECLARATIONS**

1. [LEA] will establish a policy and procedure for responding to petitioners' requests for a Form I-918, Supplement B, U Nonimmigrant Status Certification (available to victims of certain crimes) and Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of

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<sup>7</sup> A "violent crime" is any criminal offense that has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon. This may include, but is not limited to, murder, homicide, kidnapping, sexual assault, robbery, battery, arson, home invasion, or an act which constitutes domestic violence.

Trafficking in Persons (available to victims of human trafficking).

- a. In accordance with NRS 217.550–217.590 regarding petitions for U Nonimmigrant Status Certifications, [LEA] will:
  - b. Provide information to the community on the process and procedure for requesting U Nonimmigrant Status Certification;
  - c. Designate the certifying official(s) in a supervisory role responsible for receiving petitioner requests, reviewing the available records, and completing U Nonimmigrant Status Certifications;
  - d. Establish a procedure for certifying officials' receipt, review, and response to petitions for U Nonimmigrant Status Certifications to ensure that responses are issued within the statutorily required time frame (14 or 90 days depending on the type of petition);
  - e. Require certifying officials to review the available records to determine whether a petitioner was a direct, indirect, or bystander victim and whether petitioner has been, are being, or will be helpful in the investigation of criminal activity using the rebuttable presumption of helpfulness;
  - f. Establish a policy to ensure that certifying officials will not take into account the time elapsed between victimization and petition, whether there is an active investigation, whether a formal statement of charges was filed, or whether there has been a prosecution or conviction in determining whether a petitioner meets the requirements;
  - g. Require certifying officials to complete U Nonimmigrant Status Certifications for petitioners who are determined to meet the qualifications and provide written denials indicating the reason(s) a petitioner did not qualify for those who are denied certification; and
  - h. Submit an annual report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature before January 1 of each year, detailing the number of petitions received, the number of certifications issued, the number of petitions denied, and (for those petitions that were denied) the reason for the denial.
2. Regarding Declarations of Law Enforcement Officer for Victim of Trafficking in Persons, [LEA] will:
- a. Provide information to the community on the process and procedure for requesting Victim of Trafficking Declarations;
  - b. Designate the certifying official(s) responsible for receiving petitioner requests, reviewing the available records, and completing Victim of Trafficking Declarations. The [LEA] officer(s) with direct knowledge of the case will be the designated certifying official

whenever possible;

- c. Establish a procedure for certifying officials' receipt, review, and response to petitions for Victim of Trafficking Declarations;
- d. Require certifying officials to review the available records to determine whether a petitioner was a victim of trafficking and whether they have complied with reasonable requests to assist law enforcement (or are exempt due to age or trauma); and
- e. Require certifying officials to complete Victim of Trafficking Declarations for petitioners who are determined to meet the qualifications and provide written denials indicating the reason(s) a petitioner did not qualify for those who are denied a declaration.

# MODEL POLICIES FOR COURTHOUSES

*These policies aim to keep our justice system open—for everyone.*

Each person in Nevada deserves access to our courthouses for the administration of justice. The pursuit of justice requires that our courthouses are safe and welcoming for everyone, regardless of citizenship or immigration status. If immigrant victims or witnesses are afraid to come to court because federal immigration enforcement agents use courthouses inappropriately for civil enforcement activities, prosecutors will not be able to secure convictions and litigants who need those witnesses' testimony will not be able to vindicate their rights. These policies help ensure that every person in Nevada feels safe coming to court.

This guidance also keeps courthouse employees focused on their core job functions. Our state and local public dollars are not intended to subsidize federal immigration enforcement. Nevada funds are meant to make sure our justice system works efficiently and fairly for everyone.

If these policies are adopted, judges, court administrators, and staff:

- Will not be required to spend valuable working hours searching for and turning over sensitive personal information to federal immigration agents, unless valid legal documents are presented or the law requires disclosure.
- Will not collect citizenship or immigration status information from people, unless that information is necessary to do the court's work.
- Will notify court administrators about any federal immigration enforcement requests to see nonpublic documents or enter nonpublic areas of the courthouse; insist that federal agents produce valid legal documents, like judge-signed warrants, to justify their requests; and deny consent to enter nonpublic restricted areas or review documents if an agent fails to show valid legal documents.

Will set up procedures to support noncitizen crime victims and witnesses so they feel safe reporting crimes, coming forward, and seeking justice.

## MODEL POLICIES FOR COURTHOUSES

### I. PURPOSE

1. *Safety and access to justice.* If victims and witnesses fear seeking justice because coming to a courthouse may expose them to immigration enforcement activities, the justice system cannot properly function. Without allowing safe access to courthouses, prosecutors will not be able to secure convictions for crimes and litigants will not be able to vindicate their rights through the justice system. This policy helps ensure that every person in Nevada feels safe coming to court.
2. *Safeguarding public resources.* Nevada courts have no jurisdiction or funding to enforce federal immigration law. Courts receive state and local funds to facilitate enforcement of state and local law. Nevadans have an expectation that courts will use public funds wisely and for the purpose the funds were allocated. Without statutory direction from the legislature, subsidizing federal immigration enforcement is not an acceptable use of state or local funds. This policy will ensure that Nevada resources are used to enforce Nevada law.
3. These policies do not confer any protected entitlement, rights, or liberty interest on any individual and they cannot be construed to create any cause of action under federal or state law.

### II. PROTOCOL DEVELOPMENT AND TRAINING

1. [Court] will designate [administrator] to handle immigration enforcement activities, ensuring that [Court] personnel are appropriately dealing with immigration enforcement inquiries and requests and complying with internal procedures.
2. [Designated administrator] will maintain in writing [Court] policies and procedures for gathering and handling personally identifiable information and citizenship or immigration status information.
3. [Court] and [designated administrator] will consult with legal counsel to assist [Court] in determining when and to what extent [Court] is required to comply with requests by federal immigration agents.
4. [Court] will establish written protocols for use by [Court] personnel likely to receive in-person, written, telephonic, or electronic requests from federal immigration agents or requests from law enforcement agencies related to immigration enforcement activities.
5. [Court] will develop procedures for verifying information requests made by telephone, such as requiring a call-back process through publicly listed agency phone numbers.

6. [Court] will annually train all personnel likely to receive requests from federal immigration agents or have in-person contact with agents on the policies' requirements and will provide a copy of the policies to all [Court] personnel.
7. [Court] will train annually relevant personnel regarding the different types of warrants, subpoenas, and court orders that may be presented by federal immigration agents to effect an arrest or to obtain records (Appendices A–H). This training will include the following:
  - a. The ability to identify and differentiate between administrative warrants (Appendices A and B) issued by a federal immigration agent and judicial warrants (Appendices D and E) issued by a U.S. District Court Judge or Magistrate Judge, state judicial officer, or local judicial officer.
  - b. The ability to identify administrative and judicial subpoenas (Appendices F and G).
  - c. The procedure for responding to any warrant, subpoena, or judicial order issued in connection with immigration enforcement activities.
8. [Court] personnel will be trained that federal or state law or regulations set a time frame for compliance with administrative subpoenas and judicial subpoenas (immediate compliance is *not* required) and they must submit all administrative subpoenas and judicial subpoenas for review by [designated administrator] and a decision as to whether [Court] will comply with or challenge the subpoena (Appendices F and G).

### **III. COLLECTION AND RETENTION OF INFORMATION**

1. [Court] personnel will not inquire into a person's citizenship or immigration status, except to provide victim services such as visa information or certifications or when otherwise required by law.
2. [Court] will ensure that its forms do not solicit a person's citizenship or immigration status when it is not relevant, unless such information collection is required by law.

### **IV. RESPONDING TO REQUESTS FOR PHYSICAL ACCESS TO PERSONS OR NONPUBLIC RESTRICTED LOCATIONS**

1. [Court] will identify nonpublic restricted locations within [Court] facilities. [Court] will train all personnel on who may access nonpublic restricted locations.
2. As state courts lack jurisdiction to enforce federal immigration law, [Court] personnel are prohibited from assisting in immigration enforcement

activities except as specifically required by a federal judicial warrant or order, issued by a U.S. District Court Judge or Magistrate Judge, and consistent with [Court] policy.

3. As soon as possible, [Court] personnel will notify [designated administrator] of any request by federal immigration agents for physical access to (i) nonpublic restricted locations in [Court] facilities, or (ii) any person for the purposes of allowing the agent to interview the person, serve the person with administrative process, or execute an arrest.
4. [Court] and [Court] personnel will not provide federal immigration agents with access to an individual in their custody, the use of [Court] facilities to question or interview such individual, or access to non-public restricted areas of [Court] facilities if the sole purpose is to engage in immigration enforcement activities, unless presented with a judicial warrant.
5. In addition to notifying [designated administrator] and any on-site police or security, [Court] personnel will take the following steps in response to any request for access by federal immigration agents:
  - a. Advise the federal immigration agent that before proceeding with the agent's request, [Court] personnel must first consult with and receive direction from [designated administrator].
  - b. Ask to see, and make a copy of or note, the federal immigration agent's credentials (including name, badge number, and agency affiliation). Also ask for and copy or note the phone number of the agent's supervisor.
  - c. Ask the federal immigration agent their reason for being at the courthouse and document the response.
  - d. Ask the federal immigration agent to produce any and all documentation that authorizes [Court] access and make copies of all documentation provided.
  - e. Verbally inform the federal immigration agent that [Court] does not consent to entry of nonpublic restricted locations within [Court] facilities.
  - f. If the federal immigration agent demands immediate access to [Court] facilities, [Court] personnel must comply and immediately contact [designated administrator].
  - g. Without expressing consent, [Court] personnel will respond as follows if presented with the following documentation:
    - i. Judicial warrants (Appendices D and E) and court orders: [Court] personnel must comply with federal immigration agents presenting valid judicial warrants or court orders. (Appendices \* and \*.) Prompt compliance with a judicial warrant or court



- order is usually required by law. However, when feasible, [Court] personnel should consult with and receive direction from [designated administrator] before providing the federal immigration agent access to the person or materials specified in the judicial warrant or court order. Provide a copy of the judicial warrant or court order to [designated administrator] as soon as possible.
- ii. Administrative warrant (Appendices A and B): Administrative warrants are not directed to [Court]. Federal or state law or regulations set a time frame for compliance with administrative warrants (immediate compliance is *not* required). [Court] personnel are under no obligation to deliver or facilitate service of an administrative warrant to the person named in the document. [Court] personnel will inform the federal immigration agent that before proceeding with the agent's request, they must first consult with and receive direction from [designated administrator]. Provide a copy of the administrative warrant to [designated administrator] as soon as possible.
  - iii. Administrative and judicial and subpoenas (Appendices F and G): Federal or state law or regulations set a time frame for compliance with administrative and judicial subpoenas (immediate compliance is *not* required). [Court] personnel will inform the federal immigration agent they cannot immediately consent or respond to the request and must submit all subpoenas for review by [designated administrator] and a decision as to whether [Court] will comply with or challenge the subpoena. Provide a copy of the subpoena to [designated administrator] as soon as possible.
  - iv. Immigration detainer or notice to appear (Appendices C and H): These documents are a form of an administrative warrant that are not directed to [Court]. Federal or state law or regulations set a time frame for compliance with a notice to appear (immediate compliance is *not* required). [Court] personnel are under no obligation to deliver or facilitate service of an immigration detainer or notice to appear to the person named in the document. [Court] personnel will inform the federal immigration agent that before proceeding with the agent's request, they must first consult with and receive direction from [designated administrator]. Provide a copy of the immigration detainer or notice to appear to [designated administrator] as soon as possible.

6. *Exigent Circumstances.* If a federal immigration agent demands that

[Court] personnel provide immediate access to nonpublic restricted locations within [Court] facilities based on exigent circumstances, [Court] personnel must comply and immediately contact [designated administrator].

- a. [Court] personnel must not attempt to physically interfere with the federal immigration agent, even if the agent appears to be exceeding the authorization given under a warrant or other legal document. If the federal immigration agent enters nonpublic restricted locations without consent, [Court] personnel must document the agent's actions.
- b. [Court] personnel must promptly take written notes to document the federal immigration agent's actions while on [Court] premises in as much detail as possible but without interfering with the agent's movements.
- c. [Designated administrator] will prepare an incident report regarding the event that will be maintained in the [Court]'s records. The incident report will include:
  - i. Foundational information, including date, time, location(s) of the event;
  - ii. Name of the federal immigration agent and, if available, the agent's credentials and contact information;
  - iii. List of all [Court] personnel who interacted with the federal immigration agent or witnessed the event;
  - iv. A summary describing the federal immigration agent's request, statements, and actions with as much detail as possible;
  - v. A narrative description of [Court] personnel's response to the federal immigration agent's request;
  - vi. Detailed witness statements prepared by each [Court] employee who observed any portion of the event or interacted with the federal immigration agent in any way;
  - vii. Detailed witness statements prepared by any non-employee witnesses (e.g., citizens, courthouse visitors, etc.) who observed any portion of the event or interacted with the federal immigration agent in any way, if possible;
  - viii. Photos or copies of any documents presented by the federal immigration agent;
  - ix. Any surveillance, bodycam, or other video, audio, or photographic evidence that may exist relating to the event; and
  - x. Any other evidence of the event collected by [Court] personnel.

- d. [Designated administrator] will timely submit a report to [Court's] chief judge or administrative head.

## V. RESPONDING TO REQUESTS FOR INFORMATION

1. [Court] personnel will not share any individual's personally identifiable information with federal immigration agents unless required by law. [Court] personnel must consult with and receive direction from [designated administrator] before determining whether release of personally identifiable information is required.
2. [Court] personnel will not provide federal immigration agents with any nonpublic information about an individual, including but not limited to, nonpublic information about an individual's release, court appearance, or any other personally identifiable information, unless compliance is required by law.
  - a. Nothing in this section prohibits [Court] or [Court] personnel from:
    - i. Sending to or receiving from any federal, state, or local government entity or official, pursuant to 8 U.S.C. §§ 1373 and 1644, information regarding any individual's citizenship or immigration status, lawful or unlawful;
    - ii. executing their official duties in the administration of justice and cooperating in criminal investigations with federal, state, tribal, or local law enforcement agencies (including criminal investigations conducted by federal immigration agents) in order to ensure public safety;
    - iii. acting as a certifying official for a U Nonimmigrant Status Certification or Victim of Trafficking Declaration; or
    - iv. disclosing information about an individual's criminal arrests, charges, or convictions for acts that constitute burglary, theft, larceny, shoplifting, assault of a law enforcement officer, or any crime that results in death or serious bodily injury to another person,<sup>8</sup> where disclosure of such information about the individual is permitted or required by law.
  - b. [Court] personnel must consult with [designated administrator] before determining whether disclosure of an individual's nonpublic

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<sup>8</sup> A "crime that results in death or serious bodily injury" means any criminal offense that results in either (1) bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ; or (2) prolonged physical pain. This may include, but is not limited to, murder, homicide, kidnapping, sexual assault, robbery, arson, home invasion, driving under the influence (DUI), or an act which constitutes domestic violence.

information, personally identifiable information, or arrest, criminal charges, or convictions are permitted or required by law.

3. [Court] personnel must never use an individual's personally identifiable information or citizenship or immigration status received through their employment in a personal capacity.
4. In addition to notifying [designated administrator] and any on-site police or security, [Court] personnel will take the following actions in response to a federal immigration agent requesting information or records:
  - a. Advise the federal immigration agent that before proceeding with the agent's request, [Court] personnel must first consult with and receive direction from [designated administrator].
  - b. Ask to see, and make a copy of or note, the federal immigration agent's credentials (including name, badge number, and agency affiliation). Also ask for and note the phone number of the agent's supervisor.
  - c. Ask the federal immigration agent their reason for being at [Court] and document the response.
  - d. Ask the federal immigration agent to produce any and all documentation that authorizes disclosure of personally identifiable information from [Court] records.
  - e. Without expressing consent, [Court] personnel will respond as follows if presented with the following documentation:
    - i. Judicial warrants (Appendices D and E) and court orders: [Court] personnel must comply with federal immigration agents presenting judicial warrants or court orders. Prompt compliance with a judicial warrant or court order is usually required by law. However, when feasible, [Court] personnel should consult with and receive direction from [designated administrator] before providing the federal immigration agent access to the information or records specified in the judicial warrant or court order. Provide a copy of the judicial warrant or court order to [designated administrator] as soon as possible.
    - ii. Administrative and judicial and subpoenas (Appendices F and G): Federal or state law or regulations set a time frame for compliance with administrative and judicial subpoenas (immediate compliance is *not* required). [Court] personnel will inform the federal immigration agent they cannot immediately consent or respond to the request and must submit all subpoenas for review by [designated administrator] and a decision as to whether [Public School or District] will comply with or challenge the subpoena. Provide a copy of the subpoena to [designated

administrator] as soon as possible.

## **VI. U NONIMMIGRANT STATUS CERTIFICATIONS**

1. [Court] will establish a policy and procedure for responding to petitioners' requests for a Form I-918, Supplement B, U Nonimmigrant Status Certification (available to victims of certain crimes).
2. In accordance with NRS 217.550–217.590, regarding petitions for U Nonimmigrant Status Certifications, [Court] will:
  - a. Provide information to the community on the process and procedure for requesting U Nonimmigrant Status Certifications;
  - b. Designate the certifying official(s) responsible for completing U Nonimmigrant Status Certifications;
  - c. Establish a procedure for certifying officials' receipt, review, and response to petitions for U Nonimmigrant Status Certifications to ensure that responses are issued within the statutorily required time frame (14 or 90 days depending on the type of petition);
  - d. When available, assign the judicial officer who presided over the proceeding that is the subject of the petitioner's request for U Nonimmigrant Status Certification to review the available records and determine whether a petitioner was a direct, indirect, or bystander victim and whether they have been, are being, or will be helpful in the investigation of the criminal activity using the rebuttable presumption of helpfulness;
  - e. Establish a policy to ensure that judicial officers will not take into account the time elapsed between victimization and petition, whether there is an active investigation, whether a former statement of charges was filed, or whether there has been a prosecution or conviction in determining whether a petitioner meets the requirements;
  - f. Require certifying officials to complete U Nonimmigrant Status Certifications for petitioners who are determined to meet the qualifications and provide written denials indicating the reason(s) a petitioner did not qualify for those who are denied certification; and
  - g. Submit an annual report to the Director of the Nevada Legislative Counsel Bureau for transmittal to the Legislature before January 1 of each year, detailing the number of petitions received, the number of certifications issued, the number of petitions denied, and (for those petitions that were denied) the reason for the denial.

# MODEL POLICIES FOR PUBLIC SCHOOLS K - 1 2

*These policies aim to keep public schools focused on educating our children.*

Children in Nevada are constitutionally entitled to a free public education, no matter their citizenship or immigration status. To safeguard that right, these policies allow public schools to protect the privacy of students' educational records, including information about their citizenship and immigration status. Those privacy protections ensure that schools do not: (1) discriminate against children who are not citizens; or (2) turn over sensitive student information to immigration enforcement agents without valid legal documents.

Teachers, school administrators, and staff are already overburdened in our public schools, working diligently to make sure our children stay focused on their primary objective of learning. Allowing federal immigration agents to operate in our public schools will create unnecessary distraction for our children. This guidance helps keep schools free of invasive, civil immigration enforcement, so our educators are free to educate, and every student can enjoy a safe, secure learning environment.

If these policies are adopted, public schools and their staff:

- Will not discourage or bar students from enrolling or attending because of their actual or perceived immigration or citizenship status, since the constitution forbids such actions.
- Will allow students and their families to prove eligibility for school attendance using documents and information that are available to everyone regardless of citizenship or immigration status, wherever possible.
- Will notify school administrators about any immigration enforcement presence on campus, ensure that agents requesting access to students or information produce valid legal documents, like judge-signed warrants, and decline to give immigration enforcement agents consent to enter school facilities if they do not show a valid judicial warrant.
- Will obtain consent from a student's parent(s) or guardian(s) before allowing a federal immigration agent to search or interview a student, unless the agent shows a valid judge-signed warrant.

- Will immediately tell a student's parent(s) or guardian(s) if a federal immigration agent requests or gains access to a student for immigration enforcement purposes, unless the immigration agent presents a warrant that requires secrecy.

## MODEL POLICIES FOR PUBLIC SCHOOLS K-12

### I. PURPOSE

1. *Constitutional compliance.* Every child, no matter their immigration status, has a constitutional right to free and appropriate public education. These policies ensure that the [Public School or District] complies with that constitutional right and does not illegally discriminate against children based on their citizenship or immigration status.
2. *Legal compliance.* State and federal laws require educational institutions to keep sensitive student information confidential. These policies help K-12 schools comply with their legal obligations by ensuring that they do not turn over protected information without appropriate authorization.
3. *Educating our children.* Children will struggle to learn if every school is not safe, secure, and calm. This policy helps to keep schools free of invasive, non-criminal, immigration enforcement so that our teachers can focus on teaching and our children can focus on learning.
4. *Safeguarding public resources.* Nevada's public schools are primarily supported by Nevada taxpayer funds. By keeping schools focused on educating children, these policies will ensure that state resources are used to educate our children, not to subsidize federal immigration enforcement.
5. These policies do not confer any protected entitlement, rights, or liberty interest on any individual and they cannot be construed to create any cause of action under federal or state law.

### II. NONDISCRIMINATION

1. [Public School or District] will not discriminate against any student or family in school enrollment or attendance on the basis of citizenship or immigration status or national origin. That means, among other things, that schools cannot discourage or bar students or families from enrolling or attending based on students' actual or perceived citizenship or immigration status.
2. If parents or guardians choose not to provide information that could indicate their own or their children's citizenship or immigration status or national origin, [Public School or District] will not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.



### III. PROTOCOL DEVELOPMENT AND TRAINING

1. [Public School or District] will designate an [administrator] to handle immigration enforcement activities, ensuring that [Public School or District] personnel are appropriately dealing with immigration enforcement inquiries and requests, disseminating information to parents and/or students, and complying with internal procedures.
2. [Public School or District] will establish and maintain written policies and procedures for gathering and handling sensitive student information, personally identifiable information, and citizenship or immigration status information.
3. [Public School or District] will consult with legal counsel to determine when and to what extent [Public School or District] is required to comply with requests by federal immigration agents.
4. [Public School or District] will establish written protocols for use by [Public School or District] personnel likely to receive in-person, written, telephonic, or electronic requests from federal immigration agents.
5. [Public School or District] will annually train all personnel likely to receive requests from federal immigration agents or have in-person contact with agents on the policies' requirements and provide a copy of the policies to all [Public School or District] personnel.
6. [Public School or District] will annually train relevant personnel regarding the different types of warrants, subpoenas, and court orders that may be presented by federal immigration agents to effect an arrest or to obtain records in relation to immigration enforcement activities. (Appendices A-H.) This training will include the following:
  - a. The ability to identify and differentiate between administrative warrants issued by a federal immigration agent and judicial warrants signed by a U.S. District Court Judge or Magistrate Judge, state judicial officer, or local judicial officer.
  - b. The ability to identify and differentiate between administrative subpoenas and judicial subpoenas.
  - c. The procedure for responding to any warrant, subpoena, or court order issued in relation to immigration enforcement activities.
7. [Public School or District] personnel will be trained that federal or state law or regulations set a time frame for compliance with administrative subpoenas and judicial subpoenas (immediate compliance is *not* required) and they must submit all administrative subpoenas and judicial subpoenas for review by [designated administrator] and a decision as to whether [Public School or District] will comply with or challenge the subpoena.
8. [Public School or District] will adopt measures for responding to visitors

that avoids classroom interruptions and preserves the peaceful conduct of the school's activities, consistent with local circumstances and practices.

#### **IV. COLLECTION AND RETENTION OF INFORMATION**

1. [Public School or District] will ensure that its forms do not solicit a person's citizenship or immigration status where it is not relevant, unless such information collection is required by law.
2. [Public School or District] will not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin, unless required by law.
3. [Public School or District] personnel will not inquire specifically about a student's citizenship or immigration status or a student's parent(s) or guardian(s)' citizenship or immigration status; nor will personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's citizenship or immigration status, such as a green card, voter registration, a passport, or other citizenship papers. In the event that a passport will be required for a student event, such as a student field trip or excursion out of the country, [Public School or District] personnel may review student passports.
4. When any law contemplates submission of citizenship or immigration status or national origin related information to satisfy the requirements of a special program, [Public School or District] personnel will not solicit that documentation or information separately from the school enrollment process.
5. When permitted by law, [Public School or District] will describe alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means will include among them documentation or information that are available to persons regardless of citizenship or immigration status or national origin, and that do not reveal information related to citizenship or immigration status.
6. When residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this policy, [Public School or District's] procedures and forms will describe to the applicant and accommodate all alternatives specified in law and authorized under this policy.

#### **V. RESPONDING TO REQUESTS FOR PHYSICAL ACCESS TO PERSONS OR SCHOOL PROPERTY**

1. Any person present at [Public School or District] in relation to immigration enforcement activities, including a federal immigration agent, who enters

[Public School or District's] grounds must register with [designated administrator] immediately upon arrival, unless exigent circumstances necessitate immediate action.

2. [Public School or District] personnel will report entry by federal immigration agents to any on-site school police or security as would be required for any unexpected or unscheduled visitor coming onto school grounds.
3. As soon as possible, [Public School or District] personnel will notify [designated administrator] of any federal immigration agent's request for access to a student or school grounds (including for services of warrants, court orders, subpoenas, etc.).
4. In addition to notifying [designated administrator] and any on-site police or security, [Public School or District] personnel will take the following actions in response to a federal immigration agent present on [Public School or District's] grounds for purposes of immigration enforcement activities:
  - a. Advise the federal immigration agent that before proceeding with the agent's request, [Public School or District] personnel must first consult with and receive direction from [designated administrator].
  - b. Ask to see, and make a copy of or note, the federal immigration agent's credentials (including name, badge number, and photo identification). Also ask for and note the phone number of the agent's supervisor.
  - c. Ask the federal immigration agent for their reason for being on school grounds and document the response.
  - d. Ask the federal immigration agent to produce any and all documentation that authorizes school access and make copies of all documentation provided.
  - e. Verbally inform the federal immigration agent that [Public School or District] does not consent to the agent's entry of [Public School or District] grounds.
  - f. If the federal immigration agent demands immediate access to [Public School or District] grounds, [Public School or District] personnel must comply and immediately contact [designated administrator].
  - g. Without expressing consent, [Public School or District] personnel will respond as follows if presented with the following documentation:
    - i. Judicial warrants and court orders (Appendices D and E): [Public School or District] personnel must comply with federal immigration agents presenting judicial warrants or court orders. (Appendices D and E.) Prompt compliance with a

- judicial warrant or court order is usually required by law. However, when feasible, [Public School or District] personnel should consult with and receive direction from [designated administrator] before providing the federal immigration agent access to the person or materials specified in the judicial warrant or court order. Provide a copy of the judicial warrant or court order to [designated administrator] as soon as possible.
- ii. Administrative and judicial and subpoenas (Appendices F and G): Federal or state law or regulations set a time frame for compliance with administrative and judicial subpoenas (immediate compliance is *not* required). [Public School or District] personnel will inform the federal immigration agent they cannot immediately consent or respond to the request and must submit all subpoenas for review by [designated administrator] and a decision as to whether [Public School or District] will comply with or challenge the subpoena. Provide a copy of the subpoena to [designated administrator] as soon as possible.
  - iii. Administrative warrant (Appendices A and B): Administrative warrants are not directed to [Public School or District]. Federal or state law or regulations set a time frame for compliance with administrative warrants (immediate compliance is *not* required). [Public School or District] personnel are under no obligation to deliver or facilitate service of an administrative warrant to the person named in the document. [Public School or District] personnel will inform the federal immigration agent that before proceeding with the agent's request, they must first consult with and receive direction from [designated administrator]. Provide a copy of the administrative warrant to [designated administrator] as soon as possible.
  - iv. Immigration detainer (Appendix C) or notice to appear (Appendix H): These documents are a form of an administrative warrant that are not directed to [Public School or District]. Federal or state law or regulations set a time frame for compliance with an immigration detainer or notice to appear (immediate compliance is *not* required). [Public School or District] personnel are under no obligation to deliver or facilitate service of an immigration detainer or notice to appear to the person named in the document. [Public School or District] personnel will inform the federal immigration agent that before proceeding with the agent's request, they must first consult with and receive direction from [designated administrator]. Provide

a copy of the immigration detainer or notice to appear to [designated administrator] as soon as possible.

5. *Exigent Circumstances.* If a federal immigration agent demands that [Public School or District] personnel provide immediate access to school facilities based on exigent circumstances, [Public School or District] personnel must comply and immediately contact [designated administrator].
  - a. [Public School or District] personnel must not attempt to physically interfere with the federal immigration agent, even if the agent appears to be acting without consent or exceeding the authorization given under a warrant or other legal document. If the federal immigration agent enters school grounds without consent, [Public School or District] personnel must document the agent's actions.
  - b. [Public School or District] personnel must promptly take written notes to document the federal immigration agent's actions while on school premises in as much detail as possible but without interfering with the agent's movements.
  - c. [Designated administrator] will prepare an incident report regarding the event. The incident report will include:
    - i. Foundational information, including date, time, and location(s) of the event;
    - ii. Name of the federal immigration agent, and, if available, the agent's credentials and contact information;
    - iii. List of all [Public School or District] personnel who interacted with the federal immigration agent or witnessed the event;
    - iv. A summary describing the federal immigration agent's request, statements, and actions with as much detail as possible;
    - v. A narrative description of [Public School or District] personnel's response to the federal immigration agent's request;
    - vi. Detailed witness statements prepared by each [Public School or District] employee who observed any portion of the event or interacted with the federal immigration agent in any way;
    - vii. Detailed witness statements prepared by any non-employee witnesses (*e.g.*, parents, citizens, volunteers, etc.) who observed any portion of the event or interacted with the federal immigration agent in any way, if possible;
    - viii. Photos or copies of any documents presented by the federal immigration agent;
    - ix. Any surveillance, bodycam, or other video, audio, or

- photographic evidence that may exist relating to the event; and
- x. Any other evidence of the event collected by [Public School or District] personnel.
  - d. [Designated administrator] will timely submit a copy of the incident report to [Public School or District's] governing board.

## VI. RESPONDING TO REQUESTS FOR INFORMATION

1. [Public School or District] will not disclose information that might indicate a student's citizenship or immigration status or a student's parent(s) or guardian(s)' citizenship or immigration status if the disclosure is not authorized by Family Educational Rights and Privacy Act (FERPA).
2. Except for investigations of child abuse, child neglect, or child dependency, or unless [Public School or District] is served with a court order or judicial warrant that prohibits disclosure, [Public School or District] will notify a student's parent(s) or guardian(s) or an eligible student of any court order or judicial warrant before responding in accordance with FERPA.
3. [Public School or District] must obtain a student's or a student's parent(s) or guardian(s)' written consent before disclosing educational records, unless federal law permits disclosure or includes directory information only. Neither exception permits disclosure of sensitive student information to federal immigration agents in relation to immigration enforcement activities. Accordingly, [Public School or District] will not disclose sensitive student information to federal immigration agents without a written consent, court order, judicial warrant, or subpoena.
  - a. Any written consent to disclose sensitive student information must include the following: (1) the signature and date the parent, guardian, or eligible student provided consent; (2) a description of the records or information to be disclosed; (3) the reason for release of the records or information; and (4) the party(ies) receiving the records or information.
  - b. If requested by a student's parent(s) or guardian(s) or an eligible student, [Public School or District] must provide a copy of the records to be disclosed.
  - c. [Public School or District] will retain the signed consent with the record file according to applicable retention schedules.
4. [Public School or District] will not require a student's parent(s) or guardian(s) or an eligible student to sign a consent form. If a student's parent(s) or guardian(s) or an eligible student refuses to provide written consent to disclose sensitive student information that is not otherwise subject to release, [Public School or District] will not release the

- information.
5. [Public School or District] personnel will take the following actions upon receiving a federal immigration agent's request related to a student's citizenship or immigration status or a student's parent(s) or guardian(s)' citizenship or immigration status:
    - a. Document any verbal or written request for information by federal immigration agents.
    - b. Notify [designated administrator] of the information request.
    - c. Provide students and families with appropriate notice and a description of the federal immigration agent's request.
    - d. Provide students, parents, or guardians with a copy of any documents presented by federal immigration agents, unless prohibited by law.
  6. [Public School or District] personnel must never use sensitive student information, personally identifiable information, or citizenship or immigration status received through their employment in a personal capacity.
  7. In addition to notifying [designated administrator] and any on-site police or security, [Public School or District] personnel will take the following actions in response to a federal immigration agent requesting sensitive student information from student records:
    - a. Advise the federal immigration agent that before proceeding with the agent's request, [Public School or District] personnel must first consult with and receive direction from [designated administrator].
    - b. Ask to see, and make a copy of or note, the federal immigration agent's credentials (including name, badge number, and agency affiliation). Also ask for and note the phone number of the agent's supervisor.
    - c. Ask the federal immigration agent their reason for being at [Public School or District] and document the response.
    - d. Ask the federal immigration agent to produce any and all documentation that authorizes disclosure of sensitive student information from student records.
    - e. Direct any questions by the federal immigration agent to [designated administrator].
    - f. Without expressing consent, [Public School or District] personnel will respond as follows if presented with the following documentation:
      - i. Judicial warrants and court orders (Appendices D and E). [Public School or District] personnel must comply with federal

immigration agents presenting valid judicial warrants or court orders. (Appendices D and E.) Prompt compliance with a judicial warrant or court order is usually required by law. However, when feasible, [Public School or District] personnel should consult with and receive direction from [designated administrator] before providing the federal immigration agent access to the person or materials specified in the judicial warrant or court order. Provide a copy of the judicial warrant or court order to [designated administrator] as soon as possible.

- ii. Administrative and judicial and subpoenas (Appendices F and G): Federal or state law or regulations set a time frame for compliance with administrative and judicial subpoenas (immediate compliance is *not* required). [Public School or District] personnel will inform the federal immigration agent they cannot immediately consent or respond to the request and must submit all subpoenas for review by [designated administrator] and a decision as to whether [Public School or District] will comply with or challenge the subpoena. Provide a copy of the subpoena to [designated administrator] as soon as possible.

## VII. NOTICE TO PARENTS AND/OR STUDENTS

1. [Public School or District] will post signs at the main entrance of its school grounds to notify visitors of the hours and requirements for registration.
2. [Public School or District] personnel must receive consent from a student's parent(s) or guardian(s) or an eligible student before a student can be interviewed or searched by any federal immigration agent in relation to immigration enforcement activities at [Public School or District], unless the agent presents a judicial warrant or court order.
3. [Public School or District] personnel must immediately notify a student's parent(s) or guardian(s) if a federal immigration agent requests or gains access to a student for immigration enforcement activities, unless such access was in compliance with a judicial warrant or court order that restricts the disclosure of such information to the student's parent(s) or guardian(s).
4. Annual Information Notices to parents and guardians shall include:
  - a. *General Information Policy*. [Public School or District] must provide an annual notice to a student's parent(s) or guardian(s) or an eligible student of its general information policies that includes:
    - i. Assurances that [Public School or District] will not release sensitive student information to third parties for immigration



- enforcement activities, except as required by law.
- ii. A description of the types of student records maintained by [Public School or District].
  - iii. A list of the circumstances or conditions under which [Public School or District] might release sensitive student information to third parties.
  - iv. A statement that, unless [Public School or District] is providing information for a legitimate educational purpose under FERPA and NRS Title 34 – Education or directory information, [Public School or District] will notify parents, guardians, and eligible students, and obtain their written consent, before it releases sensitive student information.
- b. *Directory Information Policy*. If [Public School or District] decides to release directory information, [Public School or District] will provide an annual notice to parents, guardians, and eligible students of the [Public School or District’s] directory information policy that includes:
- i. The categories of information that the [Public School or District] has classified as public directory information that may be disclosed without consent.
  - ii. A statement that directory information does not include citizenship or immigration status, place of birth, or any other information indicating national origin (except where [Public School or District] receives consent).
  - iii. The categories of recipients of directory information.
  - iv. A description of the parents, guardians, and eligible students’ abilities to opt-out of releasing a student’s directory information and instructions on how to opt-out of release.
  - v. The deadline by which parents, guardians, or eligible students must notify the school in writing that they do not want a student’s information designated as directory information.

# MODEL POLICIES FOR INSTITUTIONS OF HIGHER EDUCATION

*These policies aim to ensure safe and secure college and university campuses.*

Immigration enforcement on college and university campuses is distracting and disruptive for students and educators. These model policies allow educators to stay focused on educating and relieves them of the burden of serving as unpaid immigration enforcement agents. The policies ensure that state and local education dollars go toward education—not subsidizing federal immigration enforcement. This guidance promotes a safe, secure learning environment for every student.

These policies also protect every student’s privacy rights, regardless of citizenship or immigration status. Immigration enforcement activities on higher education campuses pose unique threats to privacy. Many students live in dorms where they have privacy rights that immigration enforcement agents are constitutionally bound to respect. Schools, meanwhile, need to safeguard the privacy of students’ educational records, no matter their citizenship or immigration status. Schools cannot simply turn sensitive and/or protected information about students over to immigration enforcement agents.

If these policies are adopted, institutions of higher education and their staff:

- Will not ask about the immigration or citizenship status of students or their families, unless required by law.
- Will allow students and their families to prove eligibility using documents and information that are available to everyone regardless of citizenship status, wherever possible.
- Will notify administrators about any immigration enforcement presence on campus, insist that agents produce valid legal documents, like judicial warrants, to justify their information or access requests, and deny consent to enter nonpublic restricted areas in school facilities absent a judicial warrant.

Will keep sensitive student information confidential to the fullest extent of the law.

# MODEL POLICIES FOR INSTITUTIONS OF HIGHER EDUCATION

## I. PURPOSE

1. *Legal compliance.* State and federal laws require educational institutions to keep sensitive student information confidential. This policy helps educational institutions comply with their legal obligations by ensuring that they do not disclose protected information without appropriate authorization.
2. *Healthy educational environments.* Law enforcement activity on campus disrupts every student's learning environment. This policy helps campuses stay orderly, peaceful—and safe, for all learners.
3. *Safeguarding public resources.* Nevada's public colleges and universities are supported by Nevada taxpayer funds. By keeping schools focused on educating, not on immigration enforcement, this policy will ensure that state resources are used to educate our children—not to subsidize federal immigration agents.
4. These policies do not confer any protected entitlement, rights, or liberty interest on any individual and they cannot be construed to create any cause of action under federal or state law.

## II. NONDISCRIMINATION

1. If [College or University] possesses information that could indicate immigration or citizenship status, [College or University] personnel will not consider the acquired information in admissions decisions or access to educational courses or degree programs.
2. If a student has elected not to provide immigration or citizenship status to [College or University], this election will not impede admissions or enrollment in educational programs.
3. Where permitted by law, [College or University] will enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means will include among them documentation or information that are available to persons regardless of citizenship or immigration status, and that do not reveal citizenship or immigration status information. Examples of documents that can be used as proof of residency include but are not limited to:
  - a. Registration of a motor vehicle operated in Nevada;
  - b. Nevada driver license, driver authorization, or identification card;
  - c. Federal income tax return listing a Nevada address;
  - d. U.S. military record listing a permanent military address or home of record in Nevada;

- e. Professional or vocational license obtained from a Nevada state licensing agency (e.g., nursing, teaching credentials); and
  - f. Active resident memberships in Nevada based professional organizations (e.g., police union, teachers' union).
4. Where any law contemplates submission of citizenship or immigration status to satisfy the requirements of a special program, [College or University] personnel will not use that documentation or information for decisions related to admissions or enrollment in courses or degree programs.
  5. [College or University] is not permitted to use citizenship or immigration status or national origin information in personal statements outside the application process, other than for legitimate educational purposes, including the provision of a service or benefit relating to the student, such as health care, counseling, job placement, or financial aid.
  6. When [College or University] is permitted by law to request a student's parent's residency information to determine tuition or aid, [College or University] will only require documentation or information that is available to persons regardless of citizenship or immigration status.
  7. When residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this policy, [College or University's] procedures and forms will describe to the applicant and accommodate all alternatives specified by law and all alternatives authorized under this policy.
    - a. Specifically, when [College or University] must determine a student's residency for purposes of in-state tuition, [College or University] will not inquire about the student's parent(s) or guardian(s)' citizenship or immigration status and will enumerate alternative means of establishing the parent(s) or guardian(s)' residency. If the student is considered a minor dependent of a Nevada resident, the College or University will only require documents to determine whether the parent has resided in Nevada for one year (e.g., vehicle registration, lease agreements, etc.)

### III. PROTOCOL DEVELOPMENT AND TRAINING

1. [College or University] will designate [administrator or unit] to handle immigration enforcement activities, ensuring that [College or University] personnel are appropriately dealing with immigration enforcement inquiries and requests, disseminating information to students, and complying with internal procedures.

2. [Designated administrator or unit] will maintain in writing [College or University] policies and procedures for gathering and handling sensitive student information, personally identifiable information, and citizenship and immigration status information.
3. [College or University] and [designated administrator or unit] will consult with legal counsel to assist [College or University] in determining when and to what extent [college and university] is required to comply with requests by federal immigration agents.
4. [College or University] will establish written protocols for use by [College or University] personnel likely to receive in-person, written, telephonic, or electronic requests from federal immigration agents or requests from other law enforcement agencies related to immigration enforcement activities.
5. [College and university] personnel will develop a written policy for interactions with federal immigration agents seeking to review student records. At minimum, such policies will include the following information:
  - a. Contact information (name, title, e-mail addresses, and phone numbers) for [designated administrator or unit] to review and respond to a request for student records.
  - b. Sample warrant and subpoena documents that could be presented for access onto campus property, or to seize or arrest students or other individuals on campus. (Appendices A-H.)
  - c. [College and university] personnel will provide a set of responses for [building personnel or residence hall staff] to use in response to federal immigration agents seeking access to student records in relation to immigration enforcement activities.
6. [College or University] will annually train all personnel likely to receive requests from federal immigration agents or have in-person contact with agents on the policies' requirements and provide a copy of the policies to all [College or University] personnel.
7. [College or University] will annually train relevant personnel regarding the different types of warrants, subpoenas, and court orders that may be presented by federal immigration agents to effect an arrest or to obtain records in relation to immigration enforcement activities. (Appendices A-H.) This training will include the following:
  - a. The ability to identify and differentiate between administrative warrants issued by a federal immigration agent and judicial warrants signed by a U.S. District Court Judge or Magistrate Judge, state judicial officer, or local judicial officer.
  - b. The ability to identify and differentiate between administrative and judicial subpoenas.
  - c. The procedure for responding to any warrant, subpoena, or court

order issued in connection with immigration enforcement activities.

8. [College or University] will establish written protocols identifying nonpublic restricted locations within [College or University] facilities. [College or University] will train all personnel on who may access nonpublic restricted locations.
9. [College or University] personnel will establish written protocols and provide training to campus employees addressing law enforcement access to nonpublic restricted locations, campus buildings, and student residences. The written protocols will include the following required topics:
  - a. Instructions that no State or local law enforcement officers or federal immigration agents may enter nonpublic restricted locations or living quarters to make arrests without a judicial warrant, valid consent, or exigent circumstances;
  - b. Instructions that [College or University] personnel, including campus police or security department, cannot consent to entry into a nonpublic restricted locations, residence, or dormitory for the purpose of a search or arrest, but a judicial warrant or exigent circumstances may authorize a State or local law enforcement officer or federal immigration agent entry without consent;
  - c. Campus police or security contact information to report concerns about the presence of federal immigration agents engaged in immigration enforcement activities on any campus property;
  - d. Sample warrants and subpoenas that may be presented by federal immigration agents for access to nonpublic restricted locations or living quarters on campus property, or to seize or arrest students or other individuals on campus (Appendices A-H); and
  - e. Sample responses for [building personnel or residence hall staff] to use in response to federal immigration agents seeking access to nonpublic restricted locations or living quarters in relation to immigration enforcement activities that avoid classroom interruptions and preserve the peaceful conduct of the school's activities.
10. [College or University] personnel will be trained federal or state law or regulations set a time frame for compliance with administrative subpoenas and judicial subpoenas (immediate compliance is *not* required) and they must submit all administrative subpoenas and judicial subpoenas for review by [designated administrator or unit] and a decision as to whether [College or University] will comply with or challenge the subpoena.
11. [College or University] will create policies and procedures to protect sensitive student information and personally identifiable information, including citizenship or immigration status, learned through its application

process (including within students' personal statement or answers to personal insight questions).

#### **IV. COLLECTION AND RETENTION OF INFORMATION**

1. [College or University] personnel will treat all students equitably in the receipt of all school services, including, but not limited to, the gathering of student and family information for the institution's benefit programs.
2. Any sensitive student information, such as a student's, parent's, or guardian's Social Security Number (SSN), or citizenship and immigration status information collected by [College or University] or disclosed by the student, should be maintained only as long as necessary to comply with [College or University's] retention and disposition schedules.
3. [College or University] will ensure that its forms do not solicit a person's citizenship or immigration status where it is not relevant, unless such information collection is required by law for specified purposes.
4. [College or University] personnel will not create a list of student names linked with citizenship or immigration status, unless required by law for specified purposes.
5. [College or University] personnel, including but not limited to, campus police or security departments, will not aid any effort to create a registry containing individuals' country of birth or based on any other protected characteristics of victims, witnesses, or suspects of crimes, unless required by law for specified purposes.
6. Unless required by law for specified purposes, [College or University] personnel will not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians.
7. Unless required by law for specified purposes, [College or University] personnel will not seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's citizenship or immigration status, such as a green card, voter registration, a passport, or citizenship papers.
8. [College or University] will only retain information about a student's citizenship or immigration status learned through the application process, including in students' personal statements or answers to personal insight questions, to the extent required by law.

#### **V. RESPONDING TO REQUESTS FOR PHYSICAL ACCESS TO PERSONS OR NONPUBLIC RESTRICTED LOCATIONS**

1. [College or University] personnel will advise all students, faculty, and staff

to immediately notify [designated administrator or unit] if they become aware that federal immigration agents engaged in immigration enforcement activities are expected to enter, will enter, or have entered the campus. Campus police or security department should also be notified as soon as possible.

2. [College or University] personnel will instruct all students, faculty, and staff responding to or having contact with a federal immigration agent to refer the agent to [designated administrator or unit] to verify any warrant, court order, or subpoena.
3. [College or University] personnel cannot consent to entry of nonpublic restricted locations within [College or University] facilities or portions thereof.
4. As soon as possible, [College or University] personnel will notify [designated administrator or unit] of any federal immigration agent's request for access to a student or campus grounds (including for services of warrants, court orders, subpoenas, etc.).
5. In addition to notifying [designated administrator or unit] and any on-site police or security, [College or University] personnel will take the following steps in response to any request for access by federal immigration agents to a student or campus grounds for purposes of immigration enforcement activities:
  - a. Advise the federal immigration agent that [College or University] personnel must first consult with and receive direction from [designated administrator or unit];
  - b. Ask to see, and make a copy of or note, the federal immigration agent's credentials (including name, badge number, and photo identification). Also ask for and note the phone number of the agent's supervisor;
  - c. Ask the federal immigration agent their reason for being at [College or University's] campus and document the response;
  - d. Ask the federal immigration agent to produce any and all documentation that authorizes access and make copies of all documentation provided;
  - e. Verbally inform the federal immigration agent that [College or University] does not consent to entry of nonpublic restricted locations within campus facilities;
  - f. If the federal immigration agent demands immediate access to nonpublic restricted locations within [College or University] facilities, [College or University] personnel must comply and immediately contact [designated administrator or unit]; and



- g. Without expressing consent, [College or University] personnel will respond as follows if the federal immigration agent presents the following documentation:
- i. Judicial warrants and court orders (Appendices D and E): [College or University] personnel must comply with federal immigration agents presenting judicial warrants or court orders. (Appendices D and E.) Prompt compliance with a judicial warrant or court order is usually required by law. However, when feasible, [College or University] personnel should consult with and receive direction from [designated administrator or unit] before providing the federal immigration agent access to the person or materials specified in the judicial warrant or court order. Provide a copy of the judicial warrant or court order to [designated administrator or unit] as soon as possible.
  - ii. Administrative and judicial and subpoenas (Appendices F and G): Federal or state law or regulations set a time frame for compliance with administrative and judicial subpoenas (immediate compliance is *not* required). [College or University] personnel will inform the federal immigration agent they cannot immediately consent or respond to the request and must submit all subpoenas for review by [designated administrator or unit] and a decision as to whether [College or University] will comply with or challenge the subpoena. Provide a copy of the subpoena to [designated administrator or unit] as soon as possible.
  - iii. Administrative warrant (Appendices A and B): Administrative warrants are not directed to [College or University]. Federal or state law or regulations set a time frame for compliance with administrative warrants (immediate compliance is *not* required). [College or University] personnel are under no obligation to deliver or facilitate service of an administrative warrant to the person named in the document. [College or University] personnel will inform the federal immigration agent that before proceeding with the agent's request, they must first consult with and receive direction from [designated administrator or unit]. Provide a copy of the administrative warrant to [designated administrator or unit] as soon as possible.
  - iv. Immigration detainer (Appendix C) or notice to appear (Appendix H): These documents are a form of an administrative warrant that are not directed to [College or University]. Federal or state law or regulations set a time frame for compliance with an immigration detainer or notice to appear (immediate

compliance is *not* required). [College or University] personnel are under no obligation to deliver or facilitate service of an immigration detainer or notice to appear to the person named in the document. [College or University] personnel will inform the federal immigration agent that before proceeding with the agent's request, they must first consult with and receive direction from [designated administrator or unit]. Provide a copy of the immigration detainer or notice to appear to [designated administrator or unit] as soon as possible.

6. *Exigent Circumstances.* If the federal immigration agent demands that [College or University] personnel to provide immediate access to [College or University] facilities based on exigent circumstances, [College or University] personnel must comply and immediately contact [designated administrator or unit].
  - a. [College or University] personnel must not attempt to physically interfere with a federal immigration agent, even if the agent appears to be acting without consent or exceeding the authorization given under a warrant or other legal document. If a federal immigration agent enters nonpublic restricted locations within [College or University] facilities without consent, [College or University] personnel must document the agent's actions.
  - b. [College or University] personnel must promptly take written notes to document the federal immigration agent's actions while on campus in as much detail as possible but without interfering with the agent's movements.
  - c. [Designated administrator or unit] will prepare an incident report regarding the event. The incident report will include:
    - i. Foundational information, including date, time, and location(s) of the event;
    - ii. Name of the federal immigration agent, and, if available, the agent's credentials and contact information;
    - iii. List of all [College or University] personnel who interacted with the federal immigration agent or witnessed the event;
    - iv. A summary describing the federal immigration agent's request, statements, and actions with as much detail as possible;
    - v. A narrative description of [College or University] personnel's response to the federal immigration agent's request;
    - vi. Detailed witness statements prepared by each [College or University] employee who observed any portion of the event or interacted with the federal immigration agent in any way;

- vii. Detailed witness statements prepared by any non-employee witnesses (*e.g.*, students, parents, bystanders, etc.) who observed any portion of the event or interacted with the federal immigration agent in any way, if possible;
  - viii. Photos or copies of any documents presented by the federal immigration agent;
  - ix. Any surveillance, bodycam, or other video, audio, or photographic evidence that may exist relating to the event; and
  - x. Any other evidence of the event collected by [College or University] personnel.
- d. [Designated administrator or unit] will timely submit the incident report to [College or University's] governing board and the campus public safety office.

## VI. RESPONDING TO REQUESTS FOR INFORMATION

1. [College or University] will not disclose information that might indicate a student's citizenship or immigration status or a student's parent(s) or guardian(s)' citizenship or immigration status if the disclosure is not authorized by Family Educational Rights and Privacy Act (FERPA).
2. Unless [College or University] is served with a judicial warrant or court order that prohibits disclosure to the student or the student's parent(s) or guardian(s), [designated administrator or unit] will notify the student or the student's parent(s) or guardian(s) of any judicial warrant or court order before [College or University] responds in accordance with FERPA.
3. [College or University] must obtain a student's or a student's parent(s) or guardian(s)' written consent before disclosing educational records, unless federal law permits disclosure or the information includes directory information only. Neither exception permits disclosure of sensitive student information to federal immigration agents in relation to immigration enforcement activities. Accordingly, [College or University] personnel will not disclose sensitive student information to federal immigration agents without a written consent, court order, judicial warrant, or subpoena.
  - a. Any written consent to disclose sensitive student information must include the following: (1) the signature and date the parent, guardian, or eligible student provided consent; (2) a description of the records or information to be disclosed; (3) the reason for release of the records or information; and (4) the party(ies) receiving the records or information.
  - b. If requested by a student or the student's parent(s) or guardian(s), [College or University] must provide a copy of the records to be

disclosed.

- c. [College or University] will retain the signed consent with the record file according to applicable retention schedules.
4. [College or University] will not require a student's parent(s) or guardian(s) or an eligible student to sign a consent form. If a student's parent(s) or guardian(s) or an eligible student refuses to provide written consent to disclose sensitive student information that is not otherwise subject to release, [College or University] will not release the information.
5. [College or University] personnel will take the following actions upon receiving a federal immigration agent's request related to a student's citizenship or immigration status or a student's parent(s) or guardian(s)' citizenship or immigration status:
  - a. Document any verbal or written request for information by federal immigration agents.
  - b. Notify [designated administrator or unit] of the information request.
  - c. Provide students and families with appropriate notice and a description of the federal immigration agent's request.
  - d. Provide students, parents, or guardians with a copy of any documents presented by federal immigration agents, unless prohibited by law.
6. [College or University] personnel must never use sensitive student information, personally identifiable information, or citizenship or immigration status received through their employment in a personal capacity.
7. In addition to notifying [designated administrator or unit] and campus police or security, [College or University] personnel will take the following actions in response to a federal immigration agent requesting sensitive student information from student records:
  - a. Advise the federal immigration agent that [College or University] personnel must notify and receive direction from [designated administrator or unit];
  - b. Ask to see, and make a copy of or note, the federal immigration agent's credentials (including name, badge number, and agency affiliation). Also ask for and note the phone number of the agent's supervisor;
  - c. Ask the federal immigration agent their reason for being at [College or University] and document the response;
  - d. Ask the federal immigration agent to produce any and all documentation that authorizes disclosure of sensitive student

- information from student records;
- e. Direct any questions by the federal immigration agent to [designated administrator or unit]; and
  - f. Without expressing consent, [College or University] personnel will respond as follows if presented with the following documentation:
    - i. Judicial warrants and court orders (Appendices D and E). [College or University] personnel must comply with federal immigration agents presenting valid judicial warrants or court orders. (Appendices D and E.) Prompt compliance with a judicial warrant or court order is usually required by law. However, when feasible, [College or University] personnel should consult with and receive direction from [designated administrator or unit] before providing the federal immigration agent access to the person or materials specified in the judicial warrant or court order. Provide a copy of the judicial warrant or court order to [designated administrator or unit] as soon as possible.
    - ii. Administrative and judicial and subpoenas (Appendices F and G): Federal or state law or regulations set a time frame for compliance with administrative and judicial subpoenas (immediate compliance is *not* required). [College or University] personnel will inform the federal immigration agent they cannot immediately consent or respond to the request and must submit all subpoenas for review by [designated administrator or unit] and a decision as to whether [College or University] will comply with or challenge the subpoena. Provide a copy of the subpoena to [designated administrator or unit] as soon as possible.

## VII. NOTICE TO STUDENTS

1. [College or University] will provide students and families with notice on an annual basis, at the beginning of each school year, of institutional policies for student privacy and the abilities of parents or eligible students to inspect sensitive student information.
2. [College or University] will provide students an opportunity to opt out of disclosure of student directory information. Notices must describe the following:
  - a. The kind of information that the school has identified as directory information;
  - b. Eligible students' ability to request non-disclosure of their student directory information to outside entities;

- c. The period of time in which eligible students have to notify the school in writing that they do not want the information designated as directory information; and
- d. That opting out by the noted deadline is the eligible student's only way to prevent the release of directory information.

# MODEL POLICIES FOR HEALTH CARE FACILITIES

*These policies aim to promote health and safety for everyone in Nevada.*

Maintaining public health requires that patients feel safe at health care facilities. If patients do not feel safe in a medical facility, they may not seek (or at least delay) the care they need, unnecessarily putting lives at risk. These model policies promote an environment where every patient feels safe and health care providers can focus on patient care rather than collaborating on civil immigration enforcement. Adoption of these policies will ensure that state and local tax dollars intended for Nevada health care facilities to provide care is not misappropriated to subsidize federal civil immigration enforcement.

Health care facilities have unique legal obligations to keep patient information private. Health care facilities cannot comply with those obligations if they do not know how to properly respond to immigration agents' inquiries. These policies help health care facilities and their employees understand and navigate those inquiries.

If these policies are adopted, health care facilities and their staff:

- Will not collect information about citizenship or immigration status or the national origin of patients and their families, except as required by law.
- Will not disclose any information about patients, including citizenship and immigration status, except when required or authorized to do so by law.
- Will notify administrators of any immigration enforcement agents present at the health care facility, insist that agents produce valid legal documents, like judicial warrants, to justify their information or access requests, and deny consent to enter nonpublic restricted areas of the healthcare facility without a valid judicial warrant.
- Will obtain consent from a minor patient's parent(s) or guardian(s) under most circumstances before allowing a minor patient to be interviewed or searched by an agent seeking to enforce federal civil immigration laws, unless the agent presents a valid judicial warrant.

# MODEL POLICIES FOR HEALTH CARE FACILITIES

## I. PURPOSE

1. *Legal compliance.* State and federal law require health care facilities to keep patient information confidential. These policies help facilities comply with their legal obligations by ensuring that they do not turn over protected information without appropriate authorization.
2. *Protecting health care for Nevadans.* Lives could be lost if patients fear seeking health care. Health care providers are not law enforcement officers. These policies help ensure that everyone feels safe seeking vital care, and that health care providers can focus on their patients.
3. These policies do not confer any protected entitlement, rights, or liberty interest on any individual and they cannot be construed to create any cause of action under federal or state law.

## II. PROTOCOL DEVELOPMENT AND TRAINING

1. [Health Care Facility] will designate [administrator]<sup>9</sup> to handle immigration enforcement activities, ensuring that [Health Care Facility] personnel and volunteers are appropriately addressing immigration enforcement inquiries and requests, disseminating information to patients, and complying with internal procedures.
2. [Designated administrator] will maintain in writing [Health Care Facility]’s policies and procedures for gathering and handling personally identifiable information and citizenship or immigration status information.
3. [Health Care Facility]’s policies and procedures must be protective of patient information, requiring that [Health Care Facility] personnel and volunteers only disclose patient information when required or authorized to do so by law.
4. [Health Care Facility] and [designated administrator] will consult with legal counsel to determine when and to what extent [Health Care Facility] is required to comply with requests by federal immigration agents.
5. [Health Care Facility] will establish written protocols for use by [Health Care Facility] personnel and volunteers likely to receive in-person, written, telephonic, or electronic requests from federal immigration agents related to immigration enforcement activities.

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<sup>9</sup> For purposes of these model policies, the designated health care “administrator” does not have the same meaning as the definition of “administrator” found in NAC 449.0022. Rather, the term is used to mean a person with high level management responsibility for the health care facility.



6. [Health Care Facility] will annually train all personnel and volunteers likely to receive requests from federal immigration agents or have in-person contact with agents on the policies' requirements and will provide a copy of the policies to all [Health Care Facility] personnel and volunteers.
7. [Health Care Facility] will annually train relevant personnel and volunteers regarding the different types of warrants, subpoenas, and court orders that may be presented by federal immigration agents to effect an arrest or to obtain records. (Appendices A-H.) This training will include the following:
  - a. The ability to identify and differentiate between administrative warrants issued by a federal immigration agent and judicial warrants signed by a U.S. District Court Judge or Magistrate Judge, state judicial officer, or local judicial officer.
  - b. The ability to and differentiate between administrative subpoenas and judicial subpoenas.
  - c. The procedure for responding to any warrant, subpoena, or court order issued in connection with immigration enforcement activities.
8. [Health Care Facility] personnel and volunteers will be trained that federal or state law or regulations set a time frame for compliance with administrative subpoenas and judicial subpoenas (immediate compliance is *not* required) and they must submit all administrative subpoenas and judicial subpoenas for review by [designated supervisor or unit] and a decision as to whether [Health Care Facility] will comply with or challenge the subpoena.

### III. COLLECTION AND RETENTION OF INFORMATION

1. [Health Care Facility] will limit collection of information about citizenship or immigration status and national origin information to that which the facility is required by law to collect.
2. [Health Care Facility] will ensure that forms do not solicit a person's citizenship or immigration status where it is not relevant, unless such information collection is required by law.
  - a. If [Health Care Facility] must collect such information for a patient, [Health Care Facility] will not include or store that information in the patient's medical and billing records.
  - b. [Health Care Facility] will collect such information when needed only for the person seeking care, not their family members.

#### IV. RESPONDING TO REQUESTS FOR PHYSICAL ACCESS TO PERSONS OR NONPUBLIC RESTRICTED LOCATIONS

1. The [Health Care Facility] will identify nonpublic restricted locations within the [Health Care Facility]. [Health Care Facility] will train all personnel and volunteers regarding who is authorized to access nonpublic restricted locations.
2. As soon as possible, [Health Care Facility] personnel or volunteers will notify [designated administrator] of any request by federal immigration agents for physical access to (i) nonpublic restricted locations in [Health Care Facility], or (ii) any person for the purposes of allowing the agent to interview the person, serve the person with administrative process, or execute an arrest.
3. In addition to notifying [designated administrator] and any on-site police or security, [Health Care Facility] personnel and volunteers will take the following steps in response to any request for access by a federal immigration agent:
  - a. Advise the federal immigration agent that before proceeding with the agent's request, [Health Care Facility] personnel or volunteers must consult with and receive direction from [designated administrator];
  - b. Ask to see, and make a copy of or note, the federal immigration agent's credentials (including name, badge number, and photo identification). Also ask for and note the phone number of the agent's supervisor;
  - c. Ask the federal immigration agent to explain the purpose of the agent's visit and document the response;
  - d. Ask the federal immigration agent to produce any and all documentation that authorizes the agent to obtain access to [Health Care Facility] and make copies of all documentation provided;
  - e. Verbally inform the federal immigration agent that [Health Care Facility] does not consent to entry of nonpublic restricted locations within [Health Care Facility];
  - f. If the federal immigration agent demands immediate access to nonpublic restricted locations within [Health Care Facility], [Health Care Facility] personnel or volunteers must comply and immediately contact [designated administrator; and
  - g. Without expressing consent, [Health Care Facility] personnel or volunteers will respond as follows if presented with the following documentation:
    - i. Judicial warrants and court orders (Appendices D and E). [Health Care Facility] personnel must comply with federal

- immigration agents presenting valid judicial warrants or court orders. (Appendices D and E.) Prompt compliance with a judicial warrant or court order is usually required by law. However, when feasible, [Health Care Facility] personnel or volunteers should consult with and receive direction from [designated administrator] before providing the federal immigration agent access to the person or materials specified in the judicial warrant or court order. Provide a copy of the judicial warrant or court order to [designated administrator] as soon as possible.
- ii. Administrative and judicial and subpoenas (Appendices F and G): Federal or state law or regulations set a time frame for compliance with administrative and judicial subpoenas (immediate compliance is *not* required). [Health Care Facility] personnel or volunteers will inform the federal immigration agent they cannot immediately consent or respond to the request and must submit all subpoenas for review by [designated administrator] and a decision as to whether [Health Care Facility] will comply with or challenge the subpoena. Provide a copy of the subpoena to [designated administrator] as soon as possible.
- iii. Administrative warrant (Appendices A and B): Administrative warrants are not directed to [Health Care Facility]. Federal or state law or regulations set a time frame for compliance with administrative warrants (immediate compliance is *not* required). [Health Care Facility] personnel or volunteers are under no obligation to deliver or facilitate service of an administrative warrant to the person named in the document. [Health Care Facility] personnel or volunteers will inform the federal immigration agent that before proceeding with the agent's request, they must first consult with and receive direction from [designated administrator]. Provide a copy of the administrative warrant to [designated administrator] as soon as possible.
- iv. Immigration detainer (Appendix C) or notice to appear (Appendix H): These documents are a form of an administrative warrant that are not directed to [Health Care Facility]. Federal or state law or regulations set a time frame for compliance with an immigration detainer or notice to appear (immediate compliance is *not* required). [Health Care Facility] personnel or volunteers are under no obligation to deliver or facilitate service of an immigration detainer or notice to appear to the person named in the document. [Health Care Facility] personnel or

volunteers will inform the federal immigration agent that before proceeding with the agent's request, they must first consult with and receive direction from [designated administrator]. Provide a copy of the immigration detainer or notice to appear to [designated administrator] as soon as possible.

4. *Exigent Circumstances.* If the federal immigration agent demands that [Health Care Facility] personnel or volunteer provide immediate access to [Health Care Facility] facilities based on exigent circumstances, [Health Care Facility] personnel and volunteers must comply and immediately contact [designated administrator].
  - a. [Health Care Facility] personnel or volunteers must not attempt to physically interfere with the federal immigration agent, even if the agent appears to be exceeding the authorization given under a warrant or other legal document. If the federal immigration agent enters nonpublic restricted locations in [Health Care Facility] without consent, [Health Care Facility] personnel or volunteers must document the agent's actions.
  - b. [Health Care Facility] personnel or volunteers must promptly take written notes to document the federal immigration agent's actions while on [Health Care Facility] premises in as much detail as possible but without interfering with the agent's movements.
  - c. [Designated administrator] will prepare an incident report regarding the event. The incident report will include:
    - i. Foundational information, including date, time, and location(s) of the event;
    - ii. Name of the federal immigration agent, and, if available, the agent's credentials and contact information;
    - iii. List of all [Health Care Facility] personnel or volunteers who interacted with the federal immigration agent or witnessed the event;
    - iv. A summary describing the federal immigration agent's request, statements, and actions with as much detail as possible;
    - v. A narrative description of [Health Care Facility] personnel or volunteer's response to the federal immigration agent's request;
    - vi. Detailed witness statements prepared by each [Health Care Facility] employee who observed any portion of the event or interacted with the federal immigration agent in any way;
    - vii. Detailed witness statements prepared by any non-employee witnesses (e.g., volunteers, patients, visitors, etc.) who observed

- any portion of the event or interacted with the federal immigration agent in any way, if possible;
- viii. Photos or copies of any documents presented by the federal immigration agent;
  - ix. Any surveillance, bodycam, or other video, audio, or photographic evidence that may exist relating to the event; and
  - x. Any other evidence of the event collected by [Health Care Facility] personnel.
- d. [Designated administrator] will timely submit a report to [Health Care Facility's] governing board.

## V. RESPONDING TO REQUESTS FOR INFORMATION

1. [Health Care Facility] personnel or volunteers will not provide federal immigration agents with any nonpublic information about an individual, including but not limited to, nonpublic information about an individual's medical condition(s), release, or any other personally identifiable information, unless required by law.
  - a. Nothing in this section prohibits [Health Care Facility] or [Health Care Facility] personnel or volunteers from:
    - i. Sending to or receiving from any federal, state, or local government entity or official, pursuant to 8 U.S.C. §§ 1373 and 1644, information regarding any individual's citizenship or immigration status, lawful or unlawful; or
    - ii. Executing their official duties or cooperating in criminal investigations with federal, state, tribal, or local law enforcement agencies (including criminal investigations conducted by federal immigration agents) in order to ensure public safety.
  - b. [Health Care Facility] personnel or volunteers must consult with and receive direction from [designated administrator] before determining whether disclosure of an individual's nonpublic information or personally identifiable information is permitted or required by law.
2. Upon receipt of an information request from a federal immigration agent, [Health Care Facility] personnel or volunteers will ask the federal immigration agent to provide their badge or identification card to be scanned, photographed, or photocopied, the image of which will be maintained by the [Health Care Facility].
3. [Health Care Facility] will establish and maintain policies for responding to information requests presented by federal immigration agents. Often

such requests are handled by [Health Care Facility's] privacy officer or medical records department to ensure that information is disclosed appropriately. If possible, [Health Care Facility] should consult with competent legal counsel each time on such matter.

4. To respond to information requests presented by federal immigration agents, [Health Care Facility] will develop and use a verification procedure to determine and document:
  - a. The specific agency the requester is from;
  - b. Whether the requester is properly exercising law enforcement power;
  - c. The specific types of protected health information the requester seeks; and
  - d. The reason the requester wants the information.
5. [Health Care Facility] will develop procedures for handling information requests by telephone, such as requiring a call-back process through publicly listed agency phone numbers. [Health Care Facility] personnel and volunteers receiving immigration inquiries and requests will first consult with and receive direction from [designated administrator] to ensure that correct protocols are followed.
6. If [Health Care Facility] is required to make a disclosure of patient information to federal immigration agents without the patient's authorization in compliance with a court order or judicial warrant, then [Health Care Facility] will document the disclosure in compliance with facility policies and procedures. Such documentation should include information that supported the decision to disclose the patient's information. Disclosures to law enforcement are subject to the accounting-of-disclosures requirement under the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule.<sup>10</sup>
7. [Health Care Facility] personnel and volunteers must never use an individual's personally identifiable information or citizenship or immigration status received through their employment in a personal capacity.

## VI. MONITORING AND RECEIVING VISITORS INTO HEALTH CARE FACILITY

1. [Health Care Facility] will establish policies for individuals who are not patients, employees or volunteers who may come to the facility for business

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<sup>10</sup> The HIPAA Privacy Rule sets a national floor for legal protections. Even when disclosure to law enforcement is *permitted* by the HIPAA Privacy Rule, the Rule does not *require* [Health Care Facility] to disclose the information. Unless disclosure is required by some other law, [Health Care Facility] will apply its own policies and principles to determine whether to disclose patient health care information.

- or personal reasons (“visitor(s)”). Such policies will require all visitors, including federal immigration agents, who enter or remain on [Health Care Facility] grounds to register with [Health Care Facility] and provide the following information:
- a. Name, address, occupation;
  - b. Age, if less than 21 years;
  - c. Purpose in entering [Health Care Facility]; and
  - d. Proof of identity.
2. [Health Care Facility] will post signs at the entrances of the facility to notify visitors of the hours of operation and requirements for visitor registration.
  3. If the federal immigration agent declares that exigent circumstances exist and demands immediate access to the [Health Care Facility], [Health Care Facility] personnel or volunteers should follow the policy steps detailed in section IV(4) of this policy.
  4. If there are no exigent circumstances necessitating immediate action, and if the federal immigration agent does not possess a judicial warrant or court order to provide a basis for the visit, the agent must provide the information required for all visitors.
  5. [Health Care Facility] personnel or volunteer will report entry by federal immigration agent(s) to [designated administrator], as would be required for any unexpected or unscheduled visitor coming into the facility.

## **VII. NOTICE TO PATIENTS, REPRESENTATIVES, OR PARENTS**

1. [Health Care Facility] will develop and post its policies, in the languages commonly spoken in the local community, and make these policies accessible on the [Health Care Facility’s] website.
2. [Health Care Facility] will post signs at the entrances of the facility to notify visitors of the hours of operation and requirements for visitor registration.
3. [Health Care Facility] will post signs indicating which areas of the [Health Care Facility] are public, requiring visitor registration to enter, and which areas are nonpublic restricted locations, restricting access to authorized personnel or volunteers.
4. [Health Care Facility] will establish and provide general information policies telling patients of their privacy rights.
5. [Health Care Facility] will provide a comprehensive list of privacy protections, under both federal and state law.
6. [Health Care Facility] will post information guides regarding patient rights, including the right to remain silent. Although immigration

- enforcement activities at [Health Care Facility] are limited, federal immigration agents may enter a public area of [Health Care Facility] without a warrant or the facility's consent and may question any person present (with that person's consent).
7. [Health Care Facility] will assure patients that it will not release personally identifying information to third parties in relation to immigration enforcement activities, except as required by law.
  8. [Health Care Facility] personnel or volunteers must obtain consent from a minor patient's parent(s) or guardian(s) (provided the child is not legally regarded as their own personal representative of their medical records) before a minor patient can be interviewed or searched by any federal immigration agent in relation to immigration enforce activities at [Health Care Facility], unless the agent presents a valid judicial warrant or court order.
  9. [Health Care Facility] personnel and volunteers will immediately notify the minor patient's parent(s) or guardian(s) if a federal immigration agent requests or gains access to a patient unless such access was provided in compliance with a judicial warrant or court order that restricts the disclosure of the information to the parent or guardian.



**Appendix A**  
**DHS/ICE “Administrative Arrest Warrant” (Form I-200)**

**U.S. DEPARTMENT OF HOMELAND SECURITY      Warrant for Arrest of Alien**

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File No. \_\_\_\_\_

Date: \_\_\_\_\_

**To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations**

I have determined that there is probable cause to believe that \_\_\_\_\_ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject’s identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**YOU ARE COMMANDED** to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

\_\_\_\_\_  
(Signature of Authorized Immigration Officer)

\_\_\_\_\_  
(Printed Name and Title of Authorized Immigration Officer)

**Certificate of Service**

I hereby certify that the Warrant for Arrest of Alien was served by me at \_\_\_\_\_  
(Location)

on \_\_\_\_\_ on \_\_\_\_\_, and the contents of this  
(Name of Alien) (Date of Service)

notice were read to him or her in the \_\_\_\_\_ language.  
(Language)

\_\_\_\_\_  
Name and Signature of Officer

\_\_\_\_\_  
Name or Number of Interpreter (if applicable)

**Appendix B**  
**DHS/ICE “Warrant of Removal/Deportation” (Form I-205)**

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)

is 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, by 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)

\_\_\_\_\_  
(Date and office location)

# Appendix C

## DHS “Immigration Detainer – Notice of Action” (Form I-247A)

DEPARTMENT OF HOMELAND SECURITY (DHS)  
**IMMIGRATION DETAINER – NOTICE OF ACTION**

Subject ID: Event #:	File No: Date:
TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)	FROM: (DHS Office Address)

Name of Alien: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Citizenship: \_\_\_\_\_ Sex: \_\_\_\_\_

<b>1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON (complete box 1 or 2):</b>
<input type="checkbox"/> a final order of removal against the alien;
<input type="checkbox"/> the pendency of ongoing removal proceedings against the alien;
<input type="checkbox"/> biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law, and/or
<input type="checkbox"/> statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.
<b>2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2).</b>
<input type="checkbox"/> Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

**IT IS THEREFORE REQUESTED THAT YOU:**

- **Notify DHS** as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling  U.S. Immigration and Customs Enforcement (ICE) or  U.S. Customs and Border Protection (CBP) at \_\_\_\_\_ If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
  - **Maintain custody** of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien **must be served with a copy of this form** for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters.
  - If the alien is transferred to another law enforcement agency, this detainer is to be relayed to the new agency with custody of the alien.
  - Notify this office in the event of the alien's death, hospitalization or transfer to another institution.
- If checked: Please cancel the detainer related to this alien previously submitted to you on \_\_\_\_\_ (date).

\_\_\_\_\_  
(Name and title of Immigration Officer) \_\_\_\_\_  
(Signature of Immigration Officer)

**Notice:** If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

**TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:**

Please provide the information below, sign, and return to DHS by mailing, emailing, or faxing a copy to \_\_\_\_\_.

Local Booking/Inmate #: \_\_\_\_\_ Est. release date/time: \_\_\_\_\_ Date of latest criminal charge/conviction: \_\_\_\_\_

Latest offense charged/convicted: \_\_\_\_\_

This form was served upon the alien on \_\_\_\_\_, in the following manner:

- in person       by inmate mail delivery       other (please specify): \_\_\_\_\_

\_\_\_\_\_  
(Name and title of Officer) \_\_\_\_\_  
(Signature of Officer)

**Appendix D**  
**Federal Judicial Search and Seizure Warrant (Form AO 93)**

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of \_\_\_\_\_ )  
(Briefly describe the property to be searched )  
or identify the person by name and address) ) Case No. \_\_\_\_\_  
)  
)  
)

**SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer

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 \_\_\_\_\_ District of \_\_\_\_\_  
(identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person, describe the property to be seized):

**YOU ARE COMMANDED** to execute this warrant on or before \_\_\_\_\_ (not to exceed 14 days)  
 in the daytime 6:00 a.m. to 10:00 p.m.  at any time in the day or night because good 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)

Pursuant to 18 U.S.C. § 3103a(b), 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)  
 for \_\_\_\_\_ days (not to exceed 30)  until, the facts justifying, the later specific date of \_\_\_\_\_.

Date and time issued: \_\_\_\_\_  
Judge's signature

City and state: \_\_\_\_\_  
Printed name and title

**Appendix E**  
**Federal Judicial Arrest Warrant (Form AO 442)**

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

United States of America

v.

)  
) Case No.  
)  
)  
)  
)  
)

\_\_\_\_\_  
*Defendant*

**ARREST WARRANT**

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay  
(name of person to be arrested) \_\_\_\_\_,  
who is accused of an offense or violation based on the following document filed with the court:

- Indictment     Superseding Indictment     Information     Superseding Information     Complaint  
 Probation Violation Petition     Supervised Release Violation Petition     Violation Notice     Order of the Court

This offense is briefly described as follows:

Date: \_\_\_\_\_

\_\_\_\_\_  
*Issuing officer's signature*

City and state: \_\_\_\_\_

\_\_\_\_\_  
*Printed name and title*

**Return**

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Arresting officer's signature*

\_\_\_\_\_  
*Printed name and title*

# Appendix F

## DHS Immigration Enforcement Subpoena (Form I-138)

1. To (Name, Address, City, State, Zip Code)	DEPARTMENT OF HOMELAND SECURITY  <b>IMMIGRATION ENFORCEMENT SUBPOENA</b> to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To	
(Title of Proceeding)	(File Number, if Applicable)

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(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear	(B) Date
Name	(C) Time <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Title	
Address	
Telephone Number	

4. Records required to be produced for inspection
---



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

5. Authorized Official
_____ (Signature)
_____ (Printed Name)
_____ (Title)
_____ (Date)

**Appendix G**  
**Federal Judicial Subpoena (Form AO 88B)**

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT  
for the

\_\_\_\_\_)  
Plaintiff )  
v. ) Civil Action No. \_\_\_\_\_  
\_\_\_\_\_)  
Defendant )

**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 set forth 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 onto 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

OR

\_\_\_\_\_  
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:

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**Appendix H**  
**DHS "Notice to Appear"**  
**(Form I-862)**

U.S. Department of Homeland Security

Notice to Appear

---

**In removal proceedings under section 240 of the Immigration and Nationality Act:**

Subject ID: \_\_\_\_\_

FINS: \_\_\_\_\_

File No: \_\_\_\_\_

DOB: \_\_\_\_\_

Event No: \_\_\_\_\_

In the Matter of:

Respondent: \_\_\_\_\_ currently residing at:

\_\_\_\_\_  
(Number, street, city and ZIP code) (Area code and phone number)

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30(f)(2)  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

\_\_\_\_\_  
*(Complete Address of Immigration Court, including Room Number, if any)*  
on \_\_\_\_\_ at \_\_\_\_\_ to show why you should not be removed from the United States based on the  
*(Date) (Time)*

charge(s) set forth above.

\_\_\_\_\_  
*(Signature and Title of Issuing Officer)*

Date: \_\_\_\_\_  
\_\_\_\_\_  
*(City and State)*

See reverse for important information

Form I-862 (Rev. 08/01/07)