

RE: ICE and Immigration – Frequently Asked Questions

Q: What is I.C.E.?

A: Immigration and Customs Enforcement (ICE) is a federal law enforcement agency within the U.S. Department of Homeland Security responsible for enforcement of federal laws governing border control, customs, trade, and immigration laws.

Q: What is an ICE raid? And what do I do if one happens at MWCC?

A: An ICE raid is where ICE agents and/or other federal officials arrive unannounced at an organization and its agents surround the premises. The ICE agents enter the organization with a warrant. The warrant will have a detailed description of what and where agents are going to search and what/who they may seize. It is important to note that immigration enforcement agents may arrive unannounced to inspect I-9 records, conduct an administrative site visit for a compliance review, request certain documents with a subpoena, or apprehend individuals. Individuals who come in contact with immigration enforcement agents at any MWCC locations are not legally required to do whatever immigration enforcement agents request and should immediately notify the Office of the President at 978-632-0001 or Campus Police and Public Safety at 978-630-9111 (or dial 1111 from any phone on campus).

NOTE: MWCC does not discriminate or retaliate against employee or student who is subject to an ICE investigation based on their immigration status.

Q: Outside of the college's ICE protocol [issued by the President Office via email on 1.30.2025], what are the steps MWCC would take if there is an ICE raid?

A: Upon receiving or being served with a document from federal immigration enforcement, the college representatives (James L. Vander Hooven, Ed.D.) would immediately contact legal counsel to determine (1) what the received/served document actually is and (2) whether the document is judicially enforceable such that compliance with it is required. In the meantime, neither the college president nor any MWCC employee or student may obstruct law enforcement activity or provide false or misleading information. If compliance is required by law and/or advised by legal counsel, President Vander Hooven will:

- Record the names of the ICE agent(s);
- Direct MWCC's Chief of Police to accompany each ICE agent as they move around the campus/workplace.
- Provide ICE agent(s) access to MWCC facilities in accordance with guidance from legal counsel; and
- Ensure the protection of privileged documents to the fullest extent possible.
- If an employee or student is detained or taken into custody, ensure they are informed of their right to remain silent and that their emergency contact on file is promptly notified.

Q. Is MWCC a “sanctuary campus”?

A: No. MWCC does not want to mislead students or employees about what protections our campus is able to provide. Also, as an organization of the state of Massachusetts, MWCC does not have the authority to unilaterally apply this designation to itself. Therefore, we are not labeling our campuses as “sanctuaries” as we do not want to provide a false sense of security.

Q: Can Mount Wachusett Community College prevent U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) agents from coming on campus or entering campus buildings and other campus property in support of our undocumented community?

A: No. MWCC does not have authority to prohibit federal immigration enforcement agents from coming on campus or entering facilities to enforce federal law. As a public college, MWCC is open to the public. Federal immigration enforcement agents may enter areas open to the public without legal documentation.

Q: Are MWCC employees or students required to assist federal immigration authorities?

A: No. MWCC employees and/or students are not required to assist federal immigration authorities. However, employees are required to direct immigration officials to the President’s Office. *Although you are not required to assist, it is important to understand that federal law prohibits you from obstructing, hiding, concealing, or hiding evidence/individuals who are the subject(s) of law enforcement activity, or interfering with an arrest. Further, you should never place yourself in physical danger.*

Q: As a MWCC employee and/or student, can “I” release student/employee information to state or local law enforcement agencies, ICE, or any other federal agency for the enforcement of federal immigration law?

A: No. Employees (faculty or staff) who receive a request from ICE or any other federal immigration agency, in any form for any information about a student or employee (including “directory information”), should **contact the Office of the President at 978-632-0001** or Public Safety’s 24-Hour line at 978-630-9111. Personally identifiable educational records are governed by a variety of privacy laws, including the Family Education Rights & Privacy Act (FERPA), which provides key privacy and security protections for our students’ data. College employees are required to maintain the confidentiality of these records. The College’s FERPA policy can be accessed through the [college catalog](#). *We do not collect immigration information from students for the purpose of assisting immigration officials. Inquiries related to immigration status, place of birth or citizenship, are prohibited except where required by law.*

Q: I am a MWCC employee, if an immigration enforcement agent request personal and personally identifiable information about a student or fellow employee, am I obligated to provide the requested information?

A: No. As an employee, you are required to maintain the confidentiality of personal and personally identifiable information, and records containing such information. The College generally requires federal immigration enforcement agents and other law enforcement agents to produce a **valid subpoena** authorizing the disclosure of student or employee records that contain personal or personally identifiable information. Federal agents generally have no greater access to student or employee records or other College records than any member of the public unless they have a **valid subpoena**.

NOTE: Unless legally required, MWCC does not disclose personal or sensitive information about employees to ICE without their consent or unless required by law.

Q: What is the role of Public Safety? Will MWCC’s police officers and personnel work with local officers or federal immigration agents to apprehend and remove individuals from campus?

A: No. MWCC’s Office of Public Safety is committed to protecting the safety of all students, staff, and faculty, regardless of immigration status. While the college is obligated to follow state and federal law, MWCC police officers and personnel do not have immigration enforcement power and will not apprehend or remove individuals from campus based on administrative immigration warrants and deportation orders issued by state or local law enforcement agencies, ICE, or any other federal agency for the enforcement of federal immigration law, except as required by law.

Q. What Type of documentation requires Compliance?

A: Whether it a judicial /administrative warrant, immigration enforcement subpoena, notice of inspection, or an ICE detainer request, the appropriate response to immigration enforcement will rely strictly on the college president, **James L. Vander Hooven, Ed.D.** with the assistance of the college’s legal counsel. Immigration enforcement’s ability to lawfully access persons, spaces, and documentation often depends on the kind of documentation they have. Different types of documentation grants agents differing levels of access. Matters of this nature should not be handled by individual employees without proper guidance from the college President to ensure compliance with all applicable laws and institutional policies.

Q: Will MWCC release my information to immigration authorities?

A: Under the Family Educational Rights and Privacy Act (FERPA) all students are entitled to privacy regardless of immigration status. Education records, which are broadly defined as records related to a student and maintained by the institution, cannot generally be disclosed without a judicial warrant, subpoena, court order, or student consent. MWCC shall continue to uphold FERPA and deny requests for student information that are not accompanied by a judicial warrant, court-ordered subpoena, or student consent.

Q: How are international students and scholars affected by the Family Education Rights and Privacy Act (FERPA)?

International students and scholars are affected by the Family Education Rights and Privacy Act (FERPA) differently because the College's Designated School Official (DSO) may be required by law to provide personally identifiable student information to government officials without student consent, warrant, and/or subpoena.

Q. What should I do if I am unable to reach someone in the President's Office and I am uncomfortable contacting campus police in a situation in which immigration enforcement is involved?

A: Anyone with emergency issues should still call 911, but those with non-emergency safety concerns may also contact these offices:

- **Dean of Students:** 1st Floor Gardner Campus | Room H128 | 978-630-9855
- **Assistant Dean of Students:** 2nd floor Leominster Campus | Room L204 | 978-630-9389
- **Student Counseling Services:** 1st Floor Gardner Campus | Room H113 | 978-630-9292
- **Human Resources** (for employees): 1st Floor Gardner Campus | Room H102A | 978-630-9160

Q: What are the rights of individuals who may be targets of immigration enforcement actions?

A: Individuals who are targets of immigration enforcement actions have civil rights under U.S. law, regardless of their citizenship or immigration status. The American Civil Liberties Union (ACLU) has prepared [Know Your Rights resources](#), and the Immigrant Legal Resource Center (ILRC) offers [red cards](#) that individuals can slide under a door to assert their civil rights without opening the door. Additional information and resource links for both students and educators is below.

Q: Are there any non-College informational resources available?

A. Yes! While we cannot guarantee the accuracy of external resources, we can refer students and employees to credible sites and organizations beyond what the college offers - without endorsing or promoting any specific entity. Please go to our website for more information:

<https://mwcc.edu/campus-life/international-center-for-the-promotion-of-diversity-and-inclusion/>