

Immigration Enforcement in Public Schools

What New Mexico School Districts Need to Know

New Mexico Department of Justice

February 14, 2025



Overview & Agenda

- Recent changes in immigration enforcement
- Impact on schools and students
- Legal rights and protections
- How schools should respond
- Q & A



Recent Federal Policy Changes

- **January 2025 Executive Order:** Rescinds protections for "sensitive locations" (schools, churches, hospitals, etc.).
 - *Enforcement Actions in or Near Protected Areas, Jan. 20, 2025*
- **Increased ICE Presence:** Greater discretion for enforcement in educational settings.
 - Case-by-case determination made by field officers, special agents in charge
- **State and Local Tensions:** Some states strengthening sanctuary policies in response.

Impact on Schools

Key Concerns:

- Increased fear & absenteeism among students.
- Potential drop in enrollment as families avoid schools.
- Emotional & psychological effects on undocumented and mixed-status families.
- School staff caught in legal and ethical dilemmas.

Legal Protections for Students

- Plyler v. Doe (1982) – Guarantees public education regardless of immigration status.
- Family Educational Rights and Privacy Act (FERPA) – Protects student records from disclosure, including to ICE.
- New Mexico State Laws – Additional protections for students & school personnel.

Schools **cannot** deny enrollment based on immigration status!

New Mexico Constitution

- Art. XII, Sec. 1: "A uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state shall be established and maintained."
- Art. XII, Sec. 10: "Children of Spanish descent in the state of New Mexico shall never be denied the right and privilege of admission and attendance in the public schools or other public educational institutions of the state, and they shall never be classed in separate schools, but shall forever enjoy perfect equality with other children in all public schools and educational institutions of the state, and the legislature shall provide penalties for the violation of this section. This section shall never be amended except upon a vote of the people of this state, in an election at which at least three-fourths of the electors voting in the whole state and at least two-thirds of those voting in each county in the state shall vote for such amendment."

What Schools Can & Cannot Do



✓ Schools CAN:

- Require a warrant or subpoena before providing student information.
- Limit ICE access to school grounds unless legally required.
- Provide "Know Your Rights" resources to students and families.

⊘ Schools CANNOT:

- Ask students about immigration status.
- Voluntarily share student information with ICE.
- Discriminate against students based on status.

What To Do If ICE Shows Up

- Step 1: Direct ICE agents to district legal counsel or designated administrator.
- Step 2: Request a warrant signed by a judge (not just an ICE administrative warrant).
- Step 3: Maintain confidentiality—do not share student info.
- Step 4: Communicate with families & staff calmly and clearly.

 NMDOJ Guidance for Schools (Link to resource):

<https://nmdoj.gov/wp-content/uploads/Guidances-for-Primary-and-Secondary-Schools.pdf>

General Principles

- Police officers and immigration officers may lawfully be present in any place on school grounds that is open and accessible to the public
- Immigration authorities may only enter non-public areas of a school after obtaining the school's consent or a court order
- So, defining which areas are open to the public is important

Warrants and subpoenas

- Not all are created equal
- Judicial warrants
 - State or federal, judge or magistrate
- Administrative warrants and subpoenas
 - Federal, executive branch
- ICE warrants do not authorize immigration officials to access nonpublic, restricted areas of a school or to search school records

Student Privacy

- FERPA
- State laws governing PII, access to education
- Different interactions between different types of warrants, orders, etc.

Preparing Your District

1

Develop & train staff on a response plan.

2

Designate a point of contact for ICE-related matters.

3

Educate students & families on their rights.

4

Strengthen relationships with immigrant advocacy organizations.

Have a Plan

- What does your staff do if:
 - ICE officials request access to a public or private area?
 - ICE officials present an administrative warrant and request access to records?
 - Local law enforcement presents an administrative subpoena from a federal executive agency?
 - Parents come to them with concerns?
 - Etc.

Resources for Schools

NMDOJ Guidance on Immigration Enforcement

<https://nmdoj.gov/wp-content/uploads/Guidances-for-Primary-and-Secondary-Schools.pdf>

FERPA & Student Privacy Protections

<https://studentprivacy.ed.gov/resources/sppo-guidance-list>

Local & National Advocacy Groups



Local Advocacy Groups

New Mexico Immigrant Law Center (NMILC) – Provides legal assistance and resources for immigrant families.

[🔗 https://nmilc.org](https://nmilc.org)

Somos Un Pueblo Unido – A statewide immigrant-led organization that advocates for immigrant rights.

[🔗 https://somosunpueblounido.org](https://somosunpueblounido.org)

El CENTRO de Igualdad y Derechos – Supports immigrant families in Albuquerque with legal assistance and advocacy.

[🔗 https://elcentronm.org](https://elcentronm.org)

Santa Fe Dreamers Project – Offers free legal services to undocumented youth and immigrant families in New Mexico.

[🔗 https://www.santafedreamersproject.org](https://www.santafedreamersproject.org)

Catholic Charities of New Mexico – Immigration & Refugee Support – Provides legal services and community support for immigrants.

[🔗 https://www.ccasnm.org](https://www.ccasnm.org)

National Advocacy Groups

National Immigration Law Center (NILC) – Focuses on advancing the rights of low-income immigrants through policy and litigation.

[🔗 https://www.nilc.org](https://www.nilc.org)

American Immigration Council (AIC) – Provides research, legal resources, and advocacy on immigration issues.

[🔗 https://www.americanimmigrationcouncil.org](https://www.americanimmigrationcouncil.org)

Immigrant Legal Resource Center (ILRC) – Offers legal training and resources to support immigrant rights.

[🔗 https://www.ilrc.org](https://www.ilrc.org)

United We Dream – The largest immigrant youth-led network in the U.S., advocating for undocumented students and families.

[🔗 https://unitedwedream.org](https://unitedwedream.org)

ACLU Immigrants' Rights Project – Focuses on litigation and advocacy to protect immigrants' rights.

[🔗 https://www.aclu.org/issues/immigrants-rights](https://www.aclu.org/issues/immigrants-rights)

MALDEF (Mexican American Legal Defense and Educational Fund) – A leading civil rights organization focused on Latino communities, including education rights for immigrant students.

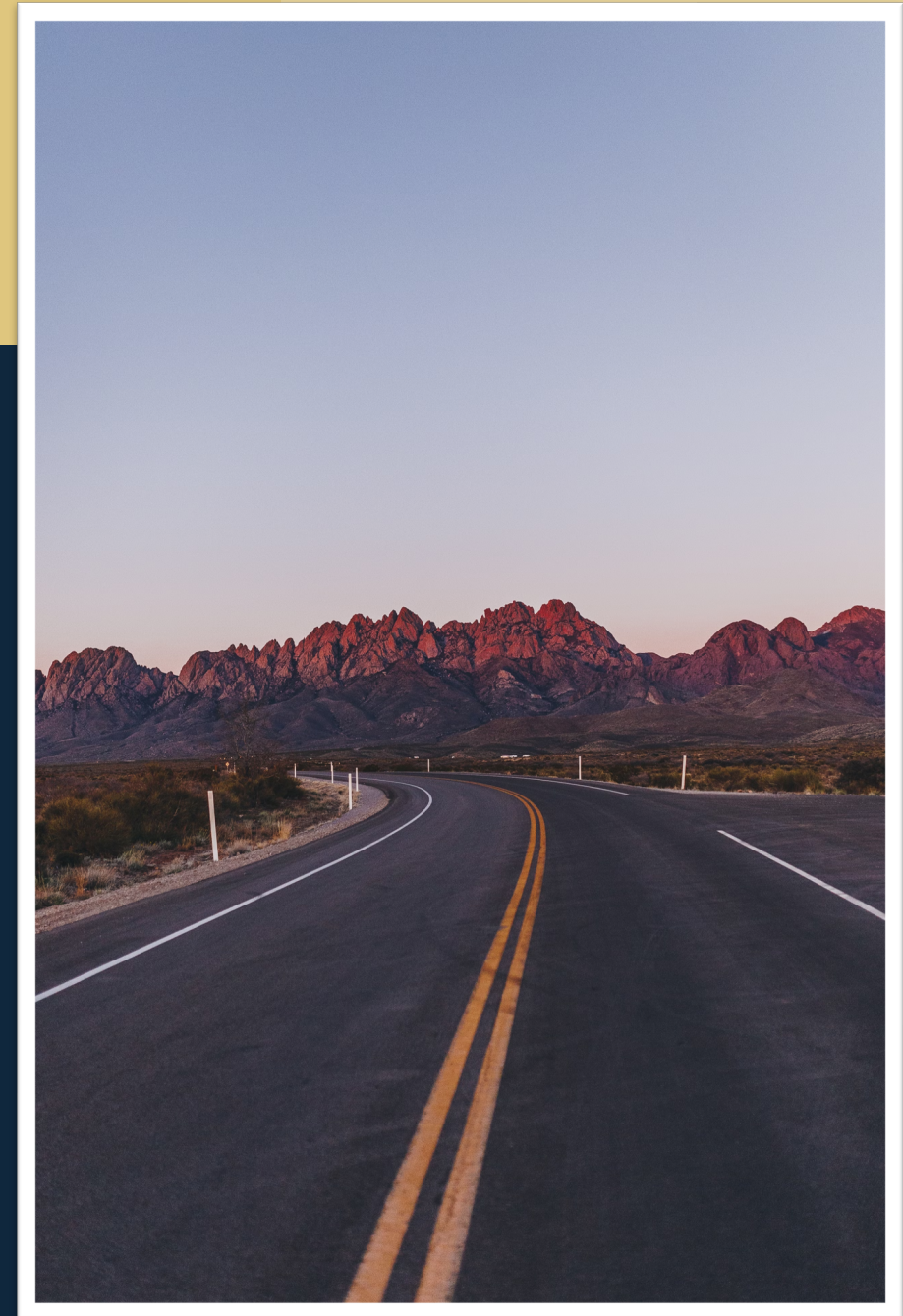
[🔗 https://www.maldef.org](https://www.maldef.org)

Education Law Center – Protecting the Rights of Immigrant Students – Works on legal issues affecting education access for immigrant children.

[🔗 https://edlawcenter.org](https://edlawcenter.org)

Final Takeaways

- Schools must uphold student rights under federal & state law.
- Always require proper legal documentation before providing access to ICE.
- Communication & preparedness are key to protecting students.
- School boards should train staff & review policies proactively.



Q & A

Questions?

Communications@nmdoj.gov

