

# **Minnesota Immigrant Aid Tool Kit**

A Step-by-Step Toolkit for Taking Action to Protect Our Rights



**Building Immigrant Friendly & Inclusive Communities**

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## How To Use This Guide

This guide is designed to help groups and individuals organize against the oppression and incarceration of immigrants in their local communities. The tool kit can be used to take the following actions:

1. Educate the community about the immigration system and combat the current anti-immigrant rhetoric which often paints an incomplete or false picture of immigrants.
2. Build positive systems of support for immigrants.
3. Combat the criminalization of immigrants.
4. Drive public conversation around positive immigration practices and policies which benefit the whole community.
5. Address local government activity such as 287g contracts or school policies regarding immigration enforcement.
6. Advocate for safe schools.
7. Locate and distribute resources.

This guide does not focus on federal or state legislation nor does it look at how to fight for improved legislative policy at those levels. Instead it focuses on local education and working with local policy makers, such as sheriffs, city council members, school boards, etc.

There are also a number of organizations listed which provide resources and information for immigrants and their allies, however, the capacity of these organizations are limited and communities are encouraged to take the time to educate themselves before reaching out to others. This guide provides useful information to help you get started. If you would like to reach out to us, you may email Renee at [WCIImmigrantaid@gmail.com](mailto:WCIImmigrantaid@gmail.com).

Sincerely,

A handwritten signature in dark ink, appearing to read "Renée Cardarelle". The signature is fluid and cursive, with the first name "Renée" written in a larger, more prominent script than the last name "Cardarelle".

Renée Cardarelle, Chair WCI Immigrant Aid and member Immigrant Defense Network, Greater MN Committee

# Community Partners

Tool Kit Compiled By



## Key Community Partners

ACLU-MN, [aclu-mn.org](http://aclu-mn.org)

Ayada Leads, [ayadaleads.org](http://ayadaleads.org)

COPAL, [copalmn.org](http://copalmn.org)

ICOM, [mnicom.org](http://mnicom.org)

Land Stewardship Project, [landstewardshipproject.org](http://landstewardshipproject.org)

Minnesota 8, [minnesota8.org](http://minnesota8.org)

The Advocates for Human Rights, [theadvocatesforhumanrights.org](http://theadvocatesforhumanrights.org)

Episcopal Church of Minnesota, [episcopalmn.org](http://episcopalmn.org)

# Immigration Designations

Everyone within the US holds an immigration status. There are four types of immigration status in the US and there are many different types of visas and/or documentation an immigrant may hold.

## **Citizen**

A person who was born in the US or who became a naturalized citizen following a period of three or five years of residence in the country.

## **Conditional or Permanent Resident**

Conditional residents are individuals who are married to a citizen and who receive a green card prior to two years of marriage.

Legal Permanent Residents are individuals who have a green card and are authorized to live and work in the US.

## **Non-immigrant Status**

Non-immigrants are legally living and working in the country on a temporary basis, such as students with F-1 visa, tourists and business visitors.

## **Undocumented Immigrants**

Individuals who are in the country without one of the above statuses.

It is important to note that most undocumented immigrants start out with documentation but may overstay a visa or fall out of documented status when their documented status is revoked.

Additionally, **refugees** who arrive to the country seeking asylum (asylum seekers) are allowed entrance into the country without a status and are considered undocumented, although they are here with permission.

## **Asylum Seekers are a Type of Refugee**

**Refugee** - an individual who has been displaced from their country, often because of war or civil unrest, and may have been in a refugee camp. There are international laws governing how countries interact with refugees and asylum seekers.

**Asylum Seeker** - an individual who arrives at the border of a country because they are fleeing their own country and has not been recognized as a refugee. This might be because of war, civil unrest, criminal activity (eg: cartels), economic injustice, domestic violence, hate crimes, etc.

Resource: <https://studentbriefs.law.gwu.edu/ilpb/2022/04/29/international-obligations-of-asylum-countries-to-protect-refugees/>

## Dispelling the Myths: Facts About Immigrants

Data-driven research affirms the essential role that immigrants—regardless of status—play in strengthening the U.S. economy, enriching communities, and contributing to the nation’s workforce.

Immigrants pay billions in taxes, support vital programs like Social Security, and help drive innovation, care work, and small business development. Policies that target immigrants for removal often result in widespread harm—separating families, disrupting local economies, and undermining community stability.

At the same time, a clear majority of Americans support inclusive immigration policies, including pathways to citizenship, recognizing that our shared future is more secure when rooted in dignity, opportunity, and fairness.

*Clara Alvarez Caraveo, PhD student at USC Sociology and Jody Agius Vallejo, Professor of Sociology and Associate Director, USC Equity Research Institute April 29, 2025*

(Taken From:

<https://dornsife.usc.edu/eri/2025/04/29/seven-facts-on-immigration-that-every-american-should-know-2025/>)

### Debunking Myths

The rhetoric around immigration is persistent and misleading. The goal is to divide communities. Below are some common myths and information which can be used to debunk them.

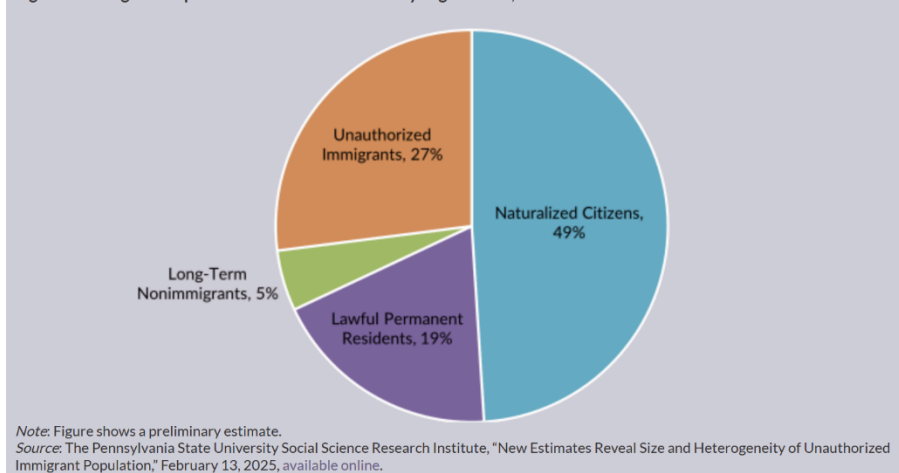
#### **Myth 1: Immigrants are NOT Us.**

A common tactic is to suggest immigrants are not part of our neighborhoods, that they are somehow different than us, when in fact, immigrant households make up a large portion of US families.

Worldwide, the United States is home to more immigrants than any other country. There were 47.8 million immigrants residing in the United States as of 2023, according to the latest American Community Survey (ACS) from the U.S. Census Bureau. Which means roughly 1 in 8 people in this country is an immigrant. Of them, nearly three-quarters were in the country as naturalized citizens, permanent residents (LPRs, also known as green-card holders), or holders of temporary visas ([www.migrationpolicy.org](http://www.migrationpolicy.org))

In Minnesota, there are 500,000 non-citizen residents, almost 10% of the population, and 20% of Minnesota's children are a part of immigrant families. (Minnesota Freedom Fund)

Figure 2. Immigrant Population in the United States by Legal Status, 2023



Undocumented immigrants live in 6.3 million households that include more than 22 million people. These households represent 4.8% of the 130 million U.S. households.

In 86% of these households, either the householder or their spouse is an unauthorized immigrant.

- Almost 70% of these households are considered “mixed status,” meaning that they also contain lawful immigrants or U.S.-born residents.
- In only about 5% of these households, the unauthorized immigrants are not related to the householder or spouse. In these cases, they are probably employees or roommates.

Of the 22 million people in households with an unauthorized immigrant, 11 million are U.S. born or lawful immigrants. They include:

- 1.3 million U.S.-born adults who are children of unauthorized immigrants. (We cannot estimate the total number of U.S.-born adult children of unauthorized immigrants because available data sources only identify those who still live with their unauthorized immigrant parents.)
- 1.4 million other U.S.-born adults and 3.0 million lawful immigrant adults.

**About 4.4 million U.S.-born children under 18 live with an unauthorized immigrant parent.** They account for about 84% of all minor children living with their unauthorized immigrant parent. Altogether, about 850,000 children under 18 are unauthorized immigrants in 2022.

PEW Research Center ([What we know about unauthorized immigrants living in the U.S. | Pew Research Center](#))



## Myth 2: Undocumented Immigrants are “Illegal”

You may have heard the statement “illegal aliens” and the counter statement “no human is illegal” but what does all this mean?

Documentation means individuals possess paperwork which indicates they are authorized to be in the US. You may be surprised to learn that **individuals who do not have proper documentation are not committing a crime**. They are not criminals. However, there is a whole set of federal immigration policy which indicates what type of documentation a person must have to live in the US and if they do not possess that documentation they can be deported. This is a civil policy, and it is not the same as a criminal act.

Most undocumented immigrants came to the US through legal channels. Many of them are waiting for determination on their visa applications and have the right to legally work in the US. ([What we know about unauthorized immigrants living in the U.S. | Pew Research Center](#)) These immigrants are protected from deportation removal.

Immigrants who arrived through humanitarian pathways—like Temporary Protected Status (TPS) or **asylum**—are considered to be undocumented, even though they came to the US through a legal pathway. They [make up 30 percent](#) of the undocumented population as of 2022. **Immigrants seeking humanitarian relief are counted in most undocumented estimates because they could be subject to deportation if humanitarian channels of entry are ended.** (*Caraveo and Vallejo*)

## Myth 3: Immigrants are Violent

**Immigration is associated with lower crime rates in communities and cities, and immigrants are less likely to commit crimes compared to the native-born citizens.**

A solid body of evidence demonstrates that increased immigration—both legal and undocumented—is associated with [lower crime rates](#), both for individuals and for communities. According to Stanford economist Ran Abramitzky and colleagues, immigrants are [60 percent less likely](#) to be incarcerated than U.S.-born citizens. Furthermore, [numerous studies](#) show that sanctuary cities—where local governments limit cooperation with U.S. Immigration and Customs Enforcement (ICE)—tend to [have lower crime rates](#). These policies foster trust with immigrant communities, making residents more likely to report crimes and engage with local public safety services, regardless of immigration status. (*Caraveo and Vallejo*)

#### **Myth 4: The US Can Function without Immigrants**

Immigration has been an important contributor to U.S. population growth, which has slowed in the past decade due to falling birth rates. Amid this demographic slowing, immigration accounted for the entire growth of the total U.S. population between 2022 and 2023—the first time this has happened since census data collection on nativity began in 1850.

The US economy is heavily dependent on immigrant labor, and immigration has a part of the overall economic growth in the US. Between 2000 and 2022, the foreign born accounted for nearly three-quarters of all growth in the civilian labor force. This trend will continue as the baby boom generation retires and trends toward low or zero population growth for citizens continue.

In addition, immigrants tend to fill specialized jobs US citizens do not possess the skills for or unskilled jobs. In general, they tend not to compete with US born workers except those who work in the unskilled labor market.

(The Americanimmigrationcouncil.org and migrationpolicy.org)

#### **Myth 5: Immigrants are Mexican**

Four of the five largest U.S. groups tracing their origin or ancestry to a particular country are European, reflecting a centuries-long history of immigration from Europe. Germany is the largest, with more than 41.1 million U.S. residents, native and foreign born alike, tracing their origin or ancestry there as of 2023. The Mexican-origin diaspora ranked second, with approximately 39.4 million people. The United Kingdom came third, with more than 37.5 million, followed by Ireland with 34.9 million and Italy with 16.2 million. The overwhelming majority of these diaspora groups are people born in the United States (migrationpolicy.org).

#### **Myth 6: Immigrants Being Held by Immigration (ICE or CBP) Are Criminals and Undocumented. They are a threat to our communities.**

For more than a century, innumerable studies have confirmed immigrants are less likely to commit serious crimes or be behind bars than the native-born, and high rates of immigration are associated with lower rates of violent crime and property crime.

This holds true for both legal immigrants and the unauthorized, regardless of their country of origin or level of education. In other words, the overwhelming majority of immigrants are not “criminals” by any commonly accepted definition of the term. For this reason, harsh immigration policies are not effective in fighting crime

Additionally, immigrants are being retained regardless of their status or criminal history. 72% of the Immigrants currently being detained by immigration have committed no crime.

## Myth 7: Immigrants Get Free Handouts

In 2021, immigrants paid over \$500 billion in taxes, \$346.3 billion in federal and \$178.4 in state and local taxes. They earned a total income of 1.9 trillion and were roughly 19% of the US labor force. Immigrants pay in more than they receive from the state and federal government, however, at the local level immigrants receive more than they pay, mostly due to the public education system which is often based on property taxes.

(The Americanimmigrationcouncil.org and forbes.com)

**Undocumented immigrants** are not eligible for most federal public benefits including SNAP, sometimes referred to as food stamps, regular Medicaid, Supplemental Security Income (SSI), and Temporary Assistance for Needy Families (TANF). Undocumented immigrants are ineligible for health care subsidies under the Affordable Care Act (ACA) and are prohibited from purchasing unsubsidized health coverage on ACA exchanges.

Undocumented immigrants may be eligible for a handful of benefits that are deemed necessary to protect life or guarantee safety in dire situations, such as emergency Medicaid, access to treatment in hospital emergency rooms, or access to healthcare and nutrition programs under the Special Supplemental Nutrition Program for [Women, Infants, and Children \(WIC\)](#). All immigrant children are eligible for public education.

Legal permanent residents who have resided as a documented resident for five years do have some access to public benefit programs but there are several limitations

**Both documented and undocumented immigrants pay more into public benefit programs than they take out.** According to [Institute on Taxation and Economic Policy](#), undocumented immigrants contribute an estimated \$11.74 billion to state and local economies each year. However, undocumented immigrants are not eligible for many of the federal or state benefits that their tax dollars help fund.

[Overview of Immigrant Eligibility for Federal Programs - NILC](#)

(<https://www.nilc.org/resources/overview-immeligfedprograms/>)

## Myth 8: Undocumented Immigrants Cross the US border Illegally

Overwhelmingly immigrants come to the US through recognized pathways, such as visitor visas, work visa, asylum status or other. Many undocumented immigrants fell out of status while in the US. Additionally, changing federal policy means immigrants frequently lose status.

## Understanding the US Immigration System

The US immigration system has always been fraught with problems and often excludes certain individuals from access to the US. Here is a brief timeline from History.com:

1790 – Naturalization Act of 1790 allowed free white person of “good character” who’d lived in the US for two years or long to apply for citizenship.

1849 – the Know-Nothing political party formed in backlash to increasing German and Irish immigrants.

1875 – Supreme Court declares only the Federal government can make and enforce immigration law.

1880 – Chinese Exclusion Act bars Chinese immigrants from entering the US.

1891 – Immigration Act of 1891 bars immigration for polygamists, people convicted of certain crimes, the sick or diseased.

1892 – Ellis Island opens

1907 – The Gentlemen’s Agreement with Japan limits Japanese migration to the US.

1917 – The Immigration Act of 1917 limits the number of immigrants through a nationality quota, favoring migration from Northern and Western European countries and three countries, Great Britain, Ireland and Germany account for 70 of all available visas.

1942 – The Bracero Program invites in Mexican laborers on temporary visas which sometimes lasted years.

1948 – First refugee and resettlement law which manages the influx of European refugees after WWII.

1952 – McCarran-Walter Act formally ends the exclusion of Asian immigrants into the US.

1956 – US starts admitting refugees from the USSR held countries during the Cold War.

1960 – Unaccompanied children flee Cuba as part of an Operation Peter Pan, anti-communism program.

1965 – Immigration and Nationality Act overhauls the American immigration system and ends national origin quotas. It opens the way for individuals from Vietnam and Cambodia to enter the country.

1986 – Simpson-Mazzoli Act grants amnesty to more than 3 million undocumented immigrants.

2012 – Deferred Action for Childhood Arrives is an executive order which shields Dreamers but does not provide a pathway to citizenship.

## **The Criminalization of Immigrants**

For many years there has been a move toward criminalizing immigrants. This started after 9-11, which saw an attack on US soil by 19 terrorists who all had arrived in the country through legal channels, and immigration enforcement was moved to the newly created Department of Homeland Security.

This move shifted the focus of immigration away from building pathways to citizenship and instead focused immigration efforts on identifying terrorists and national security.

With this shift in focus came new rules which broke down the Due Process rights of immigrants. Things such as unlimited detention of immigration detainees became normalized, even though the Constitution guaranteed the right to Due Process for all people living in the US (there is no restriction to only citizens).

### **International Borders**

This shift also increased surveillance efforts on all people passing within 100 miles of any international border. International borders include the borders with Canada and Mexico as well as all sea coasts. It also includes international airports. Two out of three people in the US live within these borders. Anyone living within the border area can be detained indefinitely by the Department of Homeland Security if considered a threat, whether or not they are a citizen.

Over the years these methods, designed to decrease terrorism, have increasingly been used to track, apprehend and remove unauthorized immigrants who pose no security threat and today 70% of the immigrants detained by ICE have committed no crimes. This focus on all immigrants as a threat to national security means that for immigrants any interaction with law enforcement, even as a victim, can result in deportation.

### **Due Process Erosion for All**

Although right now immigrants have been particularly effected by the erosion of the due process clause in the 5<sup>th</sup> Amendment of the Constitution. This erosion of our rights can and does effective all people. There are already ways the Department of Homeland Security can attack anyones civil liberties and take away our due process. The more freedom they are given to do this under the guise of keeping the US safe from terrorists, the more our civil liberties are eroded.

[The Criminalization of Immigration in the United States | American Immigration Council](https://www.americanimmigrationcouncil.org/research/criminalization-immigration-united-states)

<https://www.americanimmigrationcouncil.org/research/criminalization-immigration-united-states>



## Other Tool Kits and Resources

### Educational Resources

[287\(g\) | Immigrant Legal Resource Center | ILRC](https://www.ilrc.org/practitioners/national-map-287g-agreements)

<https://www.ilrc.org/practitioners/national-map-287g-agreements>

[Educational Resources on Migrant Rights - The Advocates for Human Rights](https://www.theadvocatesforhumanrights.org/Migrant_Rights/Educational_Resources)

[https://www.theadvocatesforhumanrights.org/Migrant\\_Rights/Educational\\_Resources](https://www.theadvocatesforhumanrights.org/Migrant_Rights/Educational_Resources)

[Five Things to Know About the Right to Seek Asylum](https://www.aclu.org/news/immigrants-rights/five-things-to-know-about-the-right-to-seek-asylum)

<https://www.aclu.org/news/immigrants-rights/five-things-to-know-about-the-right-to-seek-asylum>

[Immigration Facts: The Positive Economic Impact of](https://www.congress.gov/118/meeting/house/116727/documents/HHRG-118-JU01-20240111-SD012.pdf)

[Immigration](https://www.congress.gov/118/meeting/house/116727/documents/HHRG-118-JU01-20240111-SD012.pdf)  
<https://www.congress.gov/118/meeting/house/116727/documents/HHRG-118-JU01-20240111-SD012.pdf>

[How the United States Immigration System Works | American Immigration Council](https://www.americanimmigrationcouncil.org/research/how-united-states-immigration-system-works)

<https://www.americanimmigrationcouncil.org/research/how-united-states-immigration-system-works>

[The Criminalization of Immigration in the United States | American Immigration Council](https://www.americanimmigrationcouncil.org/research/criminalization-immigration-united-states)

<https://www.americanimmigrationcouncil.org/research/criminalization-immigration-united-states>

[Article: Frequently Requested Statistics on Immigr.. | migrationpolicy.org](https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states)

<https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states>

[What we know about unauthorized immigrants living in the U.S. | Pew Research Center](https://www.pewresearch.org/short-reads/2024/07/22/what-we-know-about-unauthorized-immigrants-living-in-the-us/)

<https://www.pewresearch.org/short-reads/2024/07/22/what-we-know-about-unauthorized-immigrants-living-in-the-us/>

[287g Program: Congress](https://www.congress.gov/crs_external_products/IF/PDF/IF11898/IF11898.1.pdf)

[https://www.congress.gov/crs\\_external\\_products/IF/PDF/IF11898/IF11898.1.pdf](https://www.congress.gov/crs_external_products/IF/PDF/IF11898/IF11898.1.pdf)

[United Nations Refugee Agency](https://www.unhcr.org/about-unhcr/overview/1951-refugee-convention)

<https://www.unhcr.org/about-unhcr/overview/1951-refugee-convention>

## Tool Kits & Information Pieces

287g Tool Kit

<https://www.ilrc.org/resources/ending-287g-toolkit-local-organizers>

[Contracts-Inspections Toolkit November 2015.indd](#)

<https://www.detentionwatchnetwork.org/sites/default/files/NIJC%20DWN%20Contracts%20Inspections%20Toolkit.pdf>

[Contracts-Inspections Toolkit November 2015.indd](#)

<https://www.detentionwatchnetwork.org/sites/default/files/NIJC%20DWN%20Contracts%20Inspections%20Toolkit.pdf>

[SafeGuarding Oregon Schools](#)

[https://innovationlawlab.org/media/SafeguardingOregonSchools\\_Toolkit\\_InnovationLawLab\\_Jan2025-1.pdf](https://innovationlawlab.org/media/SafeguardingOregonSchools_Toolkit_InnovationLawLab_Jan2025-1.pdf)

[Safe Schools for Every Student](#)

<https://docs.google.com/document/d/1EdGURjHTZ80MSJfWty3S0JwdTIXbFqon/edit?usp=sharing&oid=114311694177302843415&rtpof=true&sd=true>

[Safety Bound](#)

<https://www.safetybound.org>

## Resources for Immigrants

[What to do After a Loved One is Detained by ICE: Frequently Asked Questions](#)

[https://b1c.org/wp-content/uploads/2025/01/ICE-Detained-Flyer\\_Final\\_english.pdf](https://b1c.org/wp-content/uploads/2025/01/ICE-Detained-Flyer_Final_english.pdf)

[Immigrants' Rights | American Civil Liberties Union](#)

<https://www.aclu.org/know-your-rights/immigrants-rights>



# Action Guide For Your Community

There are many ways in which you can address the harm being caused by our damaged immigration system. The following pages will provide you with an overview of actions you can take locally and will take a deep dive into how to discuss 287g contracts with local sheriffs.

## Step by Step Guide for Taking Action

1. **Inform** yourself regarding immigration facts and policy. This is a big task, but it is important you have a good understanding of the system before you begin.
2. **Determine type of action** which is most important in your community. Each community is different and you will need to decide what is most important for your community. Start with one focus, rather than taking on everything at once.

Here are some actions being taken by other communities:

- Encouraging Sheriffs and County Commissioners to stay immigrant friendly. Bringing forward concerns about 287g contracts.
  - Providing Know Your Right trainings to immigrants and businesses.
  - Speaking to School Boards and Superintendents about how to protect immigrant children.
  - Educating the public about immigration facts.
  - Reaching out to City Councils and City Administrators about friendly immigrant policies.
  - Providing assistance to immigrants facing food shortages or work needs.
3. **Create a strategy** for how you will implement the action you are planning.
    - Identify needed resources.
    - Identify potential partners in the community who could help.
    - Identify the end result you want to achieve.
    - Create action steps to get to that result.
      - Plan a series of action steps which build on each other.
      - Make sure your action steps are aligned with your goals and serve a purpose.
      - Do not bite off too much in one action.
    - Find others to help implement the plan.
  4. Once you have developed the plan, only then should you begin taking action. Often times individuals want to rush into action before they are ready and this can actually cause more harm than good. Do not be pressured into taking action before you have a fully formed plan, especially when talking to local authorities.



## Approaching Sheriffs About Remaining Immigrant Friendly

One of the biggest threats to immigrant families are the attitudes and beliefs of local law enforcement. As mentioned in the myths section, immigrants do not increase criminal activity and living in the US with documentation is not a criminal act. Therefore, law enforcement efforts which criminalize immigrants overwhelmingly have the effect of making our communities less safe.

You can approach your local sheriff's department and work with them on creating a more immigrant friendly community. Part of the conversation should focus on educating the sheriff about the negative consequences of the 287g contract with ICE.

**Important:** These meetings should not be adversarial! You do not want to go in and tell your local sheriff how to do their job! Instead, approach your sheriff and ask questions about their position on working with immigration, and you want to explain why you are concerned.

The following pages will explain how to approach your local sheriff's office and includes the following information:

- An overview of the 287(g) contract
- Steps to approaching your local sheriff and setting up a meeting
- Continued actions steps

### Overview of 287(g) Contracts

For more in depth information see the tool kit:

<https://www.ilrc.org/resources/ending-287g-toolkit-local-organizers>

287(g) is a program for allowing state and local agencies to act as immigration enforcement agents. Under 287(g), ICE forms an agreement with a state or local agency - most often a county sheriff that runs a local jail - and this agreement delegates specific immigration enforcement authority to designated officers within the local agency. These agreements are also known as "287(g) contracts" or "MOAs" (Memorandum of Agreement). The program gets its name from section 287(g) of the Immigration and Nationality Act.

The 287(g) program is riddled with reports of racial profiling, abuse, discrimination, and violations of people's constitutional rights. Study after study has highlighted the problems endemic to 287(g) agreements, the mistreatment of residents, and the costs to localities. A recent report comes from the Department of Homeland Security's own Office of Inspector General, and criticizes ICE for entering into these agreements without adequate planning, oversight, and management of the local agencies involved.

Under 287(g) agreements, local law enforcement officers act as immigration agents. Normally local law enforcement officers do not have authority to enforce immigration laws. But under §287(g) of the Immigration and Nationality Act, local officers are deputized with certain immigration enforcement powers. 287(g) agreements are voluntary. Sheriffs and other agencies choose to get involved in federal immigration enforcement. The federal government cannot force anyone to participate in 287(g) and they do not condition any federal funding on having a 287(g) program.

Localities spend their own funds on 287(g) agreements. Law enforcement with 287(g) contracts spend local funds to carry out the federal government's deportation agenda. Even though the Department of Homeland Security (DHS) has the largest budget of any federal agency, there is no reimbursement from ICE for the local staff time or resources used

### **Negatives of the 287(g)**

**Your Community's Tax Dollars Are Wasted by Paying for the Costs of 287(g).** With 287(g) agreements, localities spend their own resources to make sure no one slips through ICE's grasp. Jurisdictions with 287(g) shift resources away from local priorities and towards immigration enforcement via the staff time and salary used to inquire into immigration status, respond to ICE inquiries, collect data for ICE, or notify ICE about timing of inmates' release. ICE does not reimburse any of these costs, meaning the county is essentially subsidizing deportations for DHS, which, with a budget of over \$18 billion, is already the largest law enforcement agency in the country.

**287(g) Agreements Expose Your City or County to Legal Liability.** Local law enforcement involvement in federal immigration enforcement has resulted in the violations of the constitutional rights of citizens and noncitizens alike. Furthermore, your town or county is liable for what happens to individuals detained on ICE hold requests, even if ICE caused their detention. Often times, there is no legal basis for local law enforcement to hold an individual on an ICE hold. As a result, lawsuits have been filed across the country, many resulting in damages against numerous city, county, and state corrections agencies.

**Important Note:** Since immigration is a Federal issues, 287(g) contracts can be at odds with state law and can set up even more possibility for law suits. In Minnesota for instance, it is against the law for law enforcement to detain an individual longer than 36 hours without being brought before a judge (although holidays and weekends do not count). Detaining immigrants solely for deportation purposes goes against this law.

### **ICE has three 287(g) Program models.**

- The Jail Enforcement Model, which identifies and processes detained immigrants.

- The Task Force Model, which allows law enforcement limited immigration authority while performing routine police duties.
- The Warrant Service Officer Program, which certifies and authorizes local law enforcement to execute administrative warrants on detained immigrants.

## Step-By-Step Guide to Approaching Your Local Sheriff

1. Look at local enforcement policies about ICE and how they work with immigrants – you can find them online or you can call/email the local department to see the policies. **This is public information so you have the right to see this!**  
**NOTE:** Most often detention happens at the jail and the jail system is always under the Sheriff in Minnesota. So you will mostly want to contact the local Sheriff, however it is also good to look at policies any police department might have.
  - a. Look for the following information:
    - i. Do they have policies around ICE? What is the policy regarding this? Do they contact ICE when someone has been picked up for another crime.
    - ii. Do they have a 287(g) Contract with ICE?
    - iii. Does the Sheriff allow ICE to come in and talk to the detainee – that should not happen without the detainee being informed and having the lawyer present
    - iv. Is there racial profiling happening? Does any of the language sound like profiling?
    - v. What is the release process for detainees? Is there unnecessary delay times? Do they allow ICE to come in and take them away?
    - vi. Are they talking residents or citizens? Residents is preferred because they should be caring about the safety of all people living in the area not just citizens.
  - b. Clarify any uncertainties with the policies.
    - i. If you are uncertain you can email legal aid or ACLU – both places will help clarify the implications of the policies.
    - ii. If there is something unclear about the wording, you can reach out to the Sheriff or Chief and ask questions.
2. Identify individuals who know or have a relationship with the Sheriff or police chief and ask them if they would be willing to talk to you.
3. Define what you want to get out of the meeting. Each situation is going to be different, so have a clear idea of your goals. In the example provided for instance, the goal was to reduce tickets for no license. If they have a 287 contract with ICE you will have a different conversation about.
4. Then develop questions you will go in and ask.

- a. Are you willing if pressured by the Federal Government to sign a 287g agreement with ICE?
  - b. Do you allow ICE agents into your jail to interview any detainees?
  - c. If so, are they told beforehand so that they can request their lawyer present? Or can they refuse? How are they made aware of that?
  - d. Do you give out release information dates and times?
  - e. Are all your know your rights pamphlets in several languages?
  - f. Suggestion from Maelena Patty, another suggestion is, Are you able to work with us on the Community and Sheriff Agreement?
  - g. We are hearing this is what is happening
  - h. We'd like to understand why?
  - i. We want to work with you and we want to know how to educate our people so they can follow the rules.
5. Arrange for a testimony. Here is what you want to do when bringing in someone to testify.
  - a. Someone who can share a story about the issue you are bringing to the police.
  - b. There is not a lot of time in the meetings, usually an hour, so you will need to time the testimony, ie: 3 minutes.
  - c. Prep the person on what they are going to say.
6. Create an agenda and practice as a group.
7. Set up a meeting for an hour in a neutral location. **Do not go to their office!**
  - a. Have fewer than ten people join you.
  - b. Create a friendly atmosphere.
    - i. Welcome the Sheriff/Chief in.
    - ii. Have a comfortable place to sit.
    - iii. You can start with a prayer or other ceremony opening.
    - iv. Do introductions
  - c. After the welcoming start off by clearly stating the purpose for your visit.
  - d. You can plan the way your meeting happens depending on the circumstances. Here is a sample:
    - i. Keep testimonies short.
    - ii. Allow for a lot of questions
    - iii. Ask
8. Plan a time for follow-up and follow-up
  - a. Send a reminder or two
  - b. Ask if they would like to meet again for clarification
9. Depending on the severity of the issue being addressed – if after a couple of meetings they are not listening you can call someone higher up than the individual you spoke with, such as:
  - a. The head of the state police or state sheriff's department

- b. The county board if it is a sheriff
- c. The mayor if it is a police chief
- d. The attorney general's office

## Sample Law Enforcement Meeting Email and Agenda

(Taken from 287(g) Tool Kit and <https://www.safetybound.org>, listed in resources)

### Sample Email to Request Meeting

- Your name and affiliation (individual, organization, coalition, etc.)
- The purpose of the meeting with a brief summary of your concern or issue.
- Names and roles of anyone else attending. If you're part of a group or coalition, make that clear—there's strength in numbers.
- Suggested dates/times you are available
- If you don't hear back within 5–7 days, follow up by phone.

### Sample Agenda

1. Introductions (5-10 minutes)
  - a. Individuals or groups explain ties to community, including number of community members represented, and voter base if your sheriff is elected.
  - b. Frame the goal of the meeting as an effort to build community trust. Given tension across the country between local law enforcement and communities of color, including immigrants, it is clear that we are in a crisis. This meeting is an effort to rebuild trust.
  - c. Collect law enforcement business cards so that you correctly document who was there and their contact information. Share yours if you have one.
2. Testimony from affected community member (5 minutes)
  - a. This should illustrate the harm that cooperating with ICE has on the community. For example, describe the harm that deportation has had on a family as a result of contact with the criminal legal system.
  - b. If the affected individual can't be present, someone else can describe the account second hand.
3. Questions (40-45 minutes) (Come prepared with questions you want answered. Use the tool kit provided to develop a list of questions)
4. Closing (5 minutes)
  - a. Thank the agency for their time.
  - b. Reiterate any next steps. For example, any promises to provide data, policies, or engage in follow up meetings.
5. After the Meeting:
  - a. Debrief immediately after the meeting. What went well and what didn't?
  - b. Establish next steps and assign responsibility for each next step. Don't forget to type up your notes!
  - c. Send a thank you letter or email to law enforcement agency. Restate any follow up steps and establish a date for any follow up steps. For example, that you look forward to receipt of any policies within two weeks.



6. Determine when to meet next

## **Law Enforcement Concerns about 287g Agreements**

We want to support Wright County Sheriff's Office commitment to professional law enforcement priorities around maintaining community trust, focusing resources on local public safety, and preserving the traditional boundaries between local criminal law enforcement and federal civil immigration enforcement.

Specifically, we have deep concerns about 287g agreements with the Department of Homeland Security which erode local control and strain local resources.

### **Key Law Enforcement Concerns Being Raised**

1. **Resource Strain.** When enforcing immigration activity, local communities often foot the bill for those activities without reimbursement. Enforcement civil immigration law can also take away valuable staff time from criminal law enforcement duties. It overstretches local law enforcement.

The 3,000 arrests per day quota and targeting of Democratic cities suggests Wright County could face pressure to participate in operations that would strain local resources and compromise community policing priorities.

2. **Public Trust Erosion and Safety Concerns.** When local law enforcement focus on immigration enforcement efforts, they erode public trust in immigrant communities, and immigrant community members become fearful of bringing concerns to law enforcement and communities become less safe. When people are afraid to come to law enforcement, it gives people who commit crimes more power to continue their activity. This creates a professional concern for sheriffs whose effectiveness depends on community cooperation.

Canyon County ID Sheriff Keiran Donahue, National Sheriffs' Association President, acknowledged that holding ICE detainees could damage public trust in law enforcement, though he says he hasn't seen that in his own county. Elsewhere, though, "There's been this spike of apprehension, nervousness, fear," he says.

3. **Jurisdiction Issues.** Immigration is federal civil law, not state criminal law and mixing the two can open a department up to law suits and conflicting responsibilities between federal and state statutes. 287g agreements make local sheriffs accountable to federal agencies and lose some autonomy.
4. **Federal Overreach Concerns.** Law enforcement officials are expressing concern about federal authorities pressuring local agencies to participate in immigration enforcement beyond their traditional roles. The concerns being raised by sheriffs and law enforcement professionals center on several key issues:

- Mission Creep: Being asked to enforce federal civil law outside their traditional criminal law enforcement mandate
- Resource Allocation: Using limited local resources for federal immigration priorities
- Community Relations: Damage to relationships with immigrant communities that may become reluctant to report crimes or cooperate with investigations
- Legal Liability: Potential violations of state laws. There are local law enforcement agencies who are being sued for participating in immigration activities.

## B. Specific Law Enforcement Issues and Constitutional Concerns

### 1. Impersonation and Deceptive Practices

One common ruse is where ICE agents pretend to be local law enforcement in order to hide that they are ICE. ICE agents rarely have judicial warrants, so they need consent to be able to enter a home. The ACLU has documented that ICE has impersonated the police and used other ruses to lure immigrants into detention and deportation, calling these tactics Fourth Amendment violations.

California lawmakers are mulling over how to force officers to reveal their identities to ensure oversight while stopping scammers, recognizing that unidentified agents create opportunities for criminals to impersonate law enforcement.

### 2. Legal and Constitutional Issues

- Due Process Concerns - Legal advocates say the practice undermines public trust and raises due process questions when agents cannot be identified for accountability purposes.
- Fourth Amendment Violations - Legal experts said video evidence shows the government response is disproportionate and a violation of constitutional rights, particularly in cases where bystanders were filming or yelling at agents without intervening.
- Excessive Force Documentation - Immigration agents must stop conducting the military-style raids that have swept across L.A. in the last month, the lawsuit argues, with legal challenges specifically targeting the tactics being used.
- Legal Liability Concerns: With federal agencies now operating under "turn the creative knob up to 11" guidance for warrantless arrests, local law enforcement agencies that cooperate could face significant legal exposure for constitutional violations.

### 3. Professional Law Enforcement Standards

The concerns raised by sheriffs and law enforcement professionals center on maintaining standards, accountability, and constitutional protections that local sheriffs are sworn to uphold.:

- Accountability: Unidentified agents cannot be held accountable for misconduct
- Professional Standards: Local law enforcement operates under strict identification and accountability requirements
- Public Safety: Unidentified agents create confusion that criminals can exploit

- Constitutional Obligations: Local law enforcement officers take oaths to uphold the Constitution, while ICE agents operating with masks and no identification may undermine constitutional protections

### C. Congressional and Senate Concerns

U.S. Senate Action: Senator Mark Kelly (D-AZ) joined Senator Alex Padilla (D-CA) and 12 Senate Democratic colleagues in demanding answers from Acting officials about ICE's use of masked, unidentified agents, warning that "The consequences of allowing unfettered plainclothes enforcement actions are clear. Not only does it frighten people and lead to increased chaos, but it also allows criminals to take advantage of this environment of uncertainty."

## Sample Sheriff Agreement

### Stearns County Sheriff's Office Community Policing Agreement

INTRODUCTION The Stearns County Sheriff's community policing agreement (hereinafter referred to as the "Agreement") is the product of numerous discussions and good-faith collaboration between the Stearns County Sheriff's Office and members of the Stearns County community. This Agreement was inspired by the St. Cloud Community Policing Agreement (2005; revised 2018) and used that agreement as a model.

(This agreement has many sections – the sample is just on immigration status) For the full agreement talk to the Stearns County Sheriff's Office or visit their website.)

**Immigration Status.** The Stearns County Sheriff's Office recognizes and values the diversity of the community it serves. The purpose of this policy is to provide guidance to the officers on the issue of immigration status and to ensure equal protection and fairness is afforded to all persons, regardless of their immigration status. The primary concern of the Office is public safety. However, the Stearns County Sheriff's Office will cooperate with the U.S. Immigration and Customs Enforcement (ICE) as it would with any other law enforcement agency. It is the policy of the Stearns County Sheriff's Office that its officers shall not arrest or detain any person solely for a suspected violation of immigration laws. The Stearns County Sheriff's Office has a responsibility to investigate and contact any person it believes is involved in suspicious or criminal activity. If upon investigation probable cause to arrest exists, officers may effect an arrest for that specific violation unrelated to the person's immigration status. The Stearns County Sheriff's Office maintains a policy specifically addressing immigration and immigration law and the agency response to this. The policy can be requested by any member of the public for review, and this same policy is reviewed annually as part of a normal process to review all policies to make sure they conform to current day needs. (Policy nr. 414 as of November 2020).

## Approaching Schools About Keeping Immigrant Children Safe

(Taken from the Safeguarding Oregon Schools Toolkit.

[https://innovationlawlab.org/media/SafeguardingOregonSchools\\_Toolkit\\_InnovationLawLab\\_Jan2025-1.pdf](https://innovationlawlab.org/media/SafeguardingOregonSchools_Toolkit_InnovationLawLab_Jan2025-1.pdf))

Although various federal entities are involved in the enforcement of immigration laws, the federal agency most likely to target immigrants in school communities is Immigration and Customs Enforcement (ICE). ICE's immigration enforcement activities include the

following: 2 3 4 [2] Recently, Customs and Border Protection (CBP) has engaged in unusual enforcement activities, so its potential presence at a school cannot be entirely ruled out. See, e.g., Melissa Montalvo, Why Is Border Patrol so far inland for Central California Arrests? Here's Its Jurisdiction, The Fresno Bee (Jan. 10, 2025)

<https://www.fresnobee.com/news/california/article298269628.html#storylink=cpy>. Like ICE, it is also authorized to make immigration arrests and engage in other enforcement activities. [3] DHS, Guidelines for Enforcement Activities in or near Protected Areas (Oct. 27, 2021),

[https://www.dhs.gov/sites/default/files/publications/21\\_1027\\_opa\\_guidelines-enforcement-actions-in-near-protected-areas.pdf](https://www.dhs.gov/sites/default/files/publications/21_1027_opa_guidelines-enforcement-actions-in-near-protected-areas.pdf). [4] See DHS, Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole (Jan. 21, 2025),

<https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse>. conducting interviews, making arrests, conducting searches, issuing subpoenas, serving charging documents, and general surveillance. Under the previous administration, ICE had a policy of avoiding certain immigration enforcement activities at "sensitive locations," such as schools, hospitals, and churches. Under official guidance for both ICE and Customs and Border Protection (CBP), schools and similar places—including playgrounds, childcare centers, foster care facilities, group homes for children, and school bus stops—were considered "protected areas" where ICE would generally avoid making arrests.

You can use the same steps outline for working with your sheriff to also approach schools and ask for their commitment to keep immigrant children safe. Action steps include:

1. Gathering data and learning about school policy.
2. Identifying opportunities for improvement
3. Brining in partners who can provide testimony and support
4. Scheduling time to talk to the Superintendent and/or school boards
5. And following up with tasks



## Suggestions to Bring to Schools to Keep Students Safe

If an immigration official enters school premises, school personnel should:

- Escort any students, authorized visitors, and non-essential staff to a safe place away from immigration officials, such as a classroom or conference room.
- Ask officials to remain outside the building (or in the front office/reception area if they have already entered).
- Inform officials that they do not have permission to enter the school unless they have a judicial warrant or court order.
- Ask officials to identify what agency they work for and describe the purpose of their visit.
- Ask officials for their names, contact information, and badge numbers.
- Ask officials to produce any warrants, court orders, or other documents that entitle them to enter.
- Take pictures of the documents and the immigration officials.
- Inform officials that an attorney will need to review the documents presented before the officials may proceed further.
- Contact an attorney - designated school personnel should be prepared to contact counsel as soon as an immigration official enters the school premises.

If an immigration officer claims to have emergency authority to enter a school or otherwise enters the school without consent:

- School personnel should document the interaction but should not try to stop them.
- Make an announcement over the PA system indicating to staff that ICE is at the school, using predesignated code words as appropriate.
- REMEMBER: Judicial warrants authorize entry. Administrative warrants do not.
- Document everything you remember about the request.
- Consult with an attorney to determine next best steps.
- Contact the parents or guardians of students who were the subject of any requests to inform them of what happened unless a court order or prevents such contact.

If immigration authorities request information from a school, school personnel should:

- Ask officials to identify what agency they work for.
- Ask officials for their names, contact information, and badge numbers.
- Ask officials to produce any warrants, court orders, or other documents related to their request for information.
- Make a copy of all documents the immigration officials present.
- Take pictures of the officers.



- Consult an attorney.

## School and School District Safe Zone Resolutions

Many schools and school districts throughout the United States have adopted safe zone resolutions, which affirm the school or school district's commitment to a diverse, inclusive learning environment and establish policies for managing immigration enforcement activities. Although no resolution can guarantee that immigration enforcement activities will not occur on a school site, they can establish policies to minimize the harm these activities cause, and they send a message of support to community members vulnerable to immigration enforcement. Safe Zone resolutions should, at minimum, do the following:

- Affirm the right of all children to access public education and confirm a school district's commitment to a diverse, inclusive learning environment.
- Explain that immigration enforcement activities disrupt the school learning environment and interfere with all students' right to a public education.
- Establish that schools will not ask students or their caregivers about their country of birth, immigration status, or citizenship status, nor store this information.
- Establish that immigration officials are not permitted to enter school premises or otherwise conduct any immigration enforcement on school premises without a valid judicial warrant.

See, e.g., Portland Public School District, Resolution No. 7030, Resolution to Affirm Rights of Undocumented Students and Protocols for Immigration and Customs Enforcement (ICE) Access to Schools, available at

[https://meetings.boardbook.org/Documents/WebView/915?](https://meetings.boardbook.org/Documents/WebView/915?file=f25fcdff-0798-4e22-8ec5-0b62e4865dd0)

[file=f25fcdff-0798-4e22-8ec5-0b62e4865dd0](https://meetings.boardbook.org/Documents/WebView/915?file=f25fcdff-0798-4e22-8ec5-0b62e4865dd0) (last accessed Jan. 22, 2025);

Salem-Keizer Public School District, Resolution No 202425-01, Safe and Welcoming Schools (Aug. 13, 2024),

<https://resources.finalsite.net/images/v1725902538/salkeizk12orus/tdswvpwu0ivazmdbf vkj/2024-08-13-sb-resolution-safe-welcoming-schools-en.pdf> 48 Establish that schools will not respond to requests for information from immigration officials without a valid judicial subpoena or other valid court order.

# Campaigning for Safe School Resolutions

Launching a campaign to push your school district to adopt a Safe Schools resolution requires careful planning, strategic outreach, and relentless advocacy. Follow this step-by-step guide to drive meaningful change in your community — we will continue to build out this section of the Guide to provide additional materials, resources, and templates to support your work.

## 1. EDUCATE YOURSELF AND YOUR TEAM

- a. Start by understanding the legal and moral foundations of Safe Schools policies. Familiarize yourself with *Plyler v. Doe* (PDF), FERPA, and the NEA's model Safe Schools resolution.
- b. Equip your group with talking points and answers to common concerns, like “Does this violate federal law?” or “How will this impact school safety?”

## 2. RESEARCH YOUR SCHOOL DISTRICT

- a. Identify key decision-makers, including school board members, the superintendent, and influential PTA leaders.
- b. Review current district policies to find gaps or areas where a Safe Schools resolution could strengthen protections.
- c. Gather data or anecdotes that illustrate the need for these protections in your community.

## 3. BUILD A COALITION

- a. Partner with local organizations, immigrant rights groups, and teacher unions to amplify your efforts.
- b. Engage students and parents by hosting forums, sharing personal stories, and creating spaces for dialogue.
- c. Use storytelling to highlight the real-world impact of immigration enforcement on families and education.

## 4. DRAFT AND CUSTOMIZE YOUR RESOLUTION

- a. Use the NEA's model Safe Schools resolution as your foundation, which we've included in this toolkit below. Tailor it to your district's unique needs but avoid compromising its core protections.
- b. Highlight the resolution's benefits: it's not just about shielding immigrant students — it's about fostering a safe, inclusive environment for everyone.

## 5. ENGAGE THE COMMUNITY

- a. Launch a public awareness campaign to educate your community about the resolution. Utilize social media, local news outlets, and community events to spread the word.
- b. Organize a petition drive to demonstrate widespread support for the resolution.

- c. Encourage parents, students, and educators to attend school board meetings and speak during public comment periods.
- 6. MEET WITH DECISION-MAKERS
  - a. Request meetings with school board members to present the resolution and make your case. We've included example talking points for your meeting, below.
  - b. Share data, stories, and endorsements from community members and organizations.
  - c. Address any concerns or misconceptions about the resolution head-on.
- 7. MOBILIZE FOR THE SCHOOL BOARD VOTE
  - a. Ensure a strong turnout at the school board meeting, where the resolution will be discussed and voted on. We've included a template 3-minute speech for you to present at the meeting.
  - b. Coordinate speakers to share powerful, personal stories that underscore the urgency of adopting the resolution.
  - c. Maintain pressure through phone calls, emails, and social media posts aimed at school board members.
- 8. FOLLOW THROUGH
  - a. After the resolution passes, monitor its implementation to ensure compliance and effectiveness.
  - b. Offer continued support to schools as they train staff, update policies, and engage with families.
  - c. Celebrate your success and use it as a springboard to advocate for similar protections in neighboring districts.

By organizing a campaign for a Safe Schools resolution, you're not just protecting immigrant students — you're taking a stand for the values of inclusivity, safety, and justice in your community. Together, we can ensure that every child has the chance to learn without fear.

## **Sample Law Enforcement Agreement (within schools)**

Adopted: 2009 Saint Paul Public Schools Procedure

The following procedure will govern investigative interviews of students at school except where police or welfare officials are investigating suspected child abuse or neglect (see the Board policy and procedures on POLICE INTERROGATIONS & INVESTIGATIONS).

Only representatives of the St. Paul Police Department may be granted permission to see and interview students in school. Private detectives, attorneys, or representatives of private concerns conducting investigations shall not be allowed access to students in school and shall be informed that they may only question students outside of school. When it is necessary for a representative of the juvenile division to interview a student in school, the following procedure shall be observed:

1. The representative of the juvenile division shall inform the principal or the assistant principal (when the principal is absent), of the purpose for the officer's visit, including the reasons why it is unwise or unsatisfactory to contact the student at home or other place outside the school.
2. If the representative of the juvenile division is not known to school personnel he or she shall produce satisfactory identification and the officer's badge number shall be documented.
3. Principals shall have the authority to permit or deny the request to conduct the interview in the school building.
4. If permission for the interview is granted, the decision as to whether the parents shall be notified or should be present shall depend on the facts in each case and shall be determined by the school administrator or his/her designee. If there is any doubt, the parents shall be notified.
5. Interviews of students by a representative of the Juvenile division at the schools shall be in private and with confidentiality and may be held in the presence of the principal and/or his or her designated representative without interruption and without observance by other school personnel or students.
6. If the principal of an elementary school is absent from the building when a representative calls to make an investigation, every attempt shall be made to contact the principal. If the principal cannot be contacted, the principal's designee shall be contacted. No investigation or interview with students shall be held unless permission is received.
7. If it is necessary for the representative of the juvenile division to request permission to take the student from the school for questions, permission shall be obtained from the parent before such permission is granted.

**ARRESTS** If the officer arrests a student, he or she shall have complete jurisdiction in the matter and the principal shall not interfere with the student's removal from the building. However, the arrest should be arranged in a manner to make the removal as unobtrusive as possible. The principal shall notify the home as soon as the officer takes the student from the building.

# Approaching Businesses About Immigrant Rights

(Taken from NoKings.org)

There has been a significant uptick in ICE agents entering small businesses without warrants and detaining people, including workers. It's created an environment where immigrants are often afraid to go to work, go shopping, and support businesses out of fear that ICE may be there.

One way to counter this is to approach local businesses. Below are specific steps you can take.

**Step One:** Create signs which can be given to businesses owners. They can be signs which show the business welcomes immigrants and signs which designate certain areas of the business as private (these are safe spaces which ICE can not enter).

**Step Two:** Identify business owners you want to talk to. If you are uncertain who the owner is, you can go into a business and asking to speak to the owner or manager.

**Step Three:** Talk to the owner or manager about their constitutional rights and how to protect their employees and customers during an ICE raid. Remind them that you are not a lawyer, but a community member concerned about increased ICE presence.

**Step Four:** Employees Only sign and a public sign in your business? They'll make your employees safer and make immigrants feel more welcome in your business and our community.

Talking Points:

- While ICE can enter any public space, ICE agents are required to have either a signed judicial warrant or the business owner's consent to enter private areas of a business, like breakrooms, kitchens, or storage areas. You can exercise your 4th amendment rights by posting signs for a designated private space for employees that ICE is not allowed to enter. That way, you have the legal right to refuse anyone access to those private areas, absent a signed judicial warrant.
- The Trump administration is deploying ICE to spread fear and terror amongst immigrants and anyone who dares to oppose their authoritarian crackdown. They are conducting increasingly violent and lawless raids in small businesses across the country, in communities just like ours.
- Displaying a sign at the front of your business sends a message of solidarity – not just with immigrants but with everyone who supports our rights, our democracy, and due process. And the more businesses that put up these signs, the bigger impact they have.
- Courage is contagious: when other people in the community see your signs, it can embolden them to take action. Other businesses will want to put up signs too

and customers and passersby will start thinking about what they can do to defy the administration's lawless power grabs.

## **Appendix**

### **Attorney General Keith Ellison Guidance to Public Schools, Spring 2025**

Dear Minnesota Educators: Constituents and stakeholders have recently contacted the Office of the Attorney General concerning the announced changes to federal policies and practices related to immigration enforcement and the impact of those changes on students, educators, and our communities. Nothing in these changes should be understood to limit Minnesota's commitment to providing all children with access to free public education, protecting student privacy, and maintaining school environments that are conducive to learning.

**EXECUTIVE SUMMARY** This guidance will describe the changes in federal immigration enforcement priorities, the responsibilities of the Minnesota education system to students, educators, and families, and steps that school districts, schools, and educators can take to comply with their legal responsibilities. As described in greater detail below, while the federal approach to immigration enforcement is changing, the legal framework that continues to govern schools' and students' rights and obligations remains unchanged. We invite school leadership to take this opportunity to ensure that their policies and staff training are up to date, and to be in conversation with their communities about the actions their schools are taking to support students and their families. Clear and consistent communication by school leadership can help reassure students, educators, and their communities that their concerns are heard, and that schools are taking the steps within their power to protect their communities from disruption and harm.

Key action items for school districts to consider include:

- Ensuring that policies and procedures clearly explain how to respond if law enforcement, including immigration enforcement personnel, seek to carry out enforcement actions or related information gathering at schools.
- Providing staff, including School Resource Officers (or their equivalent employee), with up-to-date training on student and employee rights and responsibilities.
- Letting your community know about the actions you are taking and the resources available to support students, their families, and the community during this time of uncertainty, including options for updating emergency contacts, flexibility with coursework, and opportunities to limit sharing of student directory information.

**GUIDANCE Recent Changes in Policies Related to Immigration Enforcement** Recent actions in the federal executive branch have signaled a shift in the federal approach to immigration enforcement and treatment of state and local officials who are perceived as not cooperating with enforcement actions. On January 20, 2025, the Department of Homeland Security rescinded its long-standing practice of avoiding immigration enforcement activities in "sensitive spaces," such as schools. The Department of Justice (DOJ) has also issued recent memoranda instructing

U.S. Attorney Offices and the DOJ to investigate and prosecute state and local officials for any “misconduct” that is alleged to facilitate violations of federal immigration laws or obstruct federal immigration enforcement.

Notwithstanding these recent changes in federal policy, schools continue to be bound by law to provide public education to students regardless of immigration status, must protect student data, and cannot be compelled to enforce a federal program or changes in federal policies. Access to a Free Public Education Is Guaranteed under Federal and State Law; Schools Cannot Discourage or Deny Access Based on Immigration Status Under state and federal law, Minnesota schools must provide equal access to education to all students regardless of race, color, creed, religion, national origin, sex, marital status, public assistance status, disability, or immigration status.

Schools should ensure that their policies do not discourage or deny access to school based on immigration or citizenship status. While schools may require proof of a student’s age and where they reside for enrollment purposes, schools and districts may want to review their enrollment policies to ensure that they are collecting only the information required to verify enrollment eligibility. Institutions should review their policies and procedures to confirm they are not unnecessarily collecting or maintaining sensitive data, such as immigration status, Social Security numbers or passport information. Student Privacy Is Protected under Federal and State Law Under the federal Family Educational Rights and Privacy Act (FERPA) and the Minnesota Government Data Practices Act, schools are required to protect the privacy of students’ educational records. Both laws allow schools to share limited “directory information” under specific conditions, but otherwise generally prohibit disclosing private student data without consent. Directory information is information that is largely not considered harmful or a violation of privacy if disclosed. Examples of directory information include a student’s name, dates of attendance, and honors and awards received.

Minnesota law defines “directory information” more narrowly than FERPA, and explicitly prohibits K-12 institutions from designating “a student’s home address, telephone number, email address, or other personal contact information” as directory information. Minnesota law also requires schools to give parents and students notice of the right to opt-out of the disclosure of a student’s directory information. Schools should review their current procedures to ensure proper communication about directory information and the right to opt-out of disclosure is being effectively shared with their communities. Schools may want to proactively provide an opportunity for parents and students to review and change their preference relating to disclosure of a student’s information.

The Federal Government Cannot Compel State or Local Officials to Administer or Enforce a Federal Program Under the Tenth Amendment to the United States Constitution and well-established precedent from federal courts, including the United States Supreme Court, the federal government cannot compel state or local officials to administer or enforce a federal program. This was true before recent changes to federal immigration policy and continues to be true now. If schools see a change or an increase in requests from immigration authorities for information about or access to their students, schools should know that there are no legal or constitutional changes in how schools should respond to those requests.



Responding to Requests for Student Information Disclosure of otherwise private student data is allowed in limited circumstances. Schools should prepare their staff for how to appropriately respond to written or oral requests for student information from third parties, such as Immigrations and Customs Enforcement (ICE) agents. There are many different types of documents that immigration enforcement officers may be using to support their requests, and staff members should not be expected to determine whether the requestor is entitled to the requested information. Any request and accompanying supporting documentation should be immediately provided to a designated district employee, who can consult with legal counsel to determine appropriate next steps.

In general, schools are required to comply with judicial warrants, which are documents issued by a judicial court and signed by a federal or state judge or magistrate. In contrast, schools are not required to comply with administrative warrants, which are issued by a federal agency and signed by an official such as an ICE agent or immigration judge. Common examples of administrative warrants used by ICE include Form I-200 (Warrant for the Arrest of Alien) and Form I-138 (Administrative Subpoena).

Responding to Requests to Meet with or Interview Students If a member of law enforcement, including an ICE agent, requests access to a student, staff should refer the agent to a designated district employee to ensure proper protocol is followed. An example protocol can be found in this guidance from the School Superintendents Association. The school or district should also immediately notify the student's parent or guardian, unless prevented from doing so by the terms of a judicial warrant or subpoena. The district's legal counsel should be consulted on an appropriate response before proceeding. Staff members should not attempt to physically prevent an ICE agent or other law enforcement officer from entering the building, even if the agent does not appear to be authorized to enter. The staff member should immediately notify a designated district employee and document the agent's actions while on campus. Audio or video recording by staff members of any interaction is allowed.

How Schools Can Support Their Students and Communities By taking proactive steps to establish, enforce, and communicate policies about how school officials plan to respond to federal immigration enforcement on their campuses and in their communities, districts can help build trust with students and families and mitigate negative impacts that may result from recent changes. To the extent they have not already done so, school districts may want to consider the following:

- Affirm to your community your commitment to providing all children with a free public education, protecting student privacy, and maintaining a school environment conducive to learning.
- Share with staff and community your district's policies related to requests from federal immigration enforcement officials for information or access to students. Identify an appropriate district employee who can answer questions and receive feedback.
- In conjunction with legal counsel, provide training on student and employee rights and responsibilities in complying with their legal duties. Ensure that School Resource Officers or their equivalent employee understand that Minnesota law prohibits state

and local law enforcement officials from holding an individual on an immigration detainer, as described in a recent Minnesota Attorney General Advisory Opinion.

- Let staff members know that federal officials cannot compel their assistance in enforcing federal immigration laws, and that they should not obstruct the actions of federal officials.
- Designate an appropriate district employee to serve as the individual who will ensure that ICE agents or law enforcement follow legal protocol when requesting access to students or student records.
- Ensure that student data privacy policies are up to date, and all staff, volunteers, and/or third-party vendors who may have access to student data receive regular training on their obligations to protect student privacy.
- Provide parents/guardians with regular opportunities to update their student's emergency contact information, alternative caretaker contacts, and authorized pick-up contacts.
- Consider flexible or alternate options for student transportation.
- Offer students and staff members mental-health resources, such as counseling and peer support groups.
- Ensure that all reports of bullying or harassment are thoroughly investigated.
- Share resources for developing an emergency plan with families, such as this guide from American Federation of Teachers.
- Review your district's policy or guidance to ensure it includes information on what to do if a student cannot safely return home.



## **Executive Order January 20, 2025: PROTECTING THE AMERICAN PEOPLE AGAINST INVASION President Donald Trump**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (INA) (8 U.S.C. 1101 *et seq.*) and section 301 of title 3, United States Code, it is hereby ordered:

Section 1. Purpose. Over the last 4 years, the prior administration invited, administered, and oversaw an unprecedented flood of illegal immigration into the United States. Millions of illegal aliens crossed our borders or were permitted to fly directly into the United States on commercial flights and allowed to settle in American communities, in violation of longstanding Federal laws.

Many of these aliens unlawfully within the United States present significant threats to national security and public safety, committing vile and heinous acts against innocent Americans. Others are engaged in hostile activities, including espionage, economic espionage, and preparations for terror-related activities. Many have abused the generosity of the American people, and their presence in the United States has cost taxpayers billions of dollars at the Federal, State, and local levels.

Enforcing our Nation's immigration laws is critically important to the national security and public safety of the United States. The American people deserve a Federal Government that puts their interests first and a Government that understands its sacred obligation to prioritize the safety, security, and financial and economic well-being of Americans.

This order ensures that the Federal Government protects the American people by faithfully executing the immigration laws of the United States.

Sec. 2. Policy. It is the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people. Further, it is the policy of the United States to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities.

Sec. 3. Faithful Execution of the Immigration Laws. In furtherance of the policies described in section 2 of this order:

(a) Executive Order 13993 of January 20, 2021 (Revision of Civil Immigration Enforcement Policies and Priorities), Executive Order 14010 of February 2, 2021 (Creating a Comprehensive Regional Framework To Address the Causes of Migration, To Manage Migration Throughout North and Central America, and To Provide Safe and Orderly Processing of Asylum Seekers at the United States Border), Executive Order 14011 of February 2, 2021 (Establishment of Interagency Task Force on the Reunification of Families), and Executive Order 14012 of February 2, 2021 (Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans) are hereby revoked; and

(b) Executive departments and agencies (agencies) shall take all appropriate action to promptly revoke all memoranda, guidance, or other policies based on the Executive Orders revoked in

section 3(a) of this order and shall employ all lawful means to ensure the faithful execution of the immigration laws of the United States against all inadmissible and removable aliens.

Sec. 4. Civil Enforcement Priorities. The Secretary of Homeland Security shall take all appropriate action to enable the Director of U.S. Immigration and Customs Enforcement, the Commissioner of U.S. Customs and Border Protection, and the Director of U.S. Citizenship and Immigration Services to set priorities for their agencies that protect the public safety and national security interests of the American people, including by ensuring the successful enforcement of final orders of removal. Further, the Secretary of Homeland Security shall ensure that the primary mission of U.S. Immigration and Customs Enforcement's Homeland Security Investigations division is the enforcement of the provisions of the INA and other Federal laws related to the illegal entry and unlawful presence of aliens in the United States and the enforcement of the purposes of this order.

Sec. 5. Criminal Enforcement Priorities. The Attorney General, in coordination with the Secretary of State and the Secretary of Homeland Security, shall take all appropriate action to prioritize the prosecution of criminal offenses related to the unauthorized entry or continued unauthorized presence of aliens in the United States.

Sec. 6. Federal Homeland Security Task Forces. (a) The Attorney General and the Secretary of Homeland Security shall take all appropriate action to jointly establish Homeland Security Task Forces (HSTFs) in all States nationwide.

(b) The composition of each HSTF shall be subject to the direction of the Attorney General and the Secretary of Homeland Security, but shall include representation from any other Federal agencies with law enforcement officers, or agencies with the ability to provide logistics, intelligence, and operational support to the HSTFs, and shall also include representation from relevant State and local law enforcement agencies. The heads of all Federal agencies shall take all appropriate action to provide support to the Attorney General and the Secretary of Homeland Security to ensure that the HSTFs fulfill the objectives in subsection (c) of this section, and any other lawful purpose that fulfills the policy objectives of this order.

(c) The objective of each HSTF is to end the presence of criminal cartels, foreign gangs, and transnational criminal organizations throughout the United States, dismantle cross-border human smuggling and trafficking networks, end the scourge of human smuggling and trafficking, with a particular focus on such offenses involving children, and ensure the use of all available law enforcement tools to faithfully execute the immigration laws of the United States.

(d) The Attorney General and the Secretary of Homeland Security shall take all appropriate action to provide an operational command center to coordinate the activities of the HSTFs and provide such support as they may require, and shall also take all appropriate action to provide supervisory direction to their activities as may be required.

Sec. 7. Identification of Unregistered Illegal Aliens. The Secretary of Homeland Security, in coordination with the Secretary of State and the Attorney General, shall take all appropriate action to:

- (a) Immediately announce and publicize information about the legal obligation of all previously unregistered aliens in the United States to comply with the requirements of part VII of subchapter II of chapter 12 of title 8, United States Code;
- (b) Ensure that all previously unregistered aliens in the United States comply with the requirements of part VII of subchapter II of chapter 12 of title 8, United States Code; and
- (c) Ensure that failure to comply with the legal obligations of part VII of subchapter II of chapter 12 of title 8, United States Code, is treated as a civil and criminal enforcement priority.

Sec. 8. Civil Fines and Penalties. (a) The Secretary of Homeland Security, in coordination with the Secretary of Treasury, shall take all appropriate action to ensure the assessment and collection of all fines and penalties that the Secretary of Homeland Security is authorized by law to assess and collect from aliens unlawfully present in the United States, including aliens who unlawfully entered or unlawfully attempted to enter the United States, and from those who facilitate such aliens' presence in the United States.

(b) Within 90 days of the date of this order, the Secretary of the Treasury and the Secretary of Homeland Security shall submit a report to the President regarding their progress implementing the requirements of this section and recommending any additional actions that may need to be taken to achieve its objectives.

Sec. 9. Efficient Removals of Recent Entrants and Other Aliens. The Secretary of Homeland Security shall take all appropriate action, pursuant to section 235(b)(1)(A)(iii)(I) of the INA (8 U.S.C. 1225(b)(1)(A)(iii)(I)), to apply, in her sole and unreviewable discretion, the provisions of section 235(b)(1)(A)(i) and (ii) of the INA to the aliens designated under section 235(b)(1)(A)(iii)(II). Further, the Secretary of Homeland Security shall promptly take appropriate action to use all other provisions of the immigration laws or any other Federal law, including, but not limited to sections 238 and 240(d) of the INA (8 U.S.C. 1228 and 1229a(d)), to ensure the efficient and expedited removal of aliens from the United States.

Sec. 10. Detention Facilities. The Secretary of Homeland Security shall promptly take all appropriate action and allocate all legally available resources or establish contracts to construct, operate, control, or use facilities to detain removable aliens. The Secretary of Homeland Security, further, shall take all appropriate actions to ensure the detention of aliens apprehended for violations of immigration law pending the outcome of their removal proceedings or their removal from the country, to the extent permitted by law.

Sec. 11. Federal-State Agreements. To ensure State and local law enforcement agencies across the United States can assist with the protection of the American people, the Secretary of Homeland Security shall, to the maximum extent permitted by law, and with the consent of State or local officials as appropriate, take appropriate action, through agreements under section 287(g) of the INA (8 U.S.C. 1357(g)) or otherwise, to authorize State and local law enforcement officials, as the Secretary of Homeland Security determines are qualified and appropriate, to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States under the direction and the supervision of the Secretary of Homeland Security. Such authorization shall be in addition to, rather than in place of, Federal performance of these duties. To the extent permitted by law, the Secretary of Homeland

Security may structure each agreement under section 287(g) of the INA (8 U.S.C. 1357(g)) in the manner that provides the most effective model for enforcing Federal immigration laws in that jurisdiction.

Sec. 12. Encouraging Voluntary Compliance with the Law. The Secretary of Homeland Security shall take all appropriate action, in coordination with the Secretary of State and the Attorney General, and subject to adequate safeguards, assurances, bonds, and any other lawful measure, to adopt policies and procedures to encourage aliens unlawfully in the United States to voluntarily depart as soon as possible, including through enhanced usage of the provisions of section 240B of the INA (8 U.S.C. 1229c), international agreements or assistance, or any other measures that encourage aliens unlawfully in the United States to depart as promptly as possible, including through removals of aliens as provided by section 250 of the INA (8 U.S.C. 1260).

Sec. 13. Recalcitrant Countries. The Secretary of State and the Secretary of Homeland Security shall take all appropriate action to:

(a) Cooperate and effectively implement, as appropriate, the sanctions provided by section 243(d) of the INA (8 U.S.C. 1253(d)), with the Secretary of State, to the maximum extent permitted by law, ensuring that diplomatic efforts and negotiations with foreign states include the foreign states' acceptance of their nationals who are subject to removal from the United States; and

(b) Eliminate all documentary barriers, dilatory tactics, or other restrictions that prevent the prompt repatriation of aliens to any foreign state. Any failure or delay by a foreign state to verify the identity of a national of that state shall be considered in carrying out subsection (a) this section, and shall also be considered regarding the issuance of any other sanctions that may be available to the United States.

Sec. 14. Visa Bonds. The Secretary of Treasury shall take all appropriate action, in coordination with the Secretary of State and the Secretary of Homeland Security, to establish a system to facilitate the administration of all bonds that the Secretary of State or the Secretary of Homeland Security may lawfully require to administer the provisions of the INA.

Sec. 15. Reestablishment of the VOICE Office and Addressing Victims of Crimes Committed by Removable Aliens. The Secretary of Homeland Security shall direct the Director of U.S. Immigration and Customs Enforcement (ICE) to take all appropriate and lawful action to reestablish within ICE an office to provide proactive, timely, adequate, and professional services to victims of crimes committed by removable aliens, and those victims' family members. The Attorney General shall also ensure that the provisions of 18 U.S.C. 3771 are followed in all Federal prosecutions involving crimes committed by removable aliens.

Sec. 16. Addressing Actions by the Previous Administration. The Secretary of State, the Attorney General, and the Secretary of Homeland Security shall promptly take all appropriate action, consistent with law, to rescind the policy decisions of the previous administration that led to the increased or continued presence of illegal aliens in the United States, and align any and all departmental activities with the policies set out by this order and the immigration laws. Such action should include, but is not limited to:

(a) ensuring that the parole authority under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) is exercised on only a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual alien demonstrates urgent humanitarian reasons or a significant public benefit derived from their particular continued presence in the United States arising from such parole;

(b) ensuring that designations of Temporary Protected Status are consistent with the provisions of section 244 of the INA (8 U.S.C. 1254a), and that such designations are appropriately limited in scope and made for only so long as may be necessary to fulfill the textual requirements of that statute; and

(c) ensuring that employment authorization is provided in a manner consistent with section 274A of the INA (8 U.S.C. 1324a), and that employment authorization is not provided to any unauthorized alien in the United States.

Sec. 17. Sanctuary Jurisdictions. The Attorney General and the Secretary of Homeland Security shall, to the maximum extent possible under law, evaluate and undertake any lawful actions to ensure that so-called “sanctuary” jurisdictions, which seek to interfere with the lawful exercise of Federal law enforcement operations, do not receive access to Federal funds.

Further, the Attorney General and the Secretary of Homeland Security shall evaluate and undertake any other lawful actions, criminal or civil, that they deem warranted based on any such jurisdiction’s practices that interfere with the enforcement of Federal law.

Sec. 18. Information Sharing. (a) The Secretary of Homeland Security shall promptly issue guidance to ensure maximum compliance by Department of Homeland Security personnel with the provisions of 8 U.S.C. 1373 and 8 U.S.C. 1644 and ensure that State and local governments are provided with the information necessary to fulfill law enforcement, citizenship, or immigration status verification requirements authorized by law; and

(b) The Attorney General, the Secretary of Health and Human Services, and the Secretary of Homeland Security shall take all appropriate action to stop the trafficking and smuggling of alien children into the United States, including through the sharing of any information necessary to assist in the achievement of that objective.

Sec. 19. Funding Review. The Attorney General and the Secretary of Homeland Security shall:

(a) Immediately review and, if appropriate, audit all contracts, grants, or other agreements providing Federal funding to non-governmental organizations supporting or providing services, either directly or indirectly, to removable or illegal aliens, to ensure that such agreements conform to applicable law and are free of waste, fraud, and abuse, and that they do not promote or facilitate violations of our immigration laws;

(b) Pause distribution of all further funds pursuant to such agreements pending the results of the review in subsection (a) of this section;

(c) Terminate all such agreements determined to be in violation of law or to be sources of waste, fraud, or abuse and prohibit any such future agreements;

(d) Coordinate with the Director of the Office of Management and Budget to ensure that no funding for agreements described in subsection (c) of this section is included in any appropriations request for the Department of Justice or the Department of Homeland Security; and

(e) Initiate clawback or recoupment procedures, if appropriate, for any agreements described in subsection (c) of this section.

Sec. 20. Denial of Public Benefits to Illegal Aliens. The Director of the Office of Management and Budget shall take all appropriate action to ensure that all agencies identify and stop the provision of any public benefits to any illegal alien not authorized to receive them under the provisions of the INA or other relevant statutory provisions.

Sec. 21. Hiring More Agents and Officers. Subject to available appropriations, the Secretary of Homeland Security, through the Commissioner of U.S. Customs and Border Protection and the Director of U.S. Immigration and Customs Enforcement, shall take all appropriate action to significantly increase the number of agents and officers available to perform the duties of immigration officers.

Sec. 22. Severability. It is the policy of the United States to enforce this order to the maximum extent possible to advance the interests of the United States. Accordingly:

(a) If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its other provisions to any other persons or circumstances shall not be affected thereby; and

(b) If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid because of the failure to follow certain procedures, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 23. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.