

Immigration Issues for Minnesota Educators 2.0



ICE IN MINNESOTA: WHAT MSCF MEMBERS CAN DO



February 2026





AGENDA

- Legal Protections
- Recent ICE/Border Patrol actions in MN
- Preparing for a visit from ICE
- Responding to ICE on school grounds
- Post-Arrest Actions and Legal Support
- Actions Educators Can Take and Actions to Avoid
- Question and answer

LEGAL PROTECTIONS



CONSTITUTIONAL AND STATUTORY RIGHTS

LEGAL PROTECTION	DESCRIPTION
First Amendment	Right to film ICE actions as long as not impeding, right to peacefully protest
Fourth Amendment	Judicial warrant required for entry into private spaces
Fourteenth Amendment	Equal protection; <i>Plyler v. Doe</i> (1986) held it prohibits denial of public education based on immigration status
FERPA/MGDPA	Protects student data from unauthorized disclosure
Sensitive Locations Policy	Internal DHS policy that previously restricted ICE entry into schools, churches, and hospitals; rescinded by Trump administration in 2025



RECENT ICE AND BORDER PATROL ACTIONS IN MINNESOTA

RECENT ICE ACTIONS IN MN

- **Roughly 3,000 ICE/Border Patrol agents currently in MN as part of “Operation Metro Surge”**
- Many agents are engaging in **dangerous, unlawful conduct:**
 - Entering homes and businesses without a judicial warrant and conducting often violent arrests.
 - Arresting and detaining legal observers and/or protesters who resist them verbally.
 - Alleged racial profiling and arresting without ability to prove citizenship.
 - **Conducting enforcement activities at or near schools.**

Minneapolis closes schools after Border Patrol detains special ed assistant outside Roosevelt High

The incident, which occurred shortly after school let out, came as Border Patrol agents were chasing another person through the neighborhood.



by Becky Z. Dernbach

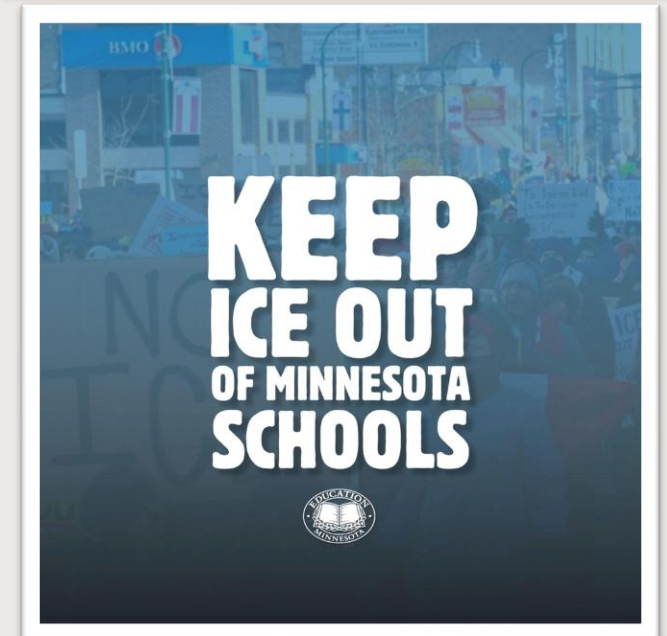
January 8, 2026



RECENT ICE ACTIONS IN MN

Current lawsuits

- ***Tincher v. Noem***: Protesters and legal observers
- ***PCUN v. Noem***: Parents, NEA/AFT, educators
- ***Minnesota v. Noem***: Minnesota, Minneapolis, St. Paul
- ***Fridley v. Noem***: *Education MN and two MN school districts*





PREPARING FOR ICE VISITS: SCHOOL AND CAMPUS PROTOCOLS

PROACTIVE MEASURES FOR SCHOOLS

Train all staff in a safety plan in the event of ICE presence in a school:

- How will staff be notified?
- Will there be a lockdown?
- What should be said to students if ICE are present?



PROACTIVE MEASURES FOR SCHOOLS

Student Preparation:

- Communicate basic security procedures to students
- Help establish a **staff response team** to help families who lose a caregiver or source of income due to immigration enforcement.
- **Provide resources** to students and their families without giving direct legal advice:
 - [Know Your Rights Cards \(“Red Cards”\)](#)
 - [Immigration Attorney Lists](#)
 - [Delegation of Parental Authority \(DOPA\) forms](#)



[Mutual aid organizations throughout Minnesota](#)

PROACTIVE MEASURES FOR SCHOOLS

You have constitutional rights:

- **DO NOT OPEN THE DOOR** if an immigration agent is knocking on the door.
- **DO NOT ANSWER ANY QUESTIONS** from an immigration agent if they try to talk to you. You have the right to remain silent.
- **DO NOT SIGN ANYTHING** without first speaking to a lawyer. You have the right to speak with a lawyer.
- If you are outside of your home, ask the agent if you are free to leave and if they say yes, leave calmly.
- **GIVE THIS CARD TO THE AGENT.** If you are inside of your home, show the card through the window or slide it under the door.

Local president name: _____

Local president phone: _____



Local union preparation

- Print and distribute EdMN **Know Your Rights cards**, [available on EdMN website](#) in multiple languages, include local president's name and contact information.
- Encourage members to provide emergency contact information to the local, if possible.
- Local may want consider using an app like Signal for members to opt-in if they want to receive information about reported ICE activity on or near school grounds.

RESPONDING TO ICE ON SCHOOL GROUNDS





STAFF ROLES IF ICE ARRIVES ON CAMPUS

Outdoor safety patrol and front-desk staff:

- Send someone to alert administration immediately if they are not already present.
- **Request documentation.** Ask for the agent's full name, agency affiliation, badge number, and stated reason for the visit. Photograph and/or write down this information immediately.
- If possible, staff should **record ICE agents from a safe distance** (at least eight feet) but try not to capture students and *do not* livestream.



STAFF ROLES IF ICE ARRIVES AT YOUR CLASSROOM

- MN State has a January 2025 FAQ with general guidelines:
 - Direct to the appropriate administrator
 - Do not attempt to physically prevent an agent from carrying out enforcement activities
 - Leave the area if there are safety concerns
 - Do not answer questions or provide information on students without a judicial warrant

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

File No: _____

Date: _____

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
- a designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

**Administrative
warrant-not
enforceable**

(Signature of immigration officer)

(Title of immigration officer)

(Date and office location)

UNITED STATES DISTRICT COURT

for the

United States of America
v.

)
)
)
)
)
)

Case No.

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) _____

who is accused of an offense or violation based on the following document filed with the court:

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

This offense is briefly described as follows:

**Judicial warrant-
compels compliance**

Date: _____
Issuing officer's signature

City and state: _____
Printed name and title

Return

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

Date: _____
Arresting officer's signature

Printed name and title

<https://www.motilonlaw.com/the-difference-between-judicial-and-administrative-warrants/>

KEEP ICE OUT OF MINNESOTA SCHOOLS



STAFF ROLES IF ICE ARRIVES AT YOUR CLASSROOM

Additional EdMN recommendations:

- Every educator needs to decide for themselves what level of risk they are comfortable with, balancing the risk to yourself against risks to others.
- Seek clarification from admin on what campus security would do if ICE enters without a warrant and refuses to leave.
- **Recording agents *should be* legally protected, but has caused people to be arrested.** Safer if done at least eight feet away, move back if asked.

SPREAD INFORMATION, NOT PANIC

When reporting or boosting potential threats: provide as much information as possible!



REMEMBER! → **S . A . L . U . T . E**

Size/Strength

"5 to 6 law enforcement officers"

Actions/Activity

"harassing random people on the street"

Location/Direction

"Chicago, West of Millennium Park, on Michigan Ave"

Uniform/clothes

"Dark Blue uniforms that say 'Police ICE' on the back"

Time and date of observation

"12:45 PM January 20"

Equipment and weapons

"They have helmets, vests and batons"

STAFF ROLES IF ICE ARRIVES AT SCHOOL

Reporting Chain for events at or near schools:

- Member > President or Building Rep > EdMN Field Staff > EdMN Legal
- EdMN Legal will
 - Share information about ICE presence with trusted organizations if additional observers are needed
 - Track for potential litigation purposes
 - **Help find out where a person has been detained connect family of anyone arrested with legal counsel, if desired**



POST-ARREST ACTIONS AND LEGAL SUPPORT

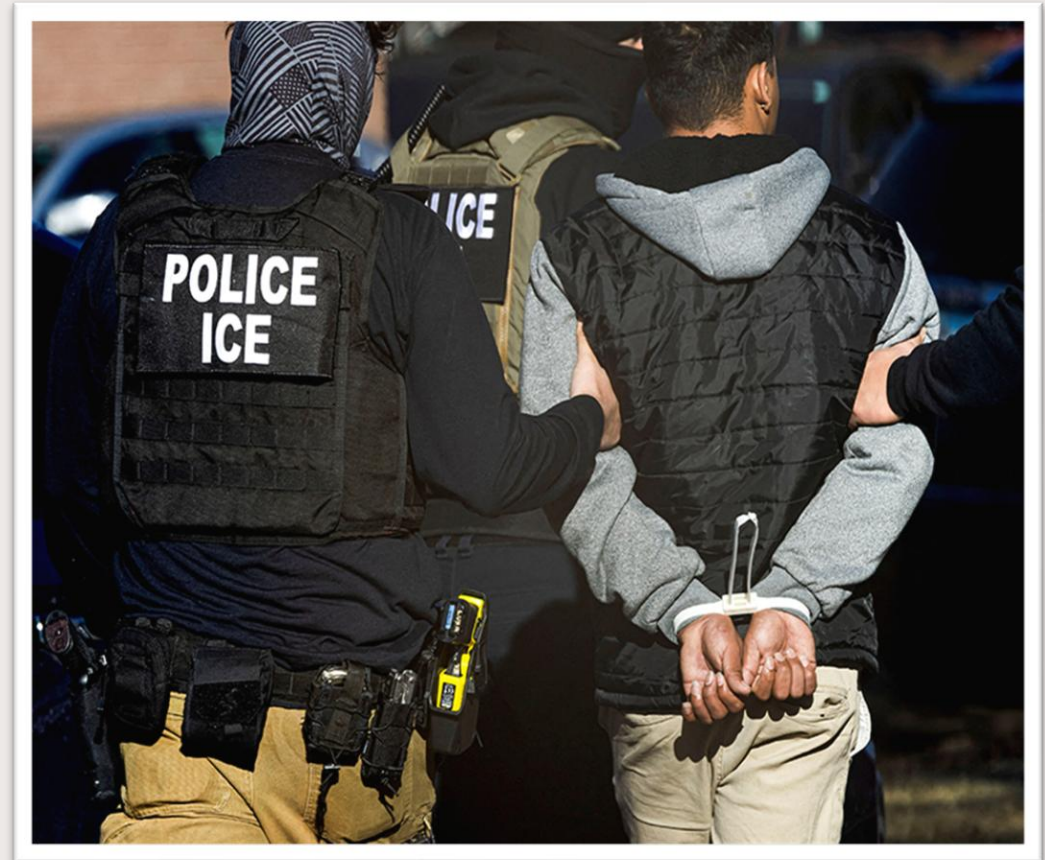
POST ARREST ACTIONS

Student/Parent arrests:

- School staff can provide information to help connect parents or family members to legal assistance:
 - [Resources for assisting people facing deportation](#)
 - [Immigration attorneys in Minnesota](#)

Educator-Member Arrests:

- Contact family member to inform and confirm desire for legal assistance.
- Provide information to Local Leader to share with Field Staff in order to arrange legal representation.
- EdMN can also assist family members in securing legal representation.



POST ARREST ACTIONS

Education Minnesota Legal Services Policy

Legal representation in the event of arrest and/or criminal charges is available for educators acting “within the course and scope of their employment,” which usually means:

- Physically at work, and
- During work hours, and
- Performing work duties or duties as directed or duties impliedly authorized to perform.

Post charge, member is responsible for paying costs but is eligible for reimbursement if charges are dropped or dismissed.



Submit requests to Field Staff to be connected with an Education MN attorney.

ARRESTS FOR ACTIONS OUTSIDE OF WORK

***EDMN LSP Amendment in 2016:**

Education Minnesota may, at its sole discretion, pay attorney fees and/or provide legal representation in post-charge/indictment criminal matters involving actions that advance organizational values, goals or objectives.

*** Exception to general rule that criminal representation must stem from conduct at work**



Submit requests to Field Staff to be connected with an Education MN attorney.

POST ARREST ACTIONS

Immigration Law Assistance

- No in-house immigration representation and no guarantee of representation
- Financial support from NEA for immigration related assistance to members
- EdMN is also part of an immigration legal aid program for union members and their families created by Minneapolis Regional Labor Federation.
- [Donate here!](#)



Submit requests to Field Staff to be connected with an Education MN attorney.

**OTHER
ACTIONS
EDUCATORS
CAN TAKE AND
ACTIONS TO
AVOID**





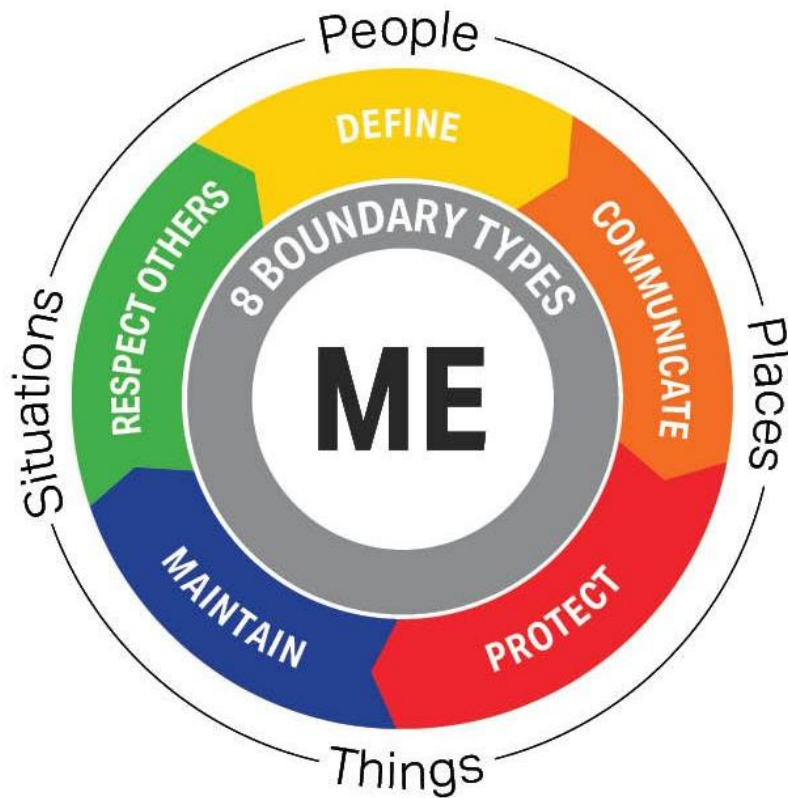
POSITIVE EDUCATOR ALLYSHIP ACTIONS

- Donate food and rides to staff and families who are vulnerable. Coordinate with administration, your local/IO, and/or parent groups.
- **Participate in demonstrations peacefully outside of work time, which are protected under the First Amendment and your union contract.**
- Sign and share [the EdMN petition demanding that ICE stay out of schools](#)
- Take a legal observer training through Monarca or EdMN.
- Continue providing the education, comfort, and normalcy that students and families need right now.

Healthy Boundaries

How can I build and maintain healthy relationships?

Boundary Management Practices



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ACTIONS FOR EDUCATORS TO AVOID

- Commenting publicly on the immigration arrest of any student or their parents.
- Encouraging undocumented students or students from mixed status families to tell their stories in class or participate in actions that could jeopardize them.
- Providing legal advice to students or their families beyond basic “know your rights” information.
- Starting fundraisers for students or families without your school administration’s approval.
- **Listing yourself as emergency guardian on a DOPA form, or providing supervision for students outside of school unless you know the student or family outside of work and have parents’ permission.**

QUESTION AND ANSWER

Type questions into chat



KEEP ICE OUT OF MINNESOTA SCHOOLS



Would colleges be covered in the lawsuit that EM and School Districts filed against DHS?

Yes! The sensitive locations policy we are trying to get reinstated applied to colleges and universities (in addition to daycares). If you have witnessed ICE at or near a MN State campus where you work and are interested in providing a declaration for the lawsuit, please contact me.

KEEP ICE OUT OF MINNESOTA SCHOOLS



Advice on coordinating mutual aid or giving rides to students or colleagues:

- Clear with administration, especially the rides.
- Rides are less risky for higher ed students than K-12, but not being alone with a single student is a good idea.
- For mutual aid, there is a danger of ICE/CBP following volunteers to the homes of vulnerable individuals. Find an alternate safe location, don't use work email to coordinate.

KEEP ICE OUT OF MINNESOTA SCHOOLS



If ICE is on campus, can I legally follow them from a safe distance and record?

- Recording ICE agents when you are not interfering in an arrest/operation (generally 8 feet or more) is *supposed to be* protected by the First Amendment.
- However, it is not risk free.
- We have seen many people, including our members, arrested and threatened with criminal interference charges for conduct ICE agents deem to be interference.
- Representation by EdMN depends on facts.

**KEEP
ICE OUT
OF MINNESOTA
SCHOOLS**



Is the use of whistles legally protected?

- *Tincher v. Noem* decision said it was, but that decision was overturned, at least at the PI stage, by the Eighth Circuit.
- Safety in numbers. ICE/CBP can't arrest everyone who blows a whistle, but it is certainly not risk free in terms of the possibility of being arrested and/or charged with interference.

KEEP ICE OUT OF MINNESOTA SCHOOLS



Implications for arrests outside of work?

- Depends on the conduct. Not risk free if you miss work, but generally people aren't being held more than a day.
- Generally protests and demonstrations outside of work would be protected by the First Amendment, and a school could not impose discipline. If they did, MSCF could and would grieve.
- However, if a faculty member engages in violence or actual interference outside of work, it may not be protected and could lead to discipline.

KEEP ICE OUT OF MINNESOTA SCHOOLS



Who to call if arrested?

- Put chapter president or other MSCF leader contact on Know Your Rights card that you keep with you.
- Chapter president or MSCF contact will alert Field Staff.
- Field Staff will alert EdMN legal.
- We have had fairly good success in getting people out quickly so they have not had to face overnight detention, but nothing is a guarantee.

KEEP ICE OUT OF MINNESOTA SCHOOLS



Resources for Faculty who are Doxed or targeted online?

- If it's unrelated to work, there may be little the union can do, but we do offer Securus ID at a discounted price, which can help members identify and remove harmful or sensitive information about themselves online.
- However, the DOJ has itself doxed and posted mugshots of people it has charged with interference on very weak evidence.
- Members who face threats can file an HRO in the district court in which they live. No EdMN assistance if unrelated to work, but we can share information about the process.

SOLIDARITY



IS OUR SUPERPOWER

THANK YOU!

Please complete our [online survey](#) and include any questions we were not able to cover during the live presentation.

For our most up-to-date resources on immigration enforcement in Minnesota, please visit www.educationminnesota.org/immigration