

## Suggested protocols when encountering an immigration agent on or near college campuses



### **i** What the law says about ICE on college campuses

On Jan. 20, 2025, the Trump administration rescinded a policy memo that limited immigration enforcement activities in or near certain protected areas—such as college campuses, schools, healthcare facilities and places of worship. As a result, Immigration and Customs Enforcement officers and agents are allowed to conduct enforcement actions in formerly protected areas.

The Trump administration has also empowered other federal law enforcement agencies and local law enforcement to take immigration enforcement actions. This means that the presence of other law enforcement officers on campus—including DEA, ATF, FBI or local law enforcement—could make noncitizen students vulnerable to immigration enforcement.

### **It's important to remember that our students, faculty and members of the immigrant community still have basic constitutional rights.**

There are important steps that can be taken to support our immigrant community in all formerly designated protected areas.

#### **These steps include:**

- Identify any applicable federal, state and local laws and policies that protect immigrant communities.
- If policies don't exist, develop a written response policy and preparedness plan in advance of any potential interaction with an immigration enforcement officer on or near the college campus.
- This should include designating a clear point of contact for property access requests, as well as instructions on how and where to direct ICE officers, and ensuring that relevant campus staff are trained on the policy and how to implement it.

### **i** Can colleges prevent ICE from going on campus?

Whether ICE can enter a campus to take enforcement action depends on whether the area is considered public. Federal immigration enforcement officers can enter public areas without a warrant, just like any member of the public. However, officers cannot access nonpublic areas of campus without permission from an authorized campus official. Institutional employees are not required to grant access, provide documents or assist federal immigration officers in entering nonpublic areas of the campus. Federal immigration enforcement agents may not enter areas that are private without a legally sufficient judicial warrant.

It is important to note that ICE or federal officials from the Department of Homeland Security may be on college campuses for reasons unrelated to enforcement actions. Universities with international programs are required to report certain information about international students on an F-1 or J-1 visa to ICE. This reporting is routine, and the university is required to comply with on-site visits to review records when requested.

### **i** 10 steps college campuses can take to support students, faculty and staff

1. **Establish campus policies and protocols when encountering ICE on campus.** Colleges should consider designating someone in the office of the general counsel to respond to ICE requests for information. Establish clear protocols and policies restricting ICE agents or other law enforcement agents from accessing private areas of the college campus that require a student ID or employee badge to unlock doors (e.g., residential halls, campus libraries, academic and student resource centers) without a judicial warrant. Institutions should ensure that their campus has appropriate signage indicating which spaces are not open to the public. Campus police should also create a policy prohibiting the use of time, money, space or personnel for civil immigration enforcement efforts, except where required by state or federal law.

### **Do's and Don'ts for students and faculty if ICE authorities are on campus.**

- ➔ **Immediately notify the office of the president/chancellor** if a request is made by federal law enforcement and/or local law enforcement officers to access a campus or a student's information/records, or if you observe the presence of officers on campus or questioning students near campus.
- ➔ **Do not open the door to private areas on campus.** ICE authorities cannot come in without a warrant signed by a judge. Tell them to pass the warrant under the door before you open it. Note that ICE agents often present "immigration" warrants, which are administrative and not signed by a judge—these are not legally sufficient.
- ➔ **Remain silent.** ICE can use anything you say against you in your immigration case, so claim your right to remain silent. Say, "I plead the Fifth and choose to remain silent."
- ➔ **Do not sign.** Don't sign anything ICE gives you without talking to an attorney.
- ➔ **Document the encounter.** Take pictures, videos and notes. Write down badge numbers, the number of agents and exactly what happened.

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2. **Offer Know Your Rights trainings and support students facing expedited removal.** Offer regular trainings to educate students and employees about their legal rights in case they encounter immigration enforcement officers. Provide support to students at risk of a fast-track deportation process called expedited removal. Students should carry documentation to establish they have been in the United States for more than two years, making them ineligible for expedited removal. It could be helpful for the college to provide a school ID card with a date of issuance, school registration records or other certified paperwork of residence. Alternate documents that may be most helpful in establishing the two-year presence: driver's licenses or local government issued ID cards, if dated; library cards, if dated; utility bills addressed to the individual; documentation about medical visits or prescription information indicating presence at a U.S. medical office or pharmacy; and bank statements or bank transaction records.
3. **Provide legal and mental health support.** Provide free legal aid and mental health counseling for immigrant students, employees and their families facing uncertainty. If your campus does not provide legal services, partner with community organizations and legal aid networks in your area.
4. **Protect student records.** Do not release student records to ICE without a judicial warrant or judicial subpoena. Establish clear institutional policies that require legal review before responding to any ICE request for student or employee information.
5. **Reaffirm student data and privacy protections.** Ensure that student records, including immigration status, are kept private and not shared with federal agencies unless you are legally required to do so.
  - **Enforce FERPA protections.** The Family Educational Rights and Privacy Act prohibits schools from sharing student records, including immigration status, without the student's written consent.
  - International students and scholars are affected differently. FERPA permits institutions to comply with information requests from DHS in order to comply with the requirements of the Student and Exchange Visitor Program. However, the information that can be requested and provided is limited to the categories listed in DHS regulations, and such requests must be directed to a campus designated school official (DSO). For all other information, international students' records are protected under FERPA in the same manner as other education records in the United States.
  - **Ensure staff and faculty are trained on the FERPA** guidelines and understand that FERPA protects information in a student's educational record. For additional guidance, see the Presidents' Alliance's "Guidance for Higher Education on Immigrant Student Privacy and FERPA" at <https://bit.ly/41zUFFT>.
  - **Review data collection policies and restrict data collection.** Avoid collecting unnecessary information about immigration status in student records. If such information is required for financial aid and scholarships, ensure it is stored securely and access is restricted.
6. **Develop an emergency preparedness plan.** Create an emergency preparedness plan to assist students and employees in case of an immigration raid or detention.
7. **Establish community partnerships.** Work with local immigrant rights organizations to provide additional resources and advocacy to support immigrant students, school support personnel and faculty who may be impacted by immigration enforcement.
8. **Establish a Dream Resource Center on campus.** Dream Resource Centers have been essential in providing immigrant students with academic and personal support.
9. **Offer scholarships and financial aid.** Expand access to institutional scholarships, internships, fellowships, career opportunities and financial aid to undocumented students who may not qualify for federal financial aid.
10. **Issue public statements of support.** University presidents, college trustees and leadership staff can issue statements reaffirming the institution's commitment to protecting immigrant students and employees and make these statements available in various languages.

## Do's and Don'ts for students and faculty if ICE authorities are on campus (continued).

- **Be prepared.** Noncitizen students and employees with lawful immigration status should carry proof of their status with them. Undocumented students and employees should gather and carry with them proof that they have lived in the United States for more than two years and present this proof only if they are arrested (such proof can protect against being put in a fast-track deportation process).
- **Fight back!** Get a trustworthy attorney, contact a local immigrant rights organization and explore all options to fight your case. If detained, you may be able to get bail—don't give up hope.

## For more resources and information, contact:

- **AFT**  
[www.aft.org/immigration](http://www.aft.org/immigration)
- **National Immigration Law Center**  
[www.nilc.org](http://www.nilc.org)
- **Presidents' Alliance on Higher Education and Immigration**  
[www.presidentsalliance.org](http://www.presidentsalliance.org)
- **American Association of University Professors**  
[www.aaup.org](http://www.aaup.org)
- **American Civil Liberties Union**  
[www.aclu.org/know-your-rights/immigrants-rights](http://www.aclu.org/know-your-rights/immigrants-rights)