



## IMMIGRATION ENFORCEMENT ON CAMPUSES: WHAT YOU NEED TO KNOW<sup>1</sup>

Updated February 24, 2025

This FAQ provides answers to common questions related to federal immigration enforcement on campuses. It outlines institutional obligations in the event of U.S. Immigration and Customs Enforcement (ICE) or other federal immigration enforcement presence on campuses, and how institutions of higher education can protect members of their campus communities. For additional resources on ICE, campus safety, and immigrant rights, visit the [Rights and Protections resource hub](#) on the [Higher Ed Immigration Portal](#).

On January 20, 2025, the new Administration [rescinded the 2021 policy](#) that prohibited federal immigration officers from taking enforcement actions (such as an arrest) “to the fullest extent possible” in or near protected areas, including schools, hospitals, and places of worship.<sup>2</sup> As a result of this rescission, campuses no longer have special protections from immigration enforcement. As of the date of this writing, ICE has not provided a specific directive about how and whether it will take enforcement action on campuses. Importantly, the rescission itself does not mean that previously protected areas are now priorities for immigration enforcement.

### **1. Are federal immigration enforcement officers allowed to enter campuses and make arrests?**

Federal immigration officers from the Department of Homeland Security (“DHS”), including ICE, U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), or other agencies may come to campuses for different reasons, including apprehending individuals, requesting information or records on individuals, conducting unannounced visits to inspect I-9 employment verification records, and/or performing administrative site visits for visa compliance reviews. These unannounced visits can be stressful, and campus community members may feel pressure to comply with all requests, even when such actions are not required or legally mandated. Therefore, it is crucial for all members of the campus community, including employees and students, to understand their rights and responsibilities when interacting with ICE or other federal immigration officers.

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<sup>1</sup> This resource is intended for information purposes only and does not constitute specific legal advice. Institutions should consult legal counsel to address their specific legal issues.

<sup>2</sup> On February 24, 2025, the [United States District Court for the District of Maryland](#) entered a [temporary restraining order](#) that “bars the application of the 2025 Policy to places of worship” of [plaintiffs](#) in the case, pending further proceedings.

Whether federal immigration enforcement officers 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.<sup>3</sup> Campus employees are not required to grant access, provide documents, or assist federal immigration officers in entering nonpublic areas of the campus.

**NOTE:** On January 23, 2025, the Department of Homeland Security issued a [directive](#) granting certain law enforcement components of the Department of Justice, such as the U.S. Marshals, authority to carry out immigration enforcement functions. These agencies are subject to the same laws and regulations as ICE.

## **2. What is the difference between a “public” and “nonpublic” campus space? What protocols should be established to designate these spaces?**

Identifying “public” and “nonpublic” areas of campus is an important exercise for both public and private institutions in planning for any law enforcement visits.

The difference between public and nonpublic spaces on a campus is important in determining the level of access federal immigration officers have and whether they need a warrant or consent to enter. Under the Fourth Amendment, which protects individuals from unreasonable searches and seizures, individuals have a reasonable expectation of privacy in nonpublic spaces, meaning that ICE officers cannot enter without a judicial warrant signed by a judge or explicit consent from an authorized campus official. Nonpublic spaces include spaces where access to the public is limited, including spaces where access is restricted by university-issued ID cards, locked doors or monitored entryways, university residence halls, and other monitored-entry spaces. Additionally, some spaces may be left unlocked during work hours but are still not considered public due to their function, such as faculty and administrator offices, classrooms, locker rooms, and other operational facilities.

Institutions with open campuses will need to have a different protocol than closed campuses. Open campuses include those where the general public has free access to common areas without restriction, while closed campuses have restricted access requiring permission, ID badges or security clearance for entry. Both public and private institutions have the ability to limit access to spaces as operationally necessary based on a reasonable expectation of privacy.

Nonpublic spaces should be clearly designated. For example, institutions could consider creating policies related to federal immigration enforcement visits. Alternatively,

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<sup>3</sup> If a campus staff member provides consent, federal immigration officers may be permitted to take enforcement action in nonpublic spaces, even if that staff member is not an authorized campus official. Therefore, it is crucial that all campus staff understand their responsibilities and know who to contact if a federal immigration officer requests access to such areas.

institutions could revise existing law enforcement protocols or develop new protocols that address both immigration and other law enforcement activities. Additionally, institutions should ensure the campus has appropriate signage indicating which spaces are not open to the public.

### **3. When can ICE officers enter nonpublic campus spaces without consent?**

ICE officers must have a criminal arrest warrant or search warrant (i.e., a judicial warrant) to lawfully enter nonpublic areas without consent. Immigration judges and ICE officials cannot sign criminal warrants. Frequently, ICE officers who come to campus are acting on civil, not criminal, authority, and typically carry administrative warrants. **Administrative warrants are not signed by a judge and do not authorize officers to enter nonpublic areas without proper consent of the institution.** For more information on the difference between judicial and administrative warrants, see the National Immigration Law Center (NILC) resource on [Warrants and Subpoenas](#).

Without a judicial warrant, even if ICE presents an order of removal or deportation for a campus community member, the institution is not legally required to grant ICE access to nonpublic spaces or assist ICE in apprehending the individual.

Some ICE officers may be on campus for reasons unrelated to enforcement actions, such as conducting visa compliance checks for international students, faculty, and staff. For more information on this, see Question 13 below.

### **4. How should campus officials respond to an ICE request for access to a nonpublic campus space? What protocols should be established?**

Institutions should develop a clear protocol for employees and students on how to respond if an ICE officer asks for access to a nonpublic area. This should include designating a clear point of contact for property access requests, as well as instructions on how and where to direct the ICE officer. For example, institutions may produce a script to frontline staff on responding to immigration enforcement officers. This script should not place the responsibility on a frontline staff or faculty member to determine if ICE is legally authorized to enter or has a judicial warrant. Rather, campuses should have a designated official, such as the Office of General Counsel, who is immediately contacted to determine the next steps. Staff in the designated office should receive training on how to assess and respond to warrants.

Federal law prohibits hiding evidence, concealing individuals who are the targets of law enforcement (including immigration enforcement), or interfering with an arrest. Campus community members should never physically interfere with an enforcement action or do anything to put themselves in physical danger.

### **5. How should campus officials respond to unverified information regarding upcoming ICE presence on campuses?**

Campus officials should consider issuing guidance for staff on how to respond to anticipated or rumored ICE presence on campus, especially when the purpose of the visit is unclear. This protocol might include guidelines about in-person attendance for class.

Additionally, institutions should develop guidelines and best practices for communicating with the campus community about anticipated or current ICE activity. This may include directives on handling unverified information, sharing “Know Your Rights” resources, and emphasizing the importance of remaining calm. Communication channels should be used wisely and in a timely manner to ensure accurate information reaches students and employees.

#### **6. Are campus safety officers required to assist ICE with locating individuals and making arrests?**

Under federal law, campus safety officers, such as campus security and police, are not required to assist ICE with any immigration enforcement action.<sup>4</sup> However, campus police are required to follow any applicable local or state laws regarding cooperation with ICE. For example, some states and localities have laws or policies that restrict local and state law enforcement agencies (such as campus police at public institutions) from engaging in certain types of cooperation with ICE, while other states may have laws that mandate certain types of cooperation.

Additionally, under federal law, campus safety officers are not required to ask students or employees about their immigration status. Institutions may consider developing a policy directive for campus safety officers regarding cooperation with ICE, taking into account any applicable state and local laws. See additional information in Question 10 below.

#### **7. Can students refuse to allow ICE into their private residence, including dorm rooms, residence halls, homes, and apartments? What about off-campus housing?**

Yes. Private residences, including dorm rooms and residence halls, are considered nonpublic spaces. As such, ICE officers cannot legally access such areas without a judicial warrant or voluntary consent of the occupant. Students can refuse entry to any immigration enforcement officer who lacks a judicial warrant, regardless of what that officer might say and regardless of whether the residence is on campus or off campus.

As noted above, ICE might have an administrative warrant to arrest a noncitizen. This is a civil or administrative warrant that is not signed by a judge. Typically, this warrant will say “Department of Homeland Security” at the top, while a judicial warrant would have the name of a court. An administrative warrant does not authorize officers to enter residence halls, apartments, or homes without consent. If an immigration officer has a

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<sup>4</sup>However, if ICE presents a lawfully issued judicial warrant, school officials, including campus police, must comply.

civil or administrative warrant, students have a personal choice whether to grant consent to enter their residence.

In all cases, students have the right to remain silent under the Fifth Amendment of the U.S. Constitution and do not need to answer questions or sign or provide any documents without a lawyer present.

### **8. What should campus employees do if ICE requests information or records on a student or employee?**

Campus employees who receive a request from an ICE officer for any information should immediately contact the institution's legal counsel or other designated point of contact for guidance. This includes requests for information maintained in a student or employee's file, as well as information that may appear in a student's individual coursework. Personally identifiable information in students' education records are protected by a variety of privacy laws, including the Family Education Rights & Privacy Act (FERPA). Campus employees must maintain the confidentiality of these records.

FERPA broadly prohibits schools from disclosing personally identifiable information from a student's education records without the student's written consent. However, an exception exists when an institution discloses information in response to a lawfully issued judicial subpoena. This does not include administrative warrants, as noted above. Even a lawfully issued judicial subpoena can be challenged on a variety of grounds, such as being overbroad, having an improper purpose, or imposing an undue burden on the recipient. For more information, see the Presidents' Alliance's [guidance](#) for higher education on immigrant student privacy and FERPA.

International students and scholars are affected differently. According to the Department of Education, FERPA permits institutions to comply with information requests from the DHS in order to comply with the requirements of the Student and Exchange Visitor Program (SEVP). 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 student records are protected under FERPA in the same manner as other student education records in the United States.

### **9. How should campuses advise noncitizen students and employees to protect themselves and assert their rights?**

All individuals, regardless of citizenship or immigration status, have civil and constitutional rights under U.S. law. Campuses should provide trusted "[Know Your Rights](#)" resources to all members of the campus community, including students and employees, and consider distributing printed "[red cards](#)" to make this information easily accessible. Additionally, institutions should share policies, protocols, and FAQs on responding to federal immigration enforcement on campus. To protect sensitive information, campuses may consider limiting access to these materials (e.g.,

password-protected access) so that they are available only to campus community members.

**10. What are some federal and constitutional laws that campuses must consider in developing policies and protocols related to immigration enforcement on campuses?**

Institutions must ensure their policies comply with applicable federal, state, and local laws while also upholding constitutional protections and individual rights. The Immigration and Nationality Act (INA) grants DHS authority to enforce immigration laws. It does not impose an obligation on universities to assist federal immigration authorities in enforcement actions.

Higher education institutions should carefully review any applicable state or local policies to determine if institutions might be required to engage in certain, limited types of cooperation with ICE (e.g., ICE detainer compliance laws in Texas, Florida, and other states) or prohibited (e.g., so-called sanctuary laws in California, New York, and other states). As of the date of this writing, there are no state laws that *require* institutions to proactively collaborate with ICE in enforcement actions in the absence of a judicial warrant.

When developing policies related to ICE enforcement, institutions must consider constitutional protections, particularly the Fourth, Fifth, and Fourteenth Amendments, to ensure compliance with federal, state, and local law while safeguarding the rights of students and employees:

- The Fourth Amendment prohibits unreasonable searches and seizures by government agents, including ICE, which means that institutions do not have to grant ICE access to nonpublic areas without a judicial warrant. Federal courts have repeatedly found that ICE-issued administrative warrants (ICE Forms I-200 and I-205) are not judicial warrants and do not grant ICE automatic access to nonpublic areas.
- The Fifth Amendment grants due process rights, ensuring that students and employees are not unlawfully detained or deprived of rights, as well as protection against self-incrimination, meaning students and employees cannot be forced to answer ICE questions about immigration status without legal representation. As stated in Question 9 above, campuses should make “Know Your Rights” resources widely available to students and employees to ensure campus community members understand their rights.
- The Fourteenth Amendment ensures equal protection under the law, meaning policies must apply fairly to all students, regardless of immigration status.

**11. How should campuses ensure that their policies and protocols comply with the federal prohibition on “harboring” undocumented immigrants?**

Federal law under 8 U.S.C. § 1324 makes it a crime to knowingly harbor, shield, or transport undocumented individuals to evade detection by immigration authorities. Universities must ensure their policies comply with this law while also upholding constitutional protections.

Policies and protocols that uplift individuals' constitutional rights generally do not constitute harboring. For example, policies limiting DHS access to nonpublic spaces without a judicial warrant are lawful under the Fourth Amendment and do not constitute harboring. Additionally, courts have found that providing legal, educational, and social services to undocumented individuals is not harboring.

The mere presence of undocumented individuals on your campus does not constitute harboring. However, actively hiding an undocumented person from ICE enforcement could be considered harboring. For example, physically concealing someone or providing false information to law enforcement could trigger liability. For additional information, see the National Association of College and University Attorneys (NACUA) issue brief, "[Key Legal Considerations Relating to 'Sanctuary Campus' Policies and Practices](#)", and please stay tuned for a forthcoming resource on this topic.

**12. What is the responsibility of campus officials with regard to immigration site visits for the purpose of employment eligibility inspection?**

Immigration officers may arrive unannounced to inspect I-9 records or conduct an administrative site visit for a compliance review. If the purpose of the visit is to inspect I-9 records, the employer does not have to consent to a same-day inspection. Immigration officers tend to arrive at the workplace and request to inspect the I-9s immediately, but the law provides employers three days to respond to an I-9 Notice of Inspection. Employers should always request the three days to respond in order to have the opportunity to organize I-9 records and respond in an orderly manner without inadvertently allowing immigration officers to review personnel records or other information outside the authorized scope of an I-9 inspection.

Campus officials should send the I-9 Notice of Inspection to the Office of General Counsel (or the institution's equivalent office) for review immediately and discuss next steps with Counsel. Employers may face significant fines for I-9 violations even if they are technical violations.

**13. What is the institution's responsibility with regard to sponsored foreign nationals (including students and scholars in F-1 or J-1 status)?**

ICE officers may conduct unannounced site visits to confirm that sponsored foreign nationals are employed as described in the institution's approved immigration application. Such site visits do not require a warrant or subpoena. Federal immigration

officers generally have no greater access to personnel records than any member of the public unless they have a valid subpoena or I-9 Notice of Inspection.

An important exception is immigration records (not the full personnel file) for foreign nationals sponsored by the institution. F-1 and J-1 sponsoring institutions must maintain certain information mandated by law for F-1 and J-1 students and scholars and present this information to immigration officers upon request. These immigration records are already maintained in the [Student Exchange and Visitor Information System](#) (SEVIS) and therefore accessible to SEVP. This is an exception to FERPA only for students in F-1 and J-1 status and only for the specific information required by law.

#### **14. Where can I find guidance and examples of other institutions' policies and protocols regarding ICE enforcement on their campuses?**

The National Immigration Law Center has included recommendations for school administrators and staff in its [factsheet](#) on the rescission of the protected areas policy.

The State of California has issued several “Know Your Rights” resources for [students and families](#), [school officials](#), and [public institutions](#), as well as [guidance and model policies](#) to assist California campuses in responding to immigration issues.

For examples of campus policies and protocols, please reach out to us directly at [info@presidentsalliance.org](mailto:info@presidentsalliance.org)