

ICE Visits Q&A for Schools and Universities

U.S. Immigration and Customs Enforcement (ICE) is the primary agency for immigration enforcement. Historically, ICE has focused on investigations within industries known to employ large numbers of undocumented workers and arrested unauthorized workers and/or audited I-9 files. ICE has historically maintained a policy limiting enforcement (that is seeking to arrest someone with an outstanding order of deportation or removal) at certain “sensitive” or “protected” locations. As such, ICE enforcement at schools and universities has historically been rare. On January 21, 2025, DHS rescinded this policy, meaning increased enforcement at schools and universities is possible. The purpose of this Q&A is to help prepare educational institutions in the event they must interact with ICE.

Q: How should we prepare for an ICE visit?

A: As best practice, you should have policies and practices on interactions with law enforcement. If you do have such a policy or practice, you should align them so that there is a unified approach. When dealing with ICE or other law enforcement agencies, the best practice is to:

- **Designate Points of Contact.**
 - Designate one individual as the “Liaison,” such as in-house counsel, as the encounter may require review of legal documents. Alternatively, designate a senior on-site administrator, or someone who has direct access to legal counsel.
 - Ensure all staff have the name and contact information for the Liaison.
 - Designate a “backup” Liaison.
- **Know Your Workforce.** The “Liaison” should understand your employee makeup and their immigration/visa statuses; be knowledgeable about the institution’s rights and responsibilities with respect to immigration enforcement activities and any changes to government policy. The Liaison should also be familiar with public and non-public areas of the school and applicable state law on cooperation with law enforcement.

- **Organize Documents.** Keep organized and accessible records, including corporate documentation, visa petitions, STEM OPT training plans, LCAs, payroll records, and I-9 records.
- **Ensure Employee Awareness.** Inform visa sponsored employees of potential visits and their rights. Employees should confirm job title, duties, and salary, refer investigators to the designated representative, and avoid extraneous information.
- **Reinforce Facility Readiness.** Ensure compliance with OSHA standards and display required notices.

Q: What should we do if ICE or a federal agent arrives at our workplace?

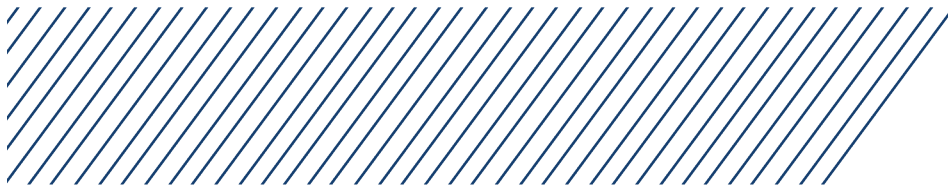
A: Remain professional and calm, as federal agents are trained to gather information, sometimes using persuasion or intimidation.

If you are not the Liaison, inform the agent of your workplace's protocol for handling law enforcement requests and direct them to the Liaison. You may tell the agent that the institution has a protocol for dealing with law enforcement requests and that you are not authorized to provide them with information or access to non-public areas. Politely ask to reschedule if the Liaison is not accessible at the time.

The Liaison should ask for the agent's identification and business card and guide them to a private office or room away from public areas. This does not grant the agent consent to access the facility but allows for a private discussion about their purpose and whether they have any legal documents.

Q: What should we ask the agent for?

A: You should ask the agent for identification and a business card. Verify that the agent is actually an ICE agent (they wear uniforms). Once verified, ask the agent if he or she has a subpoena or a warrant, if any. You should then ask the agent to wait while you have the document reviewed by an attorney (if you are not one). You have a right to review any document that the agent says gives him or her the right to access non-public areas or student information.



Q: How do subpoenas and warrants differ from each other?

A: Subpoenas are generally used to obtain records or information or to compel someone to appear in court on a future date. Warrants are generally used to obtain immediate access to premises and people, usually for activities like arrests, searches, and seizures.

Both types of court orders can either be signed by a government official (administrative subpoena or warrant) or a judge or magistrate (judicial subpoena or warrant).

An administrative subpoena or warrant does not require compliance.

A judicial subpoena or warrant requires compliance. If you are not presented with a judicial warrant, you can decline to provide ICE with whatever it requests, whether it is access to non-public areas of the school or records/information.

Q: Do we have to cooperate?

A: This depends on which document the agent has presented to you, if any. A judicial warrant is the ONLY warrant that gives an ICE agent the right to enter non-public areas. For this reason, it is important to be familiar with the public versus non-public areas of your institution, applicable state laws, AND to designate areas as such.

Again, if you are not presented with a judicial warrant, you can decline to provide ICE with whatever it requests. Again, if you are not presented with a judicial warrant, you can decline to provide ICE with whatever it requests, whether it is access to non-public areas of the institution, access to a person, or records/information.

Q: What is a “non-public” area?

A: Public areas include lobbies, waiting areas, and any other places that are open to the public. Non-public areas include anything that is not open to the public.

Q: What if an ICE agent says a student or employee needs to be arrested to avoid imminent harm or risk?

A: An agent may say something to that effect (remember, the agent is trying to induce you to cooperate). Depending on the circumstances, a school may decide to cooperate with ICE. But remember, without a judicial warrant, cooperation is **not** required.

Q: What if an ICE agent shows me a deportation order or arrest warrant for someone?

A: If the agent seeks to arrest someone, they may have a warrant or other document pertaining to that person. But the only document that will give an ICE agent the right to immediately enter a non-public area is a warrant that has been signed by a judge specifically naming the location where the agent is permitted to enter to arrest the person. Any other document does not require compliance (unless required under state law).

Q: What will ICE do if we refuse to cooperate?

A: ICE may decide to achieve its objective in another way that does not involve the school (such as waiting outside in a public area) or ICE may go to a court, seek a judicial warrant, and return.

Please [contact](#) Garfinkel Immigration Law Firm for further guidance or assistance with worksite visits.

This Q&A is intended for informational purposes only and does not constitute legal advice.

