

# MEMO



**TO:** DMI Campus Security and Compliance Group  
**FROM:** Lance Klukas, Security Consultant  
**DATE:** 2/3/2025  
**RE:** Federal Law Enforcement Actions on Campus

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With the new presidential administration's strict immigration policies, educational officials are increasingly concerned about potential visits from Immigration and Custom Enforcement (ICE) and unsure how to respond. While enforcement actions at schools have historically been rare and were discouraged under DHS's "protected areas" policy, this policy was rescinded on January 20, 2025, increasing the risk of such actions. Although the likelihood remains low, colleges should be prepared.

If federal law enforcement officers, including ICE, come to a college campus, it's crucial for the institution to act promptly and in accordance with the law while protecting students' rights and privacy. The following guidance aims to assist officials in addressing these challenges.

## **What should colleges know about access to campus?**

Law enforcement officers (local/state police and federal agents) cannot enter *non-public* areas of an organization without consent, or a valid judicial warrant signed by a federal judge, except in urgent circumstances like national security or public safety threats. A **judicial warrant** includes a timeframe, description of the premises, and a list of items to be seized. In contrast, **administrative warrants** (Forms I-200 or I-205) issued by DHS do not authorize entry into private areas without consent.

Therefore, we recommend that the College establish a protocol for reviewing the scope of a warrant when presented and provide contact information for relevant College representatives, including legal counsel. This will help the College assess the warrant's scope and determine the level of access to which officers are entitled. As a best practice, reception area employees should be informed of the process and next steps whenever a government official arrives seeking access to the campus. If officers cite exigent circumstances, college staff should not interfere but are not required to grant consent. Obstructing official law enforcement activities may result in state/federal prosecution.

Officers, including ICE officials, without a warrant can be asked to leave campus. While members of the public have the right to be in certain spaces when exercising free speech rights, ICE officials conducting a

raid are not engaging in protected speech. Accordingly, the College is not obligated to allow ICE on campus without a warrant in any area. As a general guideline, presence may be permitted in public forums, but in the absence of a warrant, ICE officials should be excluded from limited public forums and non-public areas.

**What should staff do if law enforcement officers ask for private information or records about a student or employee?**

In short, unless an officer/agent presents a warrant or subpoena specifically requiring the disclosure of certain information, the government has no right to access College records. If a valid warrant or subpoena is presented, its terms should be followed, but only after consulting with legal counsel. Additionally, because student records remain protected under FERPA, prior notification to the student (and, in some cases, their parents) is typically required before disclosure.

Given the evolving nature of these requirements, College personnel should always verify the permissibility of disclosure with counsel beforehand. Employee records, property of the College, may be disclosed without the employee's consent. However, due to the sensitivity of such information, it is best practice—similar to certain public record requests—to notify the individual that a request for their information has been made.

**What is the impact on international students?**

Students in the U.S. on a valid student visa are lawfully present and permitted to remain in the country, barring exceptional circumstances. However, if a student violates the terms of their visa, they may be subject to removal under U.S. law.

**Does Wisconsin have a law that prohibits state law enforcement from using state resources for the purposes of enforcing federal immigration laws?**

As of now, Wisconsin does not have a law that prohibits state law enforcement from using state resources to enforce federal immigration laws. Wisconsin law enforcement officers have the authority to enforce federal criminal immigration violations, such as cases involving absconders or deported felons, provided the individual has committed a *federal criminal immigration status violation*. However, they do not have the authority to enforce federal civil immigration violations, such as unlawful presence in the U.S. or failure to depart after a visa expires.

**What should the College do to prepare?**

We recommend that Colleges establish a clear protocol outlining step-by-step procedures for responding to law enforcement (local/state police and federal agents) who enter campus seeking information or individuals. This protocol should designate the appropriate contacts to handle inquiries, ensuring a coordinated and informed response while clarifying staff responsibilities and institutional expectations.

Additionally, the protocol should define procedures for escorting officers/agents on campus, verifying warrants, providing legal counsel contact information, and outlining the anticipated interactions between college representatives and officers/agents. For example, while Colleges should not conceal individuals from ICE, they are not required to present an individual without a valid warrant.

In light of the recent policy changes, it is more important than ever for colleges to be proactive in preparing for potential visits from law enforcement, including ICE. While the risk remains low, institutions should establish clear protocols to ensure compliance with legal requirements while safeguarding the rights and privacy of students and staff. By training personnel, designating key contacts, and consulting legal counsel, colleges can navigate these challenges with confidence. A well-defined response plan will not only help maintain a safe and informed campus environment but also reinforce the institution's commitment to protecting its community.

I encourage you to review these sources listed below to provide further information on this topic. It's important to note that the legal landscape is subject to change, and ongoing debates may lead to new laws or policies regarding federal immigration enforcement.

Thank you for continuing to discuss your concerns and opinions with DMI. We hope that we can continue to be a great resource for working through the ever changing and complex issues the campuses face.

-Lance

**Sources:**

- What Schools Should Know about ICE Enforcement Actions:  
<https://www.shipmangoodwin.com/insights/what-schools-should-know-about-ice-enforcement-actions.html>
- ICE in Schools: Districts, State Leaders Issue Guidelines for Dealing with ICE Agents:  
<https://www.campussafetymagazine.com/news/ice-in-schools-districts-state-leaders-issue-guidelines-for-dealing-with-ice-agents/166613/>
- Frequently Asked Questions Related to Immigration and Customs Enforcement (ICE) Officers on Northeastern Illinois University Property: <https://www.neiu.edu/university-life/undocumented-student-resources/resources-and-education/faq-if-ice-comes-campus>
- ACE Releases Issue Brief on Campus Challenges Under Trump's Immigration Policies:  
<https://www.acenet.edu/Documents/Issue-Brief-Immigration-Related-Campus-Concerns-2025.pdf>