

ICE Enforcement Actions on Campus

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Among the many changes imposed by the new Trump administration, colleges and universities can add one more possible scenario to their list; federal agents appearing on campus to conduct immigration enforcement activities. On January 21, the U.S. Department of Homeland Security (“DHS”) rescinded Biden-era guidance designating colleges and universities as “protected areas” for purposes of immigration enforcement and have conducted at least one arrest on university property.

Immigration enforcement is generally governmental agency activity conducted by the U.S. Immigrations and Customs Enforcement (“ICE”), and their actions may include surveillance, interviews, searches, unexpected visits, identify and arrest actions, and arrests. While immigration activities were limited on or near colleges campuses and other protected areas – such as schools, medical centers, and social services centers – by the previous administration, they are no longer constrained to avoid enforcement in certain areas^[1] under the current administration. Thus, university counsel and campus law enforcement should be prepared for these activities to occur on campus.

University counsel and campus law enforcement must know – and advise their campus communities – that federal law prohibits interfering with ICE campus related activity and operations. Universities and officers must comply with requests and inquiries related to criminal matters and certain legally authorized court issued process and warrants, and individuals and/or institutions cannot delay, obstruct, impede, or otherwise actively interfere with federal immigration enforcement operations. Any conduct that negatively impacts ICE operations that amounts to obstruction is illegal, and could expose college and university staff and employees, including faculty and students to federal legal liability.

However, state law also applies to the aforementioned government activity. In Massachusetts, for example, campus law enforcement are prohibited from detaining an individual based on civil immigration process or solely on ICE or a designee’s request. Other states may have other laws that apply to campus law enforcement’s interaction with ICE: **for advice specific to your state, contact your Hunton lawyer.**

University counsel and campus law enforcement may be exposed to DHS and ICE’s enforcement

actions on campus in various circumstances. ICE agents may appear with a court-issued judicial search warrant, administrative warrant, or in an investigative capacity with or without a warrant or advance notice. Immigration officers may also continue to be present on campus for regulatory enforcement site visits or to attempt to meet students who are on F-1, J-1, or other similar visas. In addition, many universities and colleges sponsor employees for H-1B visas and permanent residence. Because USCIS still conducts site visits to H-1B sponsors, school officials need to be aware that these may increase and they should be prepared for such visits.

Hunton labor and immigration attorneys offer advice, counsel and training to campus law enforcement, staff and counsel to know their rights and obligations, and help prepare them for the possibility of government action. Please call your Hunton lawyer to learn more.

[1] Enforcement at or near houses of worship is still limited by court order.

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