



**Office of University Counsel**  
**Guidance for Faculty and Staff Regarding U.S. Immigration and Customs Enforcement (ICE)**  
**September 23, 2017**

On September 5, 2017, the Trump Administration [announced](#) that it would be ending the Deferred Action for Childhood Arrivals (DACA) program as of March 5, 2018. In response to several questions from our campus community, the Office of University Counsel has issued the following guidance. Please keep in mind this guidance does not address every situation. If you have questions, please contact the Office of University Counsel at **(206) 296-2043**.

**Can SU deny ICE agents access to campus?**

- Areas open to the *general public* (i.e., public space such as the upper and lower mall, lobbies and hallways of buildings, the Quad, University Green, Seattle University Park, etc.) are also open to ICE agents, and they may enter without a warrant. ICE agents must follow the same rules that any member of the public would.
- ICE agents are **required** to have a judicial search or arrest warrant to lawfully access *nonpublic areas* (i.e., areas not open to the public such as residential hall or apartment rooms, classrooms, faculty offices, etc.).
- In **all** cases, faculty or staff should ask ICE agents to wait to enter any nonpublic areas until University Counsel is contacted at **(206) 296-2043**. During after-hours, contact Public Safety's 24-Hour line at **(206) 296-5990**.

**Hasn't ICE identified college campuses as "sensitive locations"? What does that mean?**

- In 2011 ICE issued an internal administrative memo entitled "[Enforcement Actions at or Focused on Sensitive Locations](#)." The memo limits ICE from engaging in enforcement actions (i.e., arrests, interviews, searches and surveillance) at "sensitive locations" which include schools (including colleges and universities), places of worship, religious ceremonies, hospitals and public demonstrations, unless there is an exigent circumstance, specific exception or prior approval.
- Our understanding is that the memo is still in effect; however, it is administrative guidance only and can be withdrawn or amended by the Trump administration at any time.

**What should faculty or staff members do if ICE agents question them?**

- Faculty or staff should ask ICE agents if they are free to go. If the agent says "yes," the person is free to leave. If the agent says "no," the person should ask to consult with University Counsel and should otherwise remain silent.
- Faculty and staff should **not** make false statements. Instead, faculty and staff should decline to answer questions and consult with University Counsel at **(206) 296-2043**.

**What should faculty and staff do if ICE contacts them and asks for information about a student or a student's education record?**

- Faculty or staff who receive a request from ICE for **any** information about a student (including "directory information" defined in SU's [Student Records Guidelines](#)) or access to University property, should contact University Counsel at **(206) 296-2043**. During after-hours, contact Public Safety's 24-Hour line at **(206) 296-5990**.
- Consistent with FERPA, SU does not voluntarily share student information with ICE or any other law enforcement officials without a student's prior consent unless a narrow and specific FERPA exception applies. If ICE were to serve SU with a subpoena for a student's immigration status, the University would make a reasonable effort to notify the student of the subpoena prior to complying and disclosing any information so that the student can seek protective action, unless the information requested meets a narrow exception specified in FERPA. For example, SU is required not to notify the student if a subpoena is issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

**What resources are available for DACA and undocumented students?**

- The [Northwest Immigrant Rights Project](#) and the [City of Seattle](#) have webpages with current information, resources and listings of free legal clinics for DACA and undocumented students.
- In addition, the Office of Multicultural Affairs and Office of Institutional Inclusion are updating our own webpage and organizing upcoming on-campus programs to support our students, faculty and staff.