

2026 IMMIGRATION-RELATED CAMPUS CONCERNS, INCLUDING DISCRETIONARY STATUS, DACA RECIPIENTS, OTHER UNDOCUMENTED STUDENTS, VISA APPLICANTS, TRAVEL BANS, AND FEDERAL ENFORCEMENT ACTIONS

Introduction

Since President Trump returned to office in January 2025, his administration (Trump Two) has made good on promises to reshape immigration policy through executive authority.¹ Aggressively ramping up the *modus operandi* during the first Trump term (Trump One), the current administration's policy-making efforts have been advanced not just by executive orders, but also through published regulatory changes and new polices from the Department of Homeland Security (DHS) and the Executive Office for Immigration Review. Coupled with the daily onslaught of video and first-hand reporting of actions by the United States Immigration and Customs Enforcement (ICE), which—following the September 11 attacks—was established within DHS by the Homeland Security Act of 2002,² these Trump Two policy initiatives have elevated tensions and worries among international students and the immigrant population on our nation's campuses and in their surrounding communities to levels that dwarf concerns during Trump One.

As in his first term, President Trump has issued expansive travel bans; however, the Trump Two travel bans have been shaped to better withstand legal challenges. They encompass temporary visas, including student visas. The administration has also pushed forward policy changes that were proposed at the end of Trump One but withdrawn by the Biden administration. These policies include the Duration of Status proposed rule, which would replace duration of status admission to the United States for international students with fixed end dates, and impactful changes to the H-1B visa program.

Most prominently, Trump Two has followed through on the president's campaign promises to swiftly close the southern border and aggressively carry out mass deportations of undocumented immigrants.³ These executive branch actions have too often been assessed as being outside the bounds of the law, in defiance of judicial orders, or without regard to protections and rights guaranteed by the United States Constitution.⁴ In an order issued on January 28, 2026, Judge Patrick Schiltz of the federal district court in Minnesota chillingly wrote, "ICE has likely violated more court orders in January 2026 than some federal agencies have violated in their entire existence," noting that this "should give pause to anyone—no matter his or her political beliefs—who cares about the rule of law."⁵

Below, we offer updated information relevant to current and potential immigration-related concerns and other issues facing international students, scholars, and staff, including legal and nonlegal resources to guide campuses as immigration policies and trends develop. Note: Prior issue briefs focusing on undocumented students, immigration enforcement, and related matters were produced by the American Council on Education (ACE) in 2025 and 2016.⁶

This issue brief was prepared by ACE and the immigration law firm Green and Spiegel. (February 2026).

DISCLAIMER: This issue brief does not constitute legal advice. It incorporates and reflects high-level observations based on non-exhaustive research and does not analyze any specific factual scenarios. Institutions should examine issues addressed here based on the context and facts of each situation, institutional policies, geographical and political context, and on their own counsel's interpretation of relevant law. This is a fluid environment and topic, including the potential for changes in current law or current enforcement practices.

The Big Picture

What are the major categories of immigration in the U.S. system impacting higher education?

For context as well as for factual clarity, it is helpful to have a working understanding of the different immigration categories⁷ that may impact campus communities. “Status” is a key word in U.S. immigration law. It includes temporary or nonimmigrant visa categories often seen on campuses, such as H-1B, F-1, and J-1, as well as immigrant visa categories, such as employment-based first, second, or third preference categories (EB-1, EB-2 and EB-3), that lead to U.S. permanent residence (commonly referred to as a green card). Status is particularly important because it can serve as the foundation for individuals to change or extend their status to another temporary category or adjust their status to permanent residence.⁸

Here is a breakdown of categories of non-U.S. citizens who may be part of a campus community and concerned about possible changes to U.S. immigration policy:

U.S. Lawful Permanent Residents: Individuals who have acquired U.S. lawful permanent residence (also known as a green card or an immigrant visa) should feel the most secure. Current travel bans exempt green card holders, and green card holders are afforded more substantive and procedural due process rights than non-immigrant visa holders.⁹ Though possible, it is quite difficult for the government to revoke a U.S. lawful permanent resident’s green card once it has been issued, assuming the permanent resident abides by the responsibilities and obligations of being a resident.¹⁰ Nonetheless, green card holders may have concerns about immigration issues, particularly related to travel and applying for citizenship.

Nonimmigrant Visa Holders: There are many types of nonimmigrant visa¹¹ holders on campuses. “Nonimmigrant” essentially means temporary categories of status, such as those for students, exchange scholars, employees, and others. Importantly, these visa holders can be impacted by the current travel bans.¹² Most international students are on F-1 or M-1 nonimmigrant visas, while other students, visiting scholars, and post-docs/fellows may hold J-1 status. Higher education faculty tend to hold H-1B or O-1 visas, which also allow them to work in the United States. F-1s may also obtain work authorization through Optional Practical Training or Curricular Practical Training. M-1 students may also obtain work authorization at the conclusion of their program.

There are also nonstudent or nonfaculty family members whose visa status is based on a spouse or parent (such as an F-2 visa, which is issued to a spouse or minor child who may accompany an F-1 visa holder).

Some nonimmigrant visa categories (such as F-2) do not grant employment authorization to the spouse or dependent child. The main exceptions are J-1, E, or L visa holders, or those on diplomatic visas (A, NATO, or G). Under limited circumstances, the H-4 spouses of H-1B visa holders may also obtain employment authorization. Nonimmigrant visa holders have “status,” which may allow them to apply for permanent residence within the United States via an adjustment of status, assuming they have a legal basis for such permanent residence process and have maintained their prior status.

Discretionary Categories with No Actual Status: A decade ago, most international students and scholars were in the two categories above (lawful permanent resident and nonimmigrant visa holder). As such, international offices and campus services primarily focused on those groups.

However, college and university student and scholar communities have come to include individuals drawn from the millions of people now in the United States with more fragile immigration situations, including discretionary temporary grants of work authorization while (usually in a long, slow line) humanitarian relief applications are pending. Although these individuals may be permitted to remain in the United States and obtain employment authorization, they have not received formal status in the United States; instead, they

are recipients of discretionary grants that can be revoked. They have no actual status. These categories include:

- **Temporary Protected Status (TPS):** Short-term (usually 18–24 months) and not technically a status—TPS offers employment authorization and relief from actual deportation (though not necessarily removal proceedings) for those from countries in crisis. Trump Two has sought to terminate TPS for most of the 17 countries to which it applied as of Inauguration Day.¹³ At the time of this writing, Trump Two has maintained TPS only for Yemen, El Salvador, Sudan, and Ukraine.¹⁴ However, federal courts have halted several TPS terminations,¹⁵ and other TPS terminations are subject to ongoing litigation.¹⁶ Moreover, TPS is established by statute,¹⁷ so it can only be ended fully by Congress.
- **Applicants for Humanitarian Relief:** This includes asylum seekers (who fear return to their home country) and U visa applicants (who were victims of crime in the United States). The administration has currently halted virtually all refugee resettlement¹⁸ and has paused asylum applications from countries considered “high risk.”¹⁹
- **Deferred Action for Childhood Arrival (DACA):** This provides temporary work permission and relief from deportation. While the number of DACA recipients is dwindling, they remain a significant population on campuses. As noted below, the fate of DACA remains uncertain due to ongoing litigation.
- **Parole:** Discretionary entry to the United States with eligibility for work permission—Trump Two terminated all Family Reunification Parole programs, which allowed individuals from Colombia, Cuba, Ecuador, El Salvador, Guatemala, Haiti, and Honduras to enter the United States temporarily while their immigrant visas were pending.²⁰ It also terminated the CHNV Parole program, which allowed individuals from Cuba, Haiti, Nicaragua, and Venezuela to enter the United States temporarily to live and work for two years if they had a sponsor in the United States.²¹

Individuals in discretionary categories may have temporary employment authorization cards.²² They might not be on the radar of campus administrators, yet they are an important group to be aware of, as their ability to remain in the United States, travel internationally, and work will depend on the future of these discretionary immigration categories.

Undocumented: An estimated 500,000 undocumented students are enrolled in U.S. higher education today.²³ Faculty and staff are unlikely to include undocumented individuals due to nationwide requirements to verify employment authorization through the timely completion of the I-9 process. However, they may be physically present on campuses as “off the books” workers employed by contractors engaged by a college. In addition, many U.S. citizens or lawful permanent residents are in mixed status families that include close relatives without permission to be in the United States. Community and campus support networks (financial and emotional) for students, faculty, and staff in these mixed status families may be fragile.

What is going on regarding DACA?

Hundreds of thousands of Dreamers,²⁴ individuals brought to this country as children without status, have grown up to become college students, members of the military, and contributors to the workforce. Over the years, the fate of Dreamers has garnered significant attention on campuses from both students and higher education leaders. A subset of Dreamers is DACA recipients.

DACA was established in 2012 during the Obama administration by way of a DHS policy memorandum regarding prosecutorial discretion. DACA does not confer legal status or a pathway to citizenship, and it is

relevant to only a small portion of the undocumented individuals in the United States. DACA also does not impact students' eligibility for federal financial aid.

DACA provides administrative relief from deportation, permitting approved individuals to stay for two years at a time. DACA recipients are eligible for a Social Security number and two-year employment authorization documents. They may apply for renewals of their DACA registration in two-year increments. DACA was only made available to undocumented young people who had no lawful status on or before June 15, 2012.²⁵ Colleges and universities have enrolled students (i) who are DACA recipients; (ii) who had filed DACA applications that were not processed, following a judicial ruling (described below); and (iii) would have been eligible for DACA but cannot apply for it due to that ruling.

Congress has considered legislative solutions for DACA recipients and other Dreamers for many years, with bipartisan support at times. A recent effort—the Dream Act of 2025—was sponsored by Senators Dick Durban (D-IL) and Lisa Murkowski (R-AK).²⁶ The DIGNIDAD (Dignity) Act of 2025 has also received bipartisan support.²⁷ These efforts vary in specifics but would permit select individuals to normalize their immigration status. One unresolved question is whether a path to lawful permanent residence or citizenship would be included as part of a compromise immigration bill in Congress.²⁸

DACA has been the subject of ongoing legal challenges. In January 2025, the Fifth Circuit Court of Appeals, ruling in a case brought in federal court in Texas, concluded that major parts of the Biden administration's 2022 DACA regulation, which attempted to fortify the program by mirroring the Obama administration's 2012 policy memorandum, were unlawful.²⁹ There is currently an injunction barring new applications for DACA,³⁰ but DHS, through U.S. Citizenship and Immigration Services (USCIS), is processing renewals of deferred action and employment authorization for existing DACA recipients.³¹

DACA employment authorization is not automatically extended by filing a renewal application, so there can be gaps if a renewal is delayed. This has happened in waves as backlogs ebb and flow at USCIS, raising concerns that current slower processing times because of USCIS staffing reductions and increased scrutiny of cases may lead to DACA employees being unable to work while waiting for their new employment authorization cards.

Further federal court rulings in the Texas case may speak to DACA's continued viability, including whether it is possible to maintain DACA but lose work permission. As it has been for most of the life of the DACA program, the future is uncertain. ACE is closely monitoring the ongoing DACA litigation as well as any effort to initiate rulemaking to revoke the program.

If DACA were to end, it appears likely that current DACA recipients would retain their existing two-year employment authorization documents until they expire, but renewals would cease. (Revoking an employment authorization document requires written notice and an opportunity to respond,³² making it administratively challenging to terminate work authorization for more than half a million people.)

Given the continued threats to DACA, it is prudent for DACA recipients to explore other immigration options, such as employer-sponsored temporary visas or green cards.³³ Campus career services and alumni offices may also be able to assist DACA recipients in finding employer sponsorship. Individuals in fragile immigration situations such as DACA may also benefit from networking opportunities or internships, which can increase their chances of securing immigration sponsorship.

Issues Relevant to International Students, Faculty, and Staff

Travel Bans

Trump Two has expanded upon the travel bans—restrictions on entry of foreign nationals from certain countries—that were a hallmark of Trump One. In 2018, the Supreme Court held that the final iteration of the Trump One travel ban, which applied to foreign nationals from several Muslim-majority countries, was lawful because section 212(f) of the Immigration and Nationality Act (INA) grants the President the authority to “suspend the entry of all aliens or any class of aliens as immigrants or non-immigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.”³⁴ Chief Justice John Roberts, who authored the majority opinion, noted that this provision “exudes deference to the President in every clause,” thereby granting the President the unilateral power to determine that the entry of certain individuals “would be detrimental to the interests of the United States.”³⁵

President Trump quoted this language from Chief Justice Roberts on his first day in office in 2025 in a proclamation titled “Guaranteeing the States Protection Against Invasion.”³⁶ Consistent with this proclamation, the administration announced new travel bans on June 4, 2025 and December 16, 2025, which affect a total of 40 countries.³⁷

Adjudication Pauses

USCIS has paused adjudication of all immigration benefits requests from individuals who were born in or are citizens of countries included in the travel bans.³⁸ Under the policy, affected individuals may continue to file applications for immigration benefits, but USCIS will not issue a final decision, such as an approval, denial, or dismissal. This pause affects a variety of applications relevant to international students, faculty, and staff, including applications for employment authorization, change of status from one nonimmigrant visa to another, and adjustment of status to that of a lawful permanent resident. Litigation challenging the policy is ongoing.

In January 2026, the State Department also paused issuance of immigrant visas to foreign nationals of 75 countries.³⁹ This pause does not affect processing of nonimmigrant visas, such as F, M, and J visas, which are common among international students and scholars.

Visa Applicant Social Media Vetting

The President issued an executive order on the first day of Trump Two requiring “extreme vetting” of all visa applicants.⁴⁰ In May 2025, the State Department temporarily paused consular interviews for F, M, and J visa applicants while it prepared new social media vetting policies consistent with the executive order.⁴¹ Secretary Marco Rubio also stated that the State Department would “aggressively revoke” visas for students from China who have connections to the Chinese Communist Party or who work or study in critical fields.⁴²

In June 2025, the State Department resumed visa processing but announced that it will conduct a “comprehensive and thorough vetting, including online presence, of all student and exchange visitor applicants in the F, M, and J non-immigrant classifications.”⁴³ An internal State Department cable directs consular officers to evaluate whether applicants’ online presence indicates hostility toward the United States, support for terrorist organizations, or a history of political activism.⁴⁴

On December 3, 2025, the State Department announced it would extend the social media vetting policy to H-1B and H-4 visa applicants, effective December 15, 2025.⁴⁵ To comply with the policy, all applicants for H-1B, H-4, F, M, and J visas must set the privacy settings for their social media profiles to public.⁴⁶

H-1B Petition Fees and Lottery and F-1 OPT Program Updates

A September 2025 presidential proclamation titled, “Restriction on Entry of Certain Nonimmigrant Workers” directed that new H-1B petitions be accompanied by an additional payment of \$100,000.⁴⁷ Initial confusion about the implications of the proclamation caused panic among H-1B employers and employees, particularly with respect to employees who were outside the United States on the day the proclamation was announced.⁴⁸ The administration has since clarified that the \$100,000 fee applies only to new H-1B petitions on behalf of beneficiaries who are outside the United States and do not have a valid H-1B visa.⁴⁹ The \$100,000 fee does not apply to existing H-1B visa holders, applicants for an H-1B extension or amendment, or applicants who are present in the United States and requesting a change of status from another nonimmigrant visa status to an H-1B.⁵⁰ Litigation challenging the \$100,000 fee is ongoing.⁵¹

On December 29, 2025, the administration issued a final rule to change the H-1B lottery selection process to favor H-1B petitions for high-paid positions.⁵² Previously, the H-1B lottery was conducted randomly. While cap-exempt H-1B petitions—like those filed by higher education institutions⁵³—are unaffected by this change, it poses a significant challenge for recent international student graduates or trainees such as postdocs who seek H-1B sponsorship in the private sector in their first roles following graduation.⁵⁴

The administration is considering a proposed rule to amend the F-1 Optional Practical Training (OPT) program.⁵⁵ While the rule has not yet been formally announced, early reports suggest it may significantly restrict or end OPT and STEM OPT.⁵⁶ Should that be the case, litigation challenging the rule is all but certain. The Duration of Status proposed rule—discussed further below—would also require any student who has already been in F-1 status for four years and who wishes to participate in OPT to apply for an extension of status with USCIS.

Additionally, employers reported an uptick during 2025 of STEM OPT site visits by ICE officials to confirm that students’ work is consistent with their training plans outlined on their Form I-983.⁵⁷ These site visits are discussed further below.

Student Visa Revocations and SEVIS Terminations

In early 2025, the State Department revoked more than 1,600 student visas, and ICE terminated the Student and Exchange Visitor Information System (SEVIS) records⁵⁸ for approximately 4,700 international students.⁵⁹ The revocations and terminations often came without warning or notice and affected students from over 40 countries.⁶⁰ Some student visa revocations were in response to students’ constitutionally protected speech related to the Israeli government’s actions in Gaza.⁶¹ The State Department argued that section 237(a)(4)(C) of the INA, which may render an individual deportable if their presence or activities in the United States would have potentially serious adverse foreign policy consequences, supported student visa revocation in such cases.⁶² Students whose visas were terminated with immediate effect have been placed in removal proceedings based upon INA § 237(a)(1)(B). ICE also terminated many SEVIS records because of students’ minor encounters with law enforcement, including arrests where charges were never filed or were dismissed or for students who had never had any law enforcement encounters or who were victims of crimes themselves.⁶³

ACE expressed concern and asked the State Department and DHS for additional information regarding the impact on international students.⁶⁴ Several organizations filed lawsuits to halt the SEVIS terminations, and multiple federal judges issued temporary restraining orders.⁶⁵ In response, the administration announced in April 2025 it would restore terminated SEVIS records,⁶⁶ but litigation is ongoing.⁶⁷

Duration of Status

In August 2025, the administration issued a proposed rule to end duration of status for F, J, and I nonimmigrants.⁶⁸ Duration of status allows international students to remain in the United States so long as

they are making normal academic progress or engaging in OPT or other academic training. The proposed rule seeks to instead admit international students for a fixed period of time, not to exceed four years. It would require any student who needs more than four years to complete their program to apply for an extension of status with USCIS. Nearly all PhD students, OPT applicants, and transfer students would be impacted. Additionally, the rule prohibits graduate students from switching programs without approval from USCIS.⁶⁹ ACE, along with others in the higher education community, submitted comments on the proposed rule and its impact on higher education.⁷⁰ Litigation is expected once the final rule is announced.

Employment Authorization Automatic Extensions

In October 2025, the administration announced an interim final rule to end automatic extensions of employment authorization.⁷¹ Previously, USCIS automatically extended the validity of most employment authorization cards for up to 540 days when the applicant filed a renewal application. The termination of automatic extensions means that many individuals' employment authorization may lapse during the renewal process, as they may only apply to renew their employment authorization up to 180 days before the expiration date, and delays in USCIS processing may mean that USCIS will not adjudicate the renewal application before the expiration date of the prior card.

Potential Enforcement Actions on Campus

Increased immigration enforcement has been a significant priority of Trump Two, with noted effects on institutions and their immigrant and international student, faculty, and staff populations.

Why might ICE and other federal immigration agents come to campus, and how should institutions prepare?

ICE and other federal immigration agents may come to campus for a variety of reasons, including conducting administrative site visits⁷² for oversight of the F-1 student program,⁷³ the J-1 exchange visitor program,⁷⁴ or the H-1B working visa program;⁷⁵ inspecting I-9 employment verification records; requesting records about campus community members; and conducting enforcement actions to detain undocumented individuals.⁷⁶

Prudent colleges and universities will have clear internal policies and protocols outlining steps to be taken if a federal immigration agent arrives on campus, including a designated individual or office to be contacted in the event of an unanticipated visit from immigration agents. Training is necessary to understand the different types of government agencies and documents that may be involved, including the difference between administrative and judicial warrants. Often, institutions select their public safety departments as the first point of contact for federal immigration agents. Other campus teams should have clear instructions to alert the primary point of contact should they be approached by immigration officials or receive notice of their presence on campus.

What areas of campus may a federal immigration agent access?

Federal immigration agents may access any area of a campus that is open to the public. By law, they may not access nonpublic areas without a judicial warrant or consent from an authorized campus official.⁷⁷ Nonpublic areas on campus may include restricted buildings accessible only with a swipe badge or other lock as well as dormitories and other living spaces. The status of all spaces on campus as private or public can and should be reevaluated on a regular basis.

Campus employees should understand the difference between judicial warrants, which may grant federal immigration agents access to a nonpublic area, and administrative warrants, which do not.⁷⁸ Judicial warrants must be signed by a federal judge. By contrast, administrative warrants, which are commonly used by ICE or Customs and Border Patrol (CBP) agents to arrest a person subject to deportation, are signed by a DHS officer, not a federal judge. Access may also occur legally if permission is given when ICE

or CBP or other federal law enforcement officials ask to enter the private space. Therefore, it is important that individuals who control access to private spaces receive training and support to deny permission to federal authorities to enter private spaces without a judicial warrant.

However, contrary to longstanding legal precedent requiring a judicial warrant to access nonpublic areas, an internal ICE memorandum dated May 12, 2025 and available to the public as of January 2026 purports to allow federal immigration agents to forcibly enter private residences with only an administrative warrant, solely to arrest a noncitizen with a final removal order.⁷⁹ Even under these circumstances, individuals should not voluntarily consent to officers entering a residence. Litigation has been filed challenging this policy.⁸⁰

While constitutional and legal limits on law enforcement exist, institutions and individuals must remain within the bounds of the law when interacting with officers. Individuals should not take actions that could be perceived as obstructing law enforcement. For example, if an institution were to deliberately hide an undocumented person or destroy records while awaiting service of a warrant, a law enforcement authority or court might conclude that the institution violated the harboring provision discussed below. Such actions could also expose the institution to liability for obstruction of justice.⁸¹

Could an institution's officials or campus community members violate federal harboring law?

Section 1324 of the INA provides for the imposition of criminal penalties and fines on individuals and organizations that—with respect to an unauthorized noncitizen—knowingly or in reckless disregard of the person's status (i) brings the person into the United States; (ii) transports or moves the person within the United States; (iii) conceals, harbors, or shields the person from detection; or (iv) encourages or induces the person to come to, enter, or reside in the United States.⁸² The statute also penalizes attempts, conspiracies, and aiding and abetting such conduct. For the transportation, harboring, and encouragement provisions, “reckless disregard” of a person's lack of status is sufficient to establish liability.⁸³

In the past, courts interpreted the harboring prohibition broadly, generally considering the term to encompass “conduct tending substantially to facilitate an alien's remaining in the United States illegally.”⁸⁴ This definition includes conduct that “prevent[s] government authorities from detecting the alien's unlawful presence.”⁸⁵

However, some courts have narrowed the statutory meaning of “harboring” by requiring the defendant to do more than simply provide shelter to an undocumented individual, suggesting that it involves physically protecting, moving, or keeping that person in any place with the intent to conceal them from government authorities. For example, when a restaurant owner was convicted under the harboring provision for employing and providing housing for undocumented individuals, the Seventh Circuit federal court of appeals noted that he did more than merely provide housing; he “deliberately safeguard[ed] members of a specified group from the authorities.”⁸⁶ The court said that “a defendant is guilty of harboring for purposes of § 1324 [of the INA] by providing a known illegal alien a secure haven, a refuge, a place to stay in which the authorities are unlikely to be seeking him.”⁸⁷

Federal case law remains unsettled regarding the level of harboring intent required. Specifically, courts differ on whether the defendant must act with clandestine intent to hide the undocumented individual, whether the defendant must “substantially facilitate” the person's unlawful stay, or whether “simple sheltering”⁸⁸ is sufficient to trigger statutory liability. In addition, some federal courts have held that a person illegally “encourages” an undocumented individual to “reside” in the United States when the person takes some action “to facilitate the alien's ability to live in this country indefinitely.”⁸⁹

Given the fluidity of the national attention to immigration issues, the varying geographic experience, the potential relevance of state law, and the uncertainty surrounding the new administration's immigration agenda, it would be prudent to remain attentive to future interpretations of "harboring" by government officials, law enforcement, and the courts.

What about sensitive locations or sanctuary cities and policies?

Trump Two has rescinded previous ICE guidance that limited enforcement activity at "focused or sensitive locations" such as schools, churches, and hospitals.⁹⁰ The administration also is seeking to end "sanctuary" city policies and practices nationwide,⁹¹ with the Department of Justice (DOJ) pursuing litigation against so-called "sanctuary jurisdictions."⁹² Sanctuary city policies and practices may involve a city or municipality instructing its employees not to inquire about individuals' immigration statuses and to refrain from using public resources to enforce federal immigration laws in order to encourage undocumented individuals to feel secure seeking help from the police or cooperating if they have information that can aid law enforcement.⁹³

How should institutions consider requests by federal officials for records identifying undocumented students or other community members?

As a general rule, colleges and universities are not obligated to comply with requests by officials for institutional records without a subpoena or judicial warrant. Under the Family Educational Rights and Privacy Act (FERPA), a valid legal subpoena, warrant, or court order is typically required for nonconsensual access to a student's education records. However, exceptions explicitly allow access to some students' records:

- The Student and Exchange Visitor Program (SEVP) requires that institutions participating in SEVP are subject to onsite review at any time. An ICE field representative⁹⁴ visiting a campus has the authority to ask for information about students on temporary student and training visas (F and J) administered by or present at the institution. In addition, institutions agree to grant access to certain employment-related information by signing H-1B, O-1 and other temporary visa petitions.⁹⁵
- The USA PATRIOT Act (post-September 11 legislation) created exceptions to FERPA, allowing nonconsensual disclosure of education records, including personally identifiable information, when a judicial order is issued based on the government's assertion of terrorist activities.⁹⁶

In addition, the U.S. Department of Education is authorized to access education records in connection with program reviews related to an institution's administration of federal student financial aid programs. Subject to restrictions, agencies can enter into data-sharing agreements,⁹⁷ raising the possibility of the Department of Education sharing information it obtains in a program review with other federal agencies, including DHS. Additional information about federal data sharing agreements is below.

It would be prudent for institutions to review applicable policies and protocols to assess how they may be interpreted and applied in response to future requests for information from government officials as well as to ensure the protection of campus community members' privacy.

What information about H-1B employees must an institution provide publicly?

An employer must make each labor certification application (LCA)⁹⁸ and accompanying documentation available for public examination within one working day after filing.⁹⁹ This public access file (PAF) is not restricted to federal immigration officials; it must be made available to members of the public upon request. The PAF must include: the LCA; the rate of pay for the H-1B worker; a description or summary of the actual wage system; the prevailing wage rate and its source; documentation that the notice requirement was satisfied; a summary of benefits offered to U.S. workers and H-1B workers; and a list of entities included as a "single employer."¹⁰⁰

U.S. Department of Labor (DOL) guidance states that an employer must also make the name, address, occupation, and social security account number for all H-1B workers available to DOL upon request.¹⁰¹ This requirement is not included in DOL guidance governing public access to the PAF. Should a non-DOL entity—such as a state government or member of the public—ask for personally identifiable information about H-1B employees, institutions should look to their own state privacy laws and institutional policy for guidance.

In general, to prepare for H-1B site visits by federal agents, it is best to be sure that the PAF satisfies compliance requirements and that individuals and departments report any change in the job (salary, title, location, duties) in advance to the school's visa office.

What general rights do individuals have when interacting with federal immigration agents in public spaces?

Non-U.S. citizens are required to carry proof of their immigration status on their person and to present such documentation to federal officials upon request.¹⁰² U.S. citizens are not required to carry proof of their citizenship.

Federal immigration agents may briefly detain an individual for questioning if they have reasonable suspicion that the individual is unlawfully in the United States.¹⁰³ In September 2025, the Supreme Court allowed federal immigration agents to use individuals' skin color, profession, spoken language, and location as grounds for reasonable suspicion.¹⁰⁴

All individuals, regardless of citizenship or immigration status, have the right to remain silent when interacting with federal immigration agents. All individuals also have the right to speak with an attorney if they are arrested.

What is an institution's role if federal immigration agents visit students off campus?

While still rare, there are reports of federal immigration agents visiting F-1 students on OPT or STEM OPT at their worksites, remote job locations, and residences to verify employment information.¹⁰⁵ Institutions should prepare students for this possibility in advance. This should include advising students to ensure that the information in their SEVIS records is accurate, current, and consistent with the requirements of their program. This may also include educating students generally about their rights, including the differences between public and nonpublic areas of the campus and the difference between administrative and judicial warrants.

Do campus police departments have discretion to minimize or avoid cooperation with federal immigration agents?

Many mid-size and larger campuses have their own police departments. As distinct and scope-limited operations, these departments may differ in many ways from their surrounding municipal, county, and state law enforcement agencies. Yet, they are charged with a fundamentally similar set of protection duties, and they work within a law enforcement environment that presumes some levels of cooperation with other law enforcement agencies.

Federal law does not obligate local law enforcement, including sworn campus police officers, to devote resources to enforcing federal immigration laws. The INA provides that state or local police may enter into cooperative agreements with immigration enforcement officials and agents, though they are not compulsory.¹⁰⁶ Some college and university police departments have pledged not to participate in a voluntary program if one is offered.¹⁰⁷ Other campus police departments, particularly in Florida, have entered into cooperation agreements with ICE.¹⁰⁸

State laws often establish and inform campus police officers' authority and activities. This may be true for private institutions as well as public colleges and universities. A review and understanding of the source of campus police officers' authority and applicable state law is prudent. For example, a campus police department that is asked to consider adopting practices to implement or support sanctuary campus practices may be unable to do so due to applicable state law.

A campus police department's obligations arising from its relationship with other law enforcement authorities are also worthy of consideration. These obligations are often detailed in the increasingly common memoranda of understanding between institutions or their campus police departments and local police departments—and potentially with state or federal law enforcement agencies as well.

What if an institution is asked to pledge noncooperation with federal immigration enforcement?

As a general proposition, the law imposes no affirmative duty on individuals or organizations to inform law enforcement authorities of illegal activity.¹⁰⁹ Furthermore, it is reasonable and appropriate in many circumstances for colleges and universities to establish and abide by policies that require an individual's consent or receipt of a subpoena or judicial warrant before complying with requests from authorities for nonpublic information about campus community members. Indeed, federal and state privacy laws, such as those relating to education and medical records, may compel such a response.

However, the INA provides that “a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, [DHS, ICE, or CBP] information regarding the citizenship or immigration status, lawful or unlawful, of any individual.”¹¹⁰ Whether this prohibition would apply to a particular institution, just its campus police department, or not apply at all would depend on certain criteria, such as whether the institution is public or private, and the legal status and authority of its campus police.¹¹¹

Students, faculty, and staff at multiple institutions have petitioned their leadership to implement “sanctuary” campus policies, which can mean many things.¹¹² Some petitions ask institutions to categorically refuse to cooperate with federal law enforcement, while others propose not allowing federal officials to enter campus without a judicial warrant, court order, or other lawful process, such as I-9 inspections or H-1B site visits, which give them explicit authority to enter campus for a specific, targeted purpose.¹¹³ Some requests for a “sanctuary” policy may run counter to applicable aspects of current or evolving federal or state laws or conflict with campus police departments' law enforcement obligations. Also—for political or other reasons—these actions could risk termination of federal and state aid to institutions as well as adverse donor reactions.

Has Trump Two challenged institutions' ability to sponsor international students and scholars?

In May 2025—amidst an ongoing legal battle between Trump Two and Harvard University—DHS announced it was revoking Harvard's SEVP certification and thus its ability to sponsor foreign students and scholars.¹¹⁴ In June 2025, the administration also issued a proclamation suspending any Harvard student's entry into the United States on an F, M, or J visa.¹¹⁵ After Harvard sued, a federal district court issued injunctions blocking the SEVP revocation and proclamation.¹¹⁶ The battle between Trump Two and Harvard continues.¹¹⁷

May CBP search electronic devices at the airport or border?

The simple answer is yes,¹¹⁸ and there are reports of CBP agents searching electronic devices of both U.S. citizens and non-U.S. citizens alike since Inauguration Day.¹¹⁹ According to the CBP website, its officers may search laptops, cell phones, or other electronic devices in connection with inspection during any border crossing, including arrivals by air, sea, or land.¹²⁰ Nonetheless, CBP is not permitted to select someone for a personal search or secondary inspection based on religion, race, national origin, gender, ethnicity, or political beliefs.¹²¹ While U.S. citizens may be questioned and have their devices searched

and/or seized for refusal to provide passwords or unlock devices, they cannot be prevented from entering the United States.¹²²

Is there anything preventing ICE from using an individual's DACA information to facilitate their deportation? What about information maintained by the U.S. Department of Education or other federal agencies?

The current DACA regulation explicitly states that data will not be disclosed to ICE or CBP for the purpose of immigration enforcement proceedings unless certain criteria are met, such as concerns related to national security, fraud or misrepresentation, or specific criminal offenses.¹²³ Similar restrictions exist for other federal agencies that may hold information, including the Department of Education, which cannot share information gathered through Free Applications for Federal Student Aid (FAFSA) for mixed status families.¹²⁴ Moreover, FAFSA data held by Department of Education is protected by the FERPA if the applicant becomes a student at an institution. FAFSA information also may be protected by Section 483(a)(3)(E) of the Higher Education Act.¹²⁵

Federal tax information is protected from sharing with other government agencies, including DHS.¹²⁶

Also, federal agencies are subject to the Privacy Act of 1974, but—as discussed below—there are exceptions.¹²⁷

If DACA students encounter ICE or CBP, will they be placed into removal proceedings?

DACA is intended, in part, to allow ICE and CBP to focus on priority cases among the large number of total undocumented individuals in the country. While rare, there have been reports of DACA recipients being detained and placed in deportation proceedings.¹²⁸

What may be most concerning for students who are documented but have undocumented family members?

Individual students may rely financially on a family member who is undocumented. Immigration enforcement efforts can destabilize families and communities, impacting citizen students or those lawfully present in the United States. Caregivers and other family members may choose to stay home from work or avoid public spaces. Documented individuals may take on additional responsibilities, such as child or elder care, grocery shopping, or supplemental work. Students may also experience extreme stress as a result of immigration enforcement efforts that jeopardize their family members' wellbeing. All of these spillover effects can impact students' mental health and academic performance.

What are the risks for members of mixed-status families who apply for college or financial aid?

To apply for federal financial aid, students need to provide information about their parents and, if relevant, their spouses (known as “contributors”). Contributors' immigration status does not impact a student's eligibility for aid. All U.S. citizens and some eligible noncitizens¹²⁹ are able to apply for federal financial aid, even if their contributors do not have a Social Security number. The Department of Education collects certain personally identifiable information (PII) to assess their eligibility for aid. This includes the name, email address, and mailing address of both the student and their contributors.

While contributors do not need to disclose their immigration status, there is a question on the FAFSA asking if the contributor has a Social Security number. There are a variety of reasons why an individual may not have a social security number, and this indicator does not directly correlate to undocumented status. Nevertheless, concerns about disclosing a family member's status may have a chilling effect on financial aid application rates.¹³⁰

Can the U.S. Department of Education share private information with other agencies?

PII regarding students that is held by the Department of Education is considered part of a student's "education record." The Department of Education defines an education record as "records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution," including "grades, transcripts, class lists, student course schedules, health records (at the K–12 level), student financial information (at the postsecondary level), and student discipline files," among other examples.¹³¹ Use and disclosure of education records is governed by several statutes and regulations. For example, FERPA limits the situations in which PII can be disclosed without the student or guardian's explicit consent.¹³²

The federal Privacy Act of 1974 regulates information disclosures, including the Department of Education's collection, maintenance, use, and disclosure of FAFSA information.¹³³ To date, it appears that information included on the FAFSA has not been used for immigration enforcement.¹³⁴ It remains to be seen, however, how Trump Two's efforts to dismantle the Department of Education may affect the FAFSA process and the information sharing policies currently in place.¹³⁵

The Privacy Act generally specifies that PII cannot be disclosed by federal agencies without written consent, although there are 12 exceptions to the consent requirement.¹³⁶ Of these 12 exceptions, two are especially relevant when it comes to FAFSA information and undocumented status:

1. Routine use: This exception allows agencies to share information for a designated set of purposes.¹³⁷
2. Law enforcement request: This exception allows agencies to request information for civil or criminal law enforcement purposes.¹³⁸ The agency head or officials at or above the section chief level must make the request in writing to the agency that maintains the record and must specify the specific information desired and the law enforcement activity for which the record is sought.¹³⁹

The Department of Education regularly shares information with other agencies under circumstances outlined in the routine uses described above or if there is an explicit agreement describing the context, format, and purpose of data sharing. Data-sharing agreements between the Department of Education and other agencies, such as the IRS, are traditionally governed by computer matching agreements (CMAs) and Memoranda of Understanding (MOUs).¹⁴⁰ The Department of Education's Federal Student Aid Office (FSA) may share information with other agencies to determine a student's eligibility or ineligibility for aid. For example, a CMA between the Department of Education and DHS allows FSA to confirm that eligible noncitizens hold a valid status allowing them to apply for federal aid.¹⁴¹ Another agreement between the Department of Education and the DOJ assesses if an applicant has committed a drug offense that would make them ineligible for aid.¹⁴²

In early 2025, whistleblower reports revealed that Trump Two's Department of Government Efficiency (DOGE) accessed Department of Education data, including financial aid information.¹⁴³ The action prompted a request for review by the Government Accountability Office.

What are the implications of all this for students from immigrant or mixed-status families?

Concerns about the security of financial aid information, exacerbated by reported data sharing agreements between the IRS and DHS, could have chilling effects on FAFSA completion and discourage counselors from advising students from mixed-status families to apply for financial aid.¹⁴⁴

The National Association of Student Financial Aid Administrators (NASFAA) and student financial aid administrators are aware of concerns around government use of FAFSA information. NASFAA has helpful information on current data protections for FAFSA information.¹⁴⁵ Resources are also available for FAFSA

applicants from mixed immigration status families who are hesitant to file tax returns due to immigration enforcement concerns¹⁴⁶ as well as students who may be at risk of experiencing homelessness after the detention or deportation of a family member.¹⁴⁷

Conclusion

Overall, campuses should review their privacy and compliance policies, consult with their legal counsel, and remain attentive to updates from ACE and other higher education organizations as immigration policy continues to evolve during Trump Two. It is essential to share accurate, up-to-date information among and within campus communities to empower informed decision-making, address the concerns of international campus community members with empathy, and connect those in need with legal services or counseling whenever feasible. ACE will continue to monitor, communicate concern with, and engage with the administration as new rules are proposed and imposed.

While it can feel as though the United States is in a period of deep political division, particularly with respect to immigration, depolarization initiatives such as Braver Angels are modeling a way forward by fostering dialogue and trust across differences.¹⁴⁸ Higher education institutions have a key role to play in this effort. By serving communities on campus and beyond, producing novel research and ideas, and welcoming individuals from different backgrounds and countries in their pursuit of education and human development, higher education institutions have the tools and expertise needed to shape a future that benefits us all.

¹ See Muzaffar Chishti, Kathleen Bush-Joseph, & Colleen Putzel-Kavanaugh, [Unleashing Power in New Ways: Immigration in the First Year of Trump 2.0](#), *Migration Policy Institute* (Jan. 13, 2026) for a general overview.

² Homeland Security Act of 2002, [Pub. L. No. 107-296](#) (2002) transferred immigration enforcement authority from the Attorney General to the Secretary of Homeland Security, and also gave ICE the authority to enforce United States customs laws.

³ See Steve Inskeep & Christopher Thomas, [Trump promised the ‘largest deportation’ in US history. Here’s how he might start](#), *OPB* (Nov. 15, 2024); see also [Promises Made, Promises Kept: Border Security Achieved in Fewer Than 100 Days](#), *The White House* (Apr. 28, 2025).

⁴ See, e.g., The Editorial Board, [ICE Is on a Dark Path. Congress Must Act Now.](#), *The New York Times* (Feb. 12, 2026).

⁵ Order, *T.R. v. Noem*, No. 26-cv-00107 (D. Minn. Jan. 28, 2026), https://storage.courtlistener.com/recap/gov.uscourts.mnd.230171/gov.uscourts.mnd.230171.10.0_2.pdf.

⁶ [Immigration-Related Campus Concerns](#), *ACE* (Jan. 2025); [Immigration Post-Election Q&A: DACA Students, “Sanctuary Campuses,” and Institutional or Community Assistance](#), *ACE* (Dec. 2016).

⁷ See [How the United States Immigration System Works](#), *American Immigration Council* (June 24, 2024).

⁸ See this [general information](#) on categories of status. See also pages 3–6 of this Congressional Budget Office report that summarizes the variety of immigration categories: [Effects of the immigration surge on the federal budget and the economy](#), *Congressional Budget Office* (July 2024).

⁹ For travel ban summaries, see Aaron Reichlin-Melnick, [President Trump Expands His Travel Ban: What You Need to Know](#), *American Immigration Council* (Dec. 19, 2025); Mariel Ferragamo, [A Guide to the Countries on Trump’s Travel Ban List](#), *Council on Foreign Relations* (Jan. 14, 2026). For rights of green card holders, see Scott Bomboy, [What are the constitutional rights of green card holders?](#), *National Constitution Center* (Mar. 31, 2025).

¹⁰ USCIS Policy Manual, [Chapter 3 - Rescission Process](#), *U.S. Citizenship and Immigration Services* (Dec. 22, 2025); National Immigration Law Center, [Green Card Holders: Know Your Rights & Risks During the Second Trump Administration](#) (Sept. 16, 2025).

¹¹ See INA § 101(a)(15), 8 U.S.C. § 1101(a)(15); [Nonimmigrant Classes of Admission](#), *Office of Homeland Sec. Statistics, Dep’t of Homeland Sec.*

¹² ACE has requested that the administration exempt non-immigrants from the travel ban. See [Letter from ACE to Secretary Rubio](#) (Sept. 8, 2025).

¹³ See [Temporary Protected Status \(TPS\): Fact Sheet](#), *National Immigration Forum* (Jan. 13, 2026).

¹⁴ *Id.* See also [Temporary Protected Status](#), *U.S. Citizenship and Immigration Services* (Jan. 13, 2026). The TPS designations for each of these countries are set to expire in 2026. If the administration does not affirmatively terminate a TPS designation, the designation is automatically extended for 6 months. INA § 244(b)(3)(C), 8 U.S.C. § 1254a(b)(3)(C).

¹⁵ See [Temporary Protected Status \(TPS\): Fact Sheet](#), *National Immigration Forum* (Jan. 13, 2026); Suzanne Gamboa & Gary Grumbach, [Federal judge postpones Trump administration's termination of TPS for Haitians](#), *NBC News* (Feb. 2, 2026).

¹⁶ See [Temporary Protected Status \(TPS\): Fact Sheet](#), *National Immigration Forum* (Jan. 13, 2026).

¹⁷ INA § 244, 8 U.S.C. § 1254a.

¹⁸ [Realigning the United States Refugee Admissions Program](#), [Exec. Order 14163 of January 20, 2025](#), 90 Fed. Reg. 8459 (Jan. 30, 2025), pauses the U.S. refugee program until “such time as the further entry into the United States of refugees aligns with the interests of the United States.”

¹⁹ [Security Bars and Processing; Confirmation of Effective Date; Partial Withdrawal](#), 90 Fed. Reg. 61035 (Dec. 30, 2025).

²⁰ [Termination of Family Reunification Parole Processes for Colombians, Cubans, Ecuadorians, Guatemalans, Haitians, Honduras, and Salvadorans](#), 90 Fed. Reg. 58032 (Dec. 15, 2025).

²¹ [Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans](#), 90 Fed. Reg. 13611 (Mar. 25, 2025).

²² In some ways, individuals with an unrestricted work card have an advantage over international students on F-1 visas, since the F-1 category strictly limits the type of employment while in school. However, the temporary work card may be based on a fragile immigration category.

²³ [National Data on Immigrant Students](#), *Higher Ed Immigration Portal*.

²⁴ See [Remember The Dreamers](#).

²⁵ To qualify, applicants had to be physically present in the United States on June 15, 2012; be under the age of 31 as of June 15, 2012; have come to the United States before reaching their 16th birthday; have continuously resided in the United States since June 15, 2007; be in school, or have graduated or obtained a certificate of completion from high school, or have obtained a general education development (GED) certificate, or have been honorably discharged from the Coast Guard or the Armed Forces of the United States; and have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and not otherwise pose a threat to national security or public safety. See further details at the [USCIS website](#).

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- ²⁶ [Dream Act of 2025](#), S. 3348, 119th Cong. (2025) (introduced Dec. 4, 2025).
- ²⁷ [DIGNIDAD \(Dignity\) Act of 2025](#), H.R. 4393, 119th Cong. (2025) (introduced July 15, 2025).
- ²⁸ This project at Cornell Law School provides resources and guidance for students seeking to move into more stable immigration status through employer sponsorship. [Path2Papers – Bridging Opportunities for Dreamers and Employers](#).
- ²⁹ *Texas v. United States*, No. 23-40653 (5th Cir. Jan. 17, 2025).
- ³⁰ See *State of Texas, et al., v. United States of America, et al.*, 1:18-CV-00068, (S.D. Texas July 16, 2021); [Current Status of DACA: Explainer](#), *National Immigration Forum* (Oct. 2025).
- ³¹ Even though there is no longer a legal limitation on USCIS processing initial DACA applications for applicants from outside of Texas, USCIS has not done so. [Consideration of Deferred Action for Childhood Arrivals \(DACA\)](#), *U.S. Citizenship and Immigration Services* (Jan. 24, 2025).
- ³² 8 C.F.R. § 274a.14(b).
- ³³ This project at Cornell Law School provides resources and guidance for students seeking to move into more stable immigration status through employer sponsorship. [Path2Papers – Bridging Opportunities for Dreamers and Employers](#). See also the Presidents’ Alliance Legal Pathways that Work program. [LPTW Hub](#).
- ³⁴ 8 U.S.C. § 1182(f).
- ³⁵ *Trump v. Hawaii*, 585 U.S. 667, 684 (2018).
- ³⁶ Guaranteeing the States Protection Against Invasion, [Proclamation 10888 of January 20, 2025](#), 90 Fed. Reg. 8333 (Jan. 29, 2025).
- ³⁷ Restricting the Entry of Foreign Nationals To Protect the United States From Foreign Terrorists and Other National Security and Public Safety Threats, [Proclamation 10949 of June 4, 2025](#), 90 Fed. Reg. 24497 (June 10, 2025); Restricting and Limiting the Entry of Foreign Nationals To Protect the Security of the United States [Proclamation 10998 of December 16, 2025](#), 90 Fed. Reg. 59717 (Dec. 19, 2025); see also [A Guide to the Countries on Trump’s Travel Ban List](#), *Council on Foreign Relations* (Jan. 14, 2026) for an overview of affected countries.
- ³⁸ U.S. Citizenship and Immigration Services, [Policy Memorandum PM-602-0192](#), Hold and Review of all Pending Asylum Applications and all USCIS Benefit Applications Filed by Aliens from High-Risk Countries (Dec. 2, 2026); U.S. Citizenship and Immigration Services, [Policy Memorandum PM-602-0194](#), Hold and Review of USCIS Benefit Applications Filed by Aliens from Additional High-Risk Countries (Jan. 1, 2026). The January 1, 2026, policy memorandum supplements the December 2, 2025, policy memorandum to include the countries announced in the December 19, 2025, travel ban.
- ³⁹ [Immigrant Visa Processing Updates for Nationalities at High Risk of Public Benefits Usage](#), *U.S. Dep’t of State* (Jan. 14, 2026).
- ⁴⁰ [Protecting the United States From Foreign Terrorist and Other National Security and Public Safety Threats](#), [Exec. Order 14161 of January 20, 2025](#), 90 Fed. Reg. 8451 (Jan. 30, 2025).
- ⁴¹ See Nahal Toosi, [Trump team pauses new student visa interviews as it weighs expanding social media vetting](#), *Politico* (May 27, 2025).
- ⁴² See Gregory Svirnovskiy and Phelim Kine, [Marco Rubio: US to ‘aggressively’ revoke visas of Chinese students](#), *Politico* (May 28, 2025); Emily Feng, [Rubio says U.S. will ‘aggressively’ revoke visas for many Chinese students](#), *NPR* (May 28, 2025). Secretary Rubio did not define “critical fields.” ACE sent a letter to Secretary Rubio expressing concern about this announcement on May 30, 2025: see [Letter from ACE to Secretary Rubio \(May 30, 2025\)](#).
- ⁴³ U.S. Dep’t of State, Office of the Spokesperson, Press Release, [Announcement of Expanded Screening and Vetting for Visa Applicants](#) (June 18, 2025).
- ⁴⁴ See Nahal Toosi and Eric Bazail-Eimil, [State Department unveils social media screening rules for all student visa applicants](#), *Politico* (June 18, 2025).
- ⁴⁵ [Announcement of Expanded Screening and Vetting for H-1B and Dependent H-4 Visa Applicants](#), *U.S. Dep’t of State* (Dec. 3, 2025).
- ⁴⁶ [Announcement of Expanded Screening and Vetting for H-1B and Dependent H-4 Visa Applicants](#), *U.S. Dep’t of State* (Dec. 3, 2025); U.S. Dep’t of State, Office of the Spokesperson, Press Release, [Announcement of Expanded Screening and Vetting for Visa Applicants](#) (June 18, 2025). USCIS has implemented a similar policy, See [USCIS to Consider Anti-Americanism in Immigrant Benefit Requests](#), *U.S. Citizenship and Immigration Services* (Aug. 19, 2025).
- ⁴⁷ [Proclamation 10973 of September 19, 2025](#), 90 Fed. Reg. 46027 (Sept. 24, 2025).
- ⁴⁸ See Myah Ward and Giselle Ruhiyih Ewing, [White House tries to tamp down corporate panic for high-skill visa holders after last-minute overhaul](#), *Politico* (Sept. 20, 2025). ACE sent a letter to Secretary Noem on October 23, 2025, with questions about the new fee: see [Letter from ACE to Secretary Noem \(Oct. 23, 2025\)](#).
- ⁴⁹ *Id.*
- ⁵⁰ *Id.*; [H-1B Specialty Occupations](#), *U.S. Citizenship and Immigration Services* (Dec. 23, 2025).
- ⁵¹ See here for information on the three main lawsuits: [Attorney General Bonta Sues Over Trump Administration’s Unlawful New \\$100K Fee for H-1B Visa | State of California - Department of Justice - Office of the Attorney General](#); Michael T. Nietzel, [AAUP Joins Coalition Filing Lawsuit Against Trump’s New H-1B Visa Fee](#), *Forbes* (Oct. 5, 2025); [AAU Joins Lawsuit Challenging \\$100,000 Fee on Certain H-1B Visa Petitions](#), *Association of American Universities* (Oct. 24, 2025).

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- ⁵² [Weighted Selection Process for Registrants and Petitioners Seeking To File Cap-Subject H-1B Petitions](#), 90 Fed. Reg. 60864 (Dec. 29, 2025).
- ⁵³ INA § 214(g)(5)(A), 8 U.S.C. § 1184(g)(5)(A).
- ⁵⁴ ACE's comments on the proposed rule are available here: [ACE Comments Re: DHS Docket No. USCIS-2025-0040](#) (Oct. 24, 2025).
- ⁵⁵ Practical Training, RIN 1653-AA97, available at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202504&RIN=1653-AA97>.
- ⁵⁶ Stuart Anderson, [New Immigration Rule Will End Or Restrict Student Practical Training](#), *Forbes* (Nov. 12, 2025).
- ⁵⁷ [Employer Site Visits](#), *Dep't of Homeland Sec.* (undated).
- ⁵⁸ See [FAQ Understanding Recent International Student Visa Revocations and Apprehensions: Guidance for Colleges & Universities, Presidents' Alliance](#) (July 24, 2025) for an overview of the difference between student visas and SEVIS records, as well as the legal consequences of revocation and/or termination.
- ⁵⁹ Arturo Castellanos-Canales, [Explainer: Revocation of Student Visas and Termination of SEVIS Records](#), *National Immigration Forum* (June 13, 2025).
- ⁶⁰ *Id.*; [New Insights into the Growing Number of Actions Against International Students and Scholars](#), *NAFSA* (May 7, 2025).
- ⁶¹ Leila Fadel, Taylor Haney, Arezou Rezvani, & Kyle Gallego-Mackie, 'Citizenship won't save you': Free speech advocates say student arrests should worry all, *National Public Radio* (Apr. 8, 2025). Mahmoud Khalil and Rümeysa Öztürk are two students whose arrests for pro-Palestinian speech garnered nationwide attention in the first year of the second Trump administration. Litigation in each of their cases is ongoing. See Emily Pickering & Colette Carbonara, [Mahmoud Khalil, SIPA '24, will be rearrested and deported to Algeria, DHS says](#), *Columbia Spectator* (Jan. 22, 2026); [Tufts student can resume research after Trump officials revoked her visa, judge rules](#), *The Guardian* (Dec. 9, 2025). See also Jake Tapper & Jennifer Hansler, [Unsealed court documents suggest Trump admin detained Tufts student for writing op-ed critical of Israel](#), *CNN* (Jan. 23, 2026).
- ⁶² 8 U.S.C. § 1227(a)(4)(C); Arturo Castellanos-Canales, [Explainer: Revocation of Student Visas and Termination of SEVIS Records](#), *National Immigration Forum* (June 13, 2025).
- ⁶³ Arturo Castellanos-Canales, [Explainer: Revocation of Student Visas and Termination of SEVIS Records](#), *National Immigration Forum* (June 13, 2025). The SEVIS terminations resulted from an ICE program called the "Student Criminal Alien Initiative," which ran the names of 1.3 million international students through a federal criminal history database. See Kyle Cheney & Josh Gerstein, [Feds reveal how immigration squad targeted thousands of foreign students](#), *Politico* (Apr. 29, 2025).
- ⁶⁴ See [Letter from ACE to Secretary Rubio and Secretary Noem](#) (April 4, 2025).
- ⁶⁵ Arturo Castellanos-Canales, [Explainer: Revocation of Student Visas and Termination of SEVIS Records](#), *National Immigration Forum* (June 13, 2025).
- ⁶⁶ Kyle Cheney & Josh Gerstein, [Trump administration reverses abrupt terminations of foreign students' US visa registrations](#) (Apr. 25, 2025); Andrew Kreighbaum, [ICE Issues New International Student Policy as Lawsuits Mount](#), *Bloomberg Law* (Apr. 29, 2025).
- ⁶⁷ [SEVIS Record Termination Litigation - Presidents' Alliance](#).
- ⁶⁸ [Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media](#), 90 Fed. Reg. 42070 (Aug. 28, 2025). I visas are available to representatives of foreign media.
- ⁶⁹ For more on the potential impacts of this rule, see [DHS Proposal to Replace Duration of Status](#), *NAFSA* (Jan. 22, 2026).
- ⁷⁰ See [ACE Comments Re: DHS Docket No. ICEB-2025-0001](#).
- ⁷¹ [Removal of the Automatic Extension of Employment Authorization Documents](#), 90 Fed. Reg. 48799 (Oct. 30, 2025); [DHS Ends Automatic Extension of Employment Authorization | USCIS](#), *U.S. Citizenship and Immigration Services* (Oct. 29, 2025).
- ⁷² By participating in the F-1, J-1, and H-1B programs, institutions agree to such oversight.
- ⁷³ 8 C.F.R. § 103.7(d)(2).
- ⁷⁴ 8 C.F.R. § 214.3(h)(3)(iii)-(iv).
- ⁷⁵ [Administrative site visit and verification program](#). *U.S. Citizenship and Immigration Services*. In general, to prepare for H-1B site visits, which are recently already seeing an uptick, it is best to be sure that compliance requirements are met for files and that individuals and departments report any change in the job (salary, title, location, duties) in advance to the visa office. See [Fact sheet #62F: What records must an H-1B employer make available to the public?](#) *U.S. Dep't of Labor*.
- ⁷⁶ See generally [Immigration Enforcement on Campuses: What You Need To Know](#), *Presidents' Alliance* (Oct. 29, 2025), for a comprehensive overview of immigration enforcement on campuses.
- ⁷⁷ See 8 C.F.R. § 287.8(f)(2), which governs site inspections by DHS agents: "An immigration officer may not enter into the non-public areas of a business, a residence including the curtilage of such residence, or a farm or other outdoor agricultural operation, except as provided in section 287(a)(3) of the Act, for the purpose of questioning the occupants or employees concerning their right to be or remain in the United States unless the officer has either a warrant or the consent of the owner

or other person in control of the site to be inspected. When consent to enter is given, the immigration officer must note on the officer's report that consent was given and, if possible, by whom consent was given. If the immigration officer is denied access to conduct a site inspection, a warrant may be obtained."

⁷⁸ See [Campus Preparedness Toolkit: Immigration Enforcement - Presidents' Alliance](#), *Presidents' Alliance* (Jan. 21, 2026) for images of judicial and administrative warrants.

⁷⁹ See Rebecca Santana, [Immigration officers assert sweeping power to enter homes without a judge's warrant, memo says](#), AP News (Jan. 21, 2026). A copy of the memorandum, obtained by the AP, is available here: [DHS ICE memo 1-21-26 | DocumentCloud](#).

⁸⁰ [Challenging ICE's Home-Invasion Policy](#), *Lawyers for Civil Rights*.

⁸¹ Although an individual is not required to affirmatively assist authorities, various federal statutes prohibit obstruction of civil, administrative, and criminal investigations and proceedings. See, e.g., 18 U.S.C. §§ 1505, 1510, 1512. The U.S. Federal Sentencing Guidelines also provide for sentencing enhancements based upon obstructive conduct. See 8 U.S.S.G. § 3C1.1. See also *United States v. Manzano-Huerta*, 809 F. 3d 440, 443 (8th Cir. 2016) (affirming the conviction of a defendant prosecuted for violating the harboring statute with an obstruction enhancement because he provided materially false information to law enforcement about the employment status of an unauthorized employee).

⁸² See INA § 274, 8 U.S.C. § 1324. A "person" under the statute can be either "an individual or an organization." INA § 101(b)(3), 8 U.S.C. § 1101(b)(3). See also *United States v. Ye*, 588 F.3d 411, 414 (7th Cir. 2009) (noting that "'conceal,' 'harbor,' and 'shield from detection' have independent meanings, and thus a conviction can result from committing (or attempting to commit) any one of the three acts").

⁸³ See INA § 274, 8 U.S.C. § 1324.

⁸⁴ *United States v. Lopez*, 521 F.2d 437, 440-41 (2d Cir. 1975) (internal quotation marks omitted).

⁸⁵ 3C Am. Jur. 2d Aliens and Citizens § 2588.

⁸⁶ *United States v. McClellan*, 794 F.3d 743, 751 (7th Cir. 2015).

⁸⁷ *Id.* at 749-50 (quoting *United States v. Costello*, 666 F.3d 1040, 1050 (7th Cir. 2012)); see also *United States v. Vargas-Cordon*, 733 F.3d 366, 381 (2d Cir. 2013) (harboring requires that the defendant intended to facilitate an illegal alien's remaining in the United States and to prevent the alien's detection by immigration authorities).

⁸⁸ *United States v. Acosta de Evans*, 531 F.2d 428, 430 (9th Cir. 1976) ("construing harbor to mean afford shelter to").

⁸⁹ See *U.S. v. Thum*, 749 F.3d 1143, 1148 (9th Cir. 2014). Defendants have been convicted under the harboring statute for doing as little as occasionally employing an alien housekeeper and offering advice on how to avoid deportation. See *U.S. v. Henderson*, 857 F.Supp.2d 191, 210 (D. Mass. 2012) (encouragement entails "affirmative assistance that makes an alien lacking lawful immigration status more likely to enter or remain in the United States than she otherwise might have been," quoting *Del Rio-Mocci v. Connolly Properties Inc.*, 672 F. 3d 241, 248 (3d Cir. 2012)); *Edwards v. Prime*, 602 F. 3d 1276 (11th Cir. 2010) (knowingly supplying illegal aliens "with jobs and with social security numbers to facilitate their employment" fulfills the court's broad interpretation of the phrase "encouraging or inducing," which includes "helping aliens come to, enter, or remain in the United States").

⁹⁰ U.S. Dep't of Homeland Sec., Memorandum from Benjamine C. Huffman to Caleb Vitello and Pete R. Flores, [Enforcement Actions in or Near Protected Areas](#) (Jan. 20, 2025). Educators in Minnesota are challenging this policy change. See Meghan Gallagher, [Minnesota Districts, Teachers Union Sue Federal Government for Targeting Schools](#), *The 74* (Feb. 4, 2026). A copy of the complaint is available here: [Fridley-et-al.-v.-Noem-et-al.-FILED-STAMPED-COMPLAINT-2-4-26.pdf](#).

⁹¹ [Protecting American Communities From Criminal Aliens](#), Exec. Order 14287 of April 28, 2025, 90 Fed. Reg. 18761 (May 2, 2025).

⁹² Kyle Cheney & Josh Gerstein, [Judge throws out Trump's lawsuit against Illinois over sanctuary policies](#), *Politico* (July 25, 2025).

⁹³ For an overview, see Alejandra Aramayo, ["Sanctuary" Jurisdictions: Legal Overview](#), *Library of Congress* (Sept. 15, 2025).

⁹⁴ See [FAQs: SEVP Field Representatives](#), *U.S. Immigration and Customs Enforcement* (July 8, 2025). See also [Designated school officials: What is Campus Sentinel?](#), *Dep't of Homeland Security* (Mar. 22, 2013). ICE's SEVP has access to the Student and Exchange Visitor Information System (SEVIS) database, so requests would likely be for SEVIS adjacent records, i.e., any documents stored by the international office outside of the SEVIS database. Schools may consider keeping as little educational data in those adjacent records as possible.

⁹⁵ See 20 C.F.R. § 655.760(a). See also the language [above the petitioner's signature](#) on the form at Part 7 on page 6.

⁹⁶ See 20 U.S.C. § 1232g(j); 20 U.S.C. § 9007(c).

⁹⁷ Foundations for Evidence-Based Policymaking Act of 2018, Pub. L. No. 115-435, 132 Stat. 5529 (2019). See also [Memoranda 01-05 – Guidance on inter-agency sharing of personal data: Protecting personal privacy](#), *Office of Management and Budget* (Dec. 20, 2000); [FERPA overview](#), *Higher Ed Immigration Portal* (Feb. 26, 2025); [FERPA: What it means and how it works](#), *Student Press Law Center*. Also, for members of the National Association of College and University Attorneys, there are legal resources on the NACUA [website](#).

⁹⁸ On or within 30 days before filing the LCA, the employer must also provide notice of filing the LCA to its employees. *See* INA § 212(n)(1)(C), 8 U.S.C. § 1182(n)(1)(C); 20 C.F.R. § 655.734.

⁹⁹ 20 C.F.R. § 655.760.

¹⁰⁰ [Fact Sheet #62F: What records must an H-1B employer make available to the public?](#), *U.S. Dep't of Labor* (Aug. 2010); 20 C.F.R. § 655.760(a)(1)-(10). There are additional requirements if the employer undergoes a change in corporate structure, or if the employer is H-1B dependent or found to be a willful violator.

¹⁰¹ [Fact Sheet #62D: What records must be maintained by all H-1B employers?](#), *U.S. Dep't of Labor* (July 2008).

¹⁰² INA § 264(e), 8 U.S.C. § 1304(e).

¹⁰³ 8 C.F.R. § 278.8(b)(2).

¹⁰⁴ *Noem v. Vasquez Perdomo*, 606 U. S. ____ (2025). The Supreme Court stayed a California federal court's injunction prohibiting such practices. The stay is in effect pending the Ninth Circuit's review of the injunction.

¹⁰⁵ *See* [Advisory on USCIS Site Visits for Students on Post-Completion OPT or STEM OPT](#), *Brown University* (Oct. 14, 2025).

¹⁰⁶ "Nothing in this subsection shall be construed to require any State or political subdivision of a State to enter into an agreement with the Attorney General." INA § 287(g)(9), 8 U.S.C. § 1357(g)(9). *See also* [Delegation of Immigration Authority Section 287\(g\) Immigration and Nationality Act](#), *U.S. Immigration and Customs Enforcement* (Jan. 30, 2026) (explaining ICE's authority "to delegate state and local law enforcement officers the authority to perform specified immigration officer functions under ICE's discretion and oversight").

¹⁰⁷ *See, e.g., FAQs for California State University Employees About Federal Immigration Enforcement Actions on University Property*, *California State University* (Feb. 19, 2025) (explaining that California State University Police will not work with ICE).

¹⁰⁸ *See* Josh Moody, [At Least 15 Florida Institutions Have ICE Agreements](#), *Inside Higher Ed* (April 29, 2025).

¹⁰⁹ *See United States v. Driscoll*, 449 F.2d 894, 896 (2d Cir. 1971) (defendant aware of alien smuggling had no duty to alert authorities).

¹¹⁰ 8 U.S.C. § 1373(a).

¹¹¹ The prohibition addresses actions by government entities and officials, and no court appears to have considered whether and under what set of facts the prohibition applies to a university or college.

¹¹² *See* Sara Weismann, [The Struggling Sanctuary Campus Movement](#), *Inside Higher Ed* (Mar. 24, 2025).

¹¹³ *See, e.g., Petition · Make Cerritos College a Sanctuary Campus; Tell UMD Administration: Protect Our International and Undocumented Community!*.

¹¹⁴ [Harvard University Loses Student and Exchange Visitor Program Certification for Pro-Terrorist Conduct](#), *U.S. Dep't of Homeland Security* (May 22, 2025); *see also* [Immigration FAQs](#), *Harvard International Office* (Jan. 7, 2026), for an overview of recent events and ongoing litigation. The administration also notified Harvard that it would initiate an administrative review of the university's F-1 international student program. *See* [Student and Exchange Visitor Program Notice of Intent to Withdraw](#), *Homeland Security Investigations* (May 28, 2025).

¹¹⁵ Enhancing National Security by Addressing Risks at Harvard University, [Proclamation 10948 of June 4, 2025](#), 90 Fed. Reg. 24493 (June 10, 2025).

¹¹⁶ Christina Pazzanese, [Federal judge blocks Trump plan to ban international students at Harvard](#), *Harvard Gazette* (June 30, 2025).

¹¹⁷ *See* Bianca Quilantan, [Trump escalates Harvard feud with \\$1B demand](#), *Politico* (Feb. 3, 2026).

¹¹⁸ [Border search of electronic devices at ports of entry](#), *U.S. Customs and Border Protection* (Jan. 28, 2026). *See also* Sophia Cope, [EFF to Second Circuit: Electronic Device Searches at the Border Require a Warrant](#), *Electronic Frontier Foundation* (Nov. 8, 2024).

¹¹⁹ *See* Gabe Castro-Root, [Phone Searches at U.S. Borders: What Travelers Need to Know](#), *The New York Times* (Dec. 31, 2025). The Supreme Court has long held that routine searches at the border are permissible without a warrant, probable cause, or reasonable suspicion. *See United States v. Flores-Montano*, 541 U.S. 149, 152–53 (2004); Kelsey Y. Santamaria & Hillel R. Smith, [Searches and Seizures at the Border and the Fourth Amendment](#), *Library of Congress* (Mar. 30, 2021).

¹²⁰ [Border Search of Electronic Devices at Ports of Entry](#), *U.S. Customs & Border Prot.* (Jan. 28, 2026); *see also* U.S. Customs & Border Prot., [CBP Directive No. 3340-049B: Border Search of Electronic Devices](#) (Jan. 1, 2026).

¹²¹ [Enforcement at the Airport](#), *American Civil Liberties Union* (Dec. 18, 2025).

¹²² *Id.*

¹²³ *See* [Frequently Asked Questions](#), *U.S. Citizenship and Immigration Services* (Oct. 10, 2025).

“Q21: Will the information I share in my request for consideration of DACA be used for immigration enforcement purposes?”

A21: Under 8 CFR 236.23(e)(1), DHS will not use information about a requestor in a request for DACA to initiate immigration enforcement proceedings against that requestor, unless DHS is initiating immigration enforcement proceedings due to a criminal offense, fraud, a threat to national security, or public safety concerns. Individuals whose cases are deferred under DACA will not be referred to ICE. The information may be shared with national security and law enforcement

agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of DACA, to identify or prevent fraudulent claims, for national security purposes, or to investigate or prosecute a criminal offense.

Q22: If my case is referred to ICE for immigration enforcement purposes or if I receive a Notice to Appear, will ICE receive information about my family members and guardians for immigration enforcement purposes?

A22: Under 8 CFR § 236.23(e)(2), information contained in your DACA request related to your family members or guardians will not be used for immigration enforcement purposes against them. However, we may share this information with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of DACA, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense.”

¹²⁴ [Communicating With Students from Families with Mixed Immigration Statuses About Completing the FAFSA](#), *National Association of Student Financial Aid Administrators* (Jan. 3, 2025).

¹²⁵ [Financial Aid Data Sharing](#), *National Association of Student Financial Aid Administrators* (June 2019).

¹²⁶ [IRS privacy policy](#), *Internal Revenue Service* (Nov. 17, 2025).

¹²⁷ [Financial Aid Data Sharing](#), *National Association of Student Financial Aid Administrators* (June 2019).

¹²⁸ Nicole Acevedo, [Detentions of DACA recipients show they're not shielded from Trump's mass deportations](#), *NBC News* (July 24, 2025).

¹²⁹ [Eligibility for Non-U.S. Citizens](#), *Federal Student Aid*.

¹³⁰ [Communicating With Students from Families with Mixed Immigration Statuses About Completing the FAFSA](#), *National Association of Student Financial Aid Administrators* (Jan. 3, 2025).

¹³¹ [What is an education record?](#), U.S. Department of Education.

¹³² See [FERPA Overview](#), *Presidents' Alliance*.

¹³³ See 5 U.S.C. § 522a; 34 C.F.R. Part 5b.

¹³⁴ [Communicating With Students from Families with Mixed Immigration Statuses About Completing the FAFSA](#), *National Association of Student Financial Aid Administrators* (Jan. 3, 2025).

¹³⁵ [Improving Education Outcomes by Empowering Parents, States, and Communities](#), *Exec. Order 14242 of March 20, 2025*, 90 Fed. Reg. 13679 (Mar. 25, 2025).

¹³⁶ 5 U.S.C. § 522a(b); 34 C.F.R. § 5b.9(b).

¹³⁷ 5 U.S.C. § 522a(b)(3); 34 C.F.R. § 5b.9(b)(3). These purposes are identified in a Systems of Records Notice (SORN) published in the Federal Register. Articulated routine uses related to federal financial aid information can be found in the Person Authentication Service System of Record Notice (18-11-12), as published in the Federal Register on July 28, 2023 (88 Fed. Reg. 48817).

¹³⁸ 5 U.S.C. § 522a(b)(7); 34 C.F.R. § 5b.9(b)(7).

¹³⁹ [Overview of the Privacy Act: 2020 Edition](#), *U.S. Dep't of Justice, Office of Privacy and Civil Liberties* (Dec. 15, 2022).

¹⁴⁰ [Computer Matching Notices and Agreements](#), *U.S. Dep't of Education* (Jan. 30, 2025).

¹⁴¹ See [CMA between DHS-USCIS and ED](#).

¹⁴² See [Computer Matching Agreement Between the U.S. Department of Education and the U.S. Department of Justice](#).

¹⁴³ See Laura Meckler, Danielle Douglas-Gabriel, & Hannah Natanson, [Trump preps order to dismantle Education Department as DOGE probes data](#), *The Washington Post* (Feb. 3, 2025); Liam Knox & Jessica Blake, [DOGE's access to Education Department data raises concerns](#), *Inside Higher Ed* (Feb. 8, 2025).

¹⁴⁴ See [Broken Promises: How the New FAFSA Failed Mixed-Status Families and the Counselors Who Serve Them](#), *Presidents' Alliance* (June 3, 2025).

¹⁴⁵ *Id.*

¹⁴⁶ [Financial Aid Options for Non-Tax-Fileers](#), *Higher Ed Immigration Portal* (May 30, 2025).

¹⁴⁷ [Navigating Financial Aid for Immigrant and Mixed-Status Students Experiencing Homelessness](#), *SchoolHouse Connection* (Jan. 21, 2026).

¹⁴⁸ [Our Mission](#), *Braver Angels*. Among other work, Braver Angels facilitates workshops, debates, and forums on campuses to encourage a culture of civil discourse. See [Braver Education](#), *Braver Angels*.