

2026 Updated FAQs and Immigration Enforcement Guidance For K-12 Schools

Insights

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Increased immigration enforcement in Minnesota, Maine, and beyond is raising concerns for K-12 private and independent schools. In order to safeguard students and staff while ensuring legal compliance, you should proactively prepare for potential interactions with immigration authorities on and around your campus. You might also be wondering about student and employee involvement in protests and advocacy efforts. The Fisher Phillips Education Team and Immigration Practice Group – along with our Rapid Response Team – remain ready to assist and have updated this series of Frequently Asked Questions to help guide you.

Preparedness and Policies

Increased immigration enforcement activity, along with heightened community unrest across the country, has raised growing concern among private schools about the potential impact on their communities, campuses, and surrounding facilities.

While we are not aware of any immigration enforcement actions taking place on private school campuses to date, preparing remains essential. Following the Trump Administration's revocation of prior "sensitive locations" guidance, ICE agents are no longer categorially restricted from conducting enforcement operations on private school grounds. As a result, schools should be ready to respond appropriately to any interactions with immigration authorities, even if such encounters remain unlikely.

Preparedness plans should be tailored to your school. Physical layouts, points of entry, public access to buildings and grounds, shared facilities, and relationships with neighboring institutions vary widely across campuses and schools. These differences can significantly affect how an enforcement action might unfold and how school personnel should respond. Thoughtful, school-specific planning is critical to protect students and employees while ensuring legal compliance.

Additionally, private schools should review and, where appropriate, revise and clarify policies related to student and employee participation in protests, demonstrations, and advocacy efforts. Clear expectations help schools balance safety, continuity of operations, and risk management with respect for individual expression. Because each school's mission and values differ, approaches to

involvement in advocacy efforts will necessarily vary, underscoring the importance of policies that are thoughtfully aligned with the school's values and legal obligations.

General Immigration Enforcement at Schools

What rights do private schools have regarding ICE access?

While the federal government now deems it fit for immigration officials to engage in enforcement action on school campuses, private schools have certain rights to control access to their property:

- **Verification of Credentials:** Schools can request to see ICE agents' identification and any warrants they may have. Your FP lawyer can assist you with verifying the warrant.
- **Limiting Access:** Schools can designate specific areas as private and restrict access for anyone that does not have a valid warrant.

How can we limit access?

The best way to do so is to install signage that states that visitors must check in at main office or security guard shack and/or that certain areas of the campus are for school personnel only. This will limit ICE officer access to those areas if they do not have a valid warrant. Communicate with your legal counsel about the layout of your campus to figure out a plan specific to your school's campus and facilities layout.

When can ICE agents legally enter our school campus?

The authority of ICE agents to legally enter your campus depends on specific circumstances:

- **With a Warrant:** ICE agents may enter private areas of the school if they possess a valid judicial warrant that has been signed by a judge and specifically indicates that those areas can be accessed. Having your FP lawyer or our Rapid Response Team on speed dial so they can assist you in assessing the warrant may bring peace of mind.
- **Without a Warrant:** Agents can access "public" areas of the campus without a warrant. While you may consider every inch of your campus to be private, ICE agents and government officials are permitted to enter areas of your campus where members of the public can access, generally areas like main offices and lobbies. However, entry into non-public areas without consent or a warrant is generally not permitted.

What areas of our campus are considered public, and where can we ask ICE to wait while verifying a warrant?

Understanding campus designations is crucial and will depend on your campus setup:

- **Public Areas:** Spaces such as open courtyards, main offices, and publicly accessible lobbies might be considered public depending on your school's property – as noted above, ICE can enter these spaces without a warrant.
- **Restricted Areas:** Classrooms, administrative offices, and secured sections of campus designated as private will require authorization for entry.
- **Holding Location:** If ICE arrives, schools can direct agents to a neutral, non-disruptive space while verifying legal requirements.

How should our school respond if ICE agents arrive on campus?

If ICE agents arrive:

- **Stay calm:** Maintain a composed environment to avoid alarming students and staff.
- **Contact counsel:** Reach out to Fisher Phillips' Rapid Response Team at (877) 483-7781 or DHSRaid@fisherphillips.com.
- **Use your point person:** Make sure your designated point person, most knowledgeable about this process and trained to oversee matters, is on the scene as soon as possible.
- **Verify credentials:** Politely request identification and inquire about the purpose of their visit.
- **Review documentation:** Ask to see any warrants or legal documents authorizing their actions.
- **Limit access:** Make sure the ICE agents comply with the terms of a valid warrant, which might allow you to restrict agents to certain areas. Again, you do not have to permit access to private spaces or student records without proper authorization.
- **Don't interfere:** Your point person should allow ICE agents into whatever specific area has been approved for inspection and enforcement activity, but don't interfere with the raid in any other way. You should monitor activities but avoid taking any action that could be construed as harboring those who don't have proper documentation.
- **Document the encounter:** Keep detailed records of the interaction, including names, badge numbers, and the nature of the inquiry. Document any seized property or records.
- **Communicate:** Work with your leadership team and FP counsel to develop a communications strategy to update your school community (and media, if necessary) about the enforcement activity that took place.

Can our school implement a “pause” or lockdown procedure if ICE agents arrive?

Implementing a “pause” procedure – like sending out a signal akin to a lockdown – requires careful consideration because your actions could be considered interfering with an enforcement action.

- **Purpose:** If the procedure's aim is to maintain student safety and order, and not to obstruct law enforcement, your actions are more likely to be acceptable. If your aim is to delay ICE officers

from accessing the campus or people, provide individuals with an opportunity to hide or escape the premises, give personnel a chance to destroy relevant evidence, or create time for the school to contact the media, your actions are less likely to be acceptable.

- **Legal Implications:** Obstructing or interfering with an ICE operation can lead to severe legal consequences – including criminal arrest – not to mention potential reputational damage. Ensure that your actions are not perceived as hindering enforcement activities or harboring undocumented individuals.
- **Risky Behavior:** The kinds of actions that are more likely to land you in trouble include offering hiding places to people, aiding in an individual's escape from campus, shredding or deleting documents, or providing false and misleading information to government officials.
- **Less Risky Behavior:** If you regularly conduct lockdown drills intent on keeping students and faculty calm during disruptive events, you will be in better position to defend such actions during an ICE raid. You should instruct individuals not to move from one part of the campus to another during this time. Further, if your actions ensure that everyone on campus is actually more available for ICE audit activities, they will be less likely to be perceived as improper.
- **Policy Review:** Regularly review and update your school's policies and practices to ensure they comply with current laws and do not unintentionally suggest obstruction.

Can ICE agents request student records?

While they can request the records, you should only turn them over pursuant to a proper warrant. For those schools receiving certain kinds of federal financial assistance, Family Educational Rights and Privacy Act (FERPA) already prevents schools from sharing student records without their consent, except in a few narrow cases. Of course, a warrant, subpoena, or court order trumps FERPA.

Protest and Advocacy Policies

Private schools should anticipate heightened interest in protests, demonstrations and other forms of advocacy by students and employees and in doing so, proactively review or develop policies that address participation in these activities. Clear, thoughtfully communicated and consistently enforced expectations can help schools manage civic engagement while maintaining safety, continuity of operations, and compliance with applicable law.

Policies should outline guidelines related to protest participation, how absences, conduct and use of school resources will be handled as well as any necessary processes the student or employee needs to follow.

Key Points for Protest and Advocacy Policies

- **Define expectations for conduct** during protests or demonstrations, whether they occur on or off campus, including standards of behavior and adherence to school rules and codes of conduct.
- **Address the use of school identifiers**, such as logos, uniforms, apparel, or other branded materials, and whether students or employees may identify themselves as affiliated with the school while participating in protests.
- **Clarify rules for on-campus actions**, including walkouts, sit-ins, or other disruptions to the academic program, and the procedures for addressing such conduct.
- **Establish guidance on absences**, including whether and under what circumstances protest-related absences may be excused, as well as potential disciplinary consequences for unexcused absences or policy violations.
- **Prohibit coercion**, making clear that employees may not pressure, encourage, or require students or colleagues to participate in protests, demonstrations or advocacy activities.
- **Ensure legal compliance**, including alignment with employment law, student discipline standards, contractual obligations, and any applicable federal, state or local laws.

The goal in drafting these policies is to balance the school's mission, values and community expectations with protecting the safety and well-being of students and employees as well as continuity of school operations.

Emergency Planning for Student and Family Disruptions

What should our school do if a student's parents are detained by ICE?

In such situations:

- **Reach out to emergency contacts:** Ensure that each student has updated emergency contact information on file. Encourage families to designate contacts who are legally present in the U.S. to avoid potential complications.
- **Consider Child Welfare implications:** Determine if the absence of parents necessitates a report to Child Protective Services (CPS). In many states, if no legal guardian is available, reporting is mandatory.
- **Work with case workers:** In some situations, government officials will dispatch a case worker to the school to meet with the student. Make sure the student remains in the school until the case worker arrives. If school is still in session, make sure to have eyes on the student as these children may present a higher flight risk. Follow up with the case worker on whether the student will return to school the following day or how the matter is being handled so you can determine your obligations moving forward.
- **Provide support:** Offer counseling and support services to affected students to help them cope with the situation.

How can we encourage families to provide reliable emergency contact information?

Given concerns about immigration enforcement:

- **Build trust:** Assure families that the information provided will be used solely for emergency purposes.
- **Legal status of contacts:** While it's a sensitive topic, encourage families to list emergency contacts who are legally present in the U.S. to ensure they can step in without fear of detention.
- **Leverage community resources:** Connect families with local organizations that can assist in establishing guardianship arrangements or provide legal advice.

Should our school report to Child Protective Services if a student's parents are detained?

This depends on state laws:

- **Mandatory reporting:** In many states, if a child is left without a legal guardian due to parental detention, you are required to make a report to CPS.
- **Consult state guidelines:** Familiarize yourself with your state's specific reporting requirements and consult with legal counsel to ensure compliance.

Workforce Issues

What preventive steps can we take to minimize the chances of our school landing on ICE's radar?

- **Schedule regular I-9 audits of your employee documentation to prepare for potential audits.** Immigration officials often decide to ramp up enforcement activity if they get wind of potential lesser violations at a school. Reviewing your documentation ahead of time will place you in the best possible position to demonstrate your compliance.
- **Conduct regular employee training on I-9 compliance.** Coordinate with your FP counsel to ensure your hiring and administrative team are aware of the best practices when it comes to this crucial documentation.
- **Take ICE audits seriously.** If you receive a Notice of Inspection from federal immigration officials, you will typically need to produce I-9 forms and additional records within three days. A routine audit of your employees' I-9 forms could turn into an enforcement action against your entire school if ICE personnel believe you aren't taking immigration compliance seriously. Contact your FP counsel immediately, as they can help you gather correct documentation, make allowable corrections to minimize penalties and, if necessary, negotiate a short extension for producing records. They can also work with ICE officials to streamline the audit process and perhaps keep enforcement agents away from your campus.

What steps can we take to prepare for a potential ICE raid?

This is a new area for most school personnel, so you should prepare them for the possibility that immigration could show up at your school unannounced to conduct a raid. They should know what to do and who to contact if ICE shows up on your campus.

- **Offer trainings** to provide them with a clear understanding of your students' rights and your school's obligations in this new era.
- **Designate an employee** most knowledgeable about the process to serve as a point person should ICE arrive on campus.
- **Establish a relationship with an FP immigration attorney** if you don't yet have one – especially if you are concerned about enforcement activity at your school. Contact your regular FP education attorney to connect with someone suited for your situation.
- **Purchase a Rapid Response Tool Kit.** FP's Rapid Response Team has developed a Tool Kit specifically designed for the educational setting, complete with a detailed "what to do in the event of a raid" memo and flyer, a know-your-rights card in multiple languages for students and school personnel, and points of contact for who contact in case of emergencies. Contact your FP attorney for more information.

International Students and SEVP Compliance

What is the Student and Exchange Visitor Program (SEVP)?

The Student and Exchange Visitor Program (SEVP) is a part of the National Security Investigations Division of the Department of Homeland Security (DHS), and acts as a bridge for government organizations that have an interest in information on individuals whose primary reason for coming to the U.S. is to be students. The DHS tracks and monitors schools in the SEVP through the Student and Exchange Visitor Information System (SEVIS).

What SEVP requirements do schools with exchange students have?

Federal laws require that a Designated School Official (DSO) update and maintain the SEVIS records of all nonimmigrant students in certain visa categories. If a school's DSO does not complete the required actions within the legal time limits, SEVIS automatically updates the student records. SEVIS also requires an annual review and verification of every user with access to a federal system.

Does participating in SEVP mean we'll be visited by immigration officials?

Under the law, a field representative must conduct a site visit with any school that has newly applied for SEVP access. And once a school is registered in SEVP, it will remain subject to site visits. SEVP performs both scheduled and unscheduled on-site reviews as part of either its recertification or out-of-cycle review processes to ensure a school's ongoing compliance. A school cannot decline these on-site reviews if it wants to maintain its SEVP certification.

What is an “out-of-cycle” review?

An “out-of-cycle review” is the SEVP equivalent of an I-9 audit for schools enrolling international students. It may include:

- Student Record Review
- Requests for Accreditation Proof
- State Licensure Verification
- General SEVP Compliance Checks

What should schools do if SEVP requests a site visit?

- **Cooperate:** Schools must allow site visits to maintain SEVP certification.
- **Prepare documentation:** Ensure records are accurate and accessible.
- **Consult legal counsel:** Seek guidance on compliance and best practices.

Conclusion

If you have any questions about these developments or how they may affect your school, please contact your Fisher Phillips attorney, the authors of this Insight, or any attorney on our [Education Team](#) or [Immigration Team](#). Reach out to Fisher Phillips' [Rapid Response Team](#) at (877) 483-7781 or DHSRaid@fisherphillips.com in cases of emergency, and make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information.

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