

**Guidance to UM Faculty, Staff and Community on
Federal Immigration Enforcement Activity on Campus**

REVISED February 2, 2025

Purpose

This guidance is designed to provide recommended appropriate actions to take if U.S. Immigration and Customs Enforcement (ICE) visits or attempts to access limited access areas on campus. These areas may include administrative offices, academic departments, research facilities, and student housing, among others. This guidance applies to all faculty, staff, students, and visitors at the University of Michigan who may be involved in or witness an ICE visit to campus.

1. What is ICE? U.S. Immigration and Customs Enforcement or “ICE” is a federal law enforcement agency within the U.S. Department of Homeland Security responsible for enforcement of immigration laws against those who present a danger to national security, are a threat to public safety, or who otherwise undermine the integrity of the U.S. immigration system. ICE is responsible for removing from the country individuals who lack legal immigration status. ICE contains more than 20,000 law enforcement and support personnel in more than 400 offices in the United States and around the world.

2. Can ICE conduct enforcement actions on UM’s Campus and Property? Yes. As a public university, UM is largely open to the general public. ICE, and other federal immigration enforcement officers may enter areas open to the general public without a warrant. However, public access is limited in certain areas of UM’s campuses and property. Included in this category of limited access spaces are campus buildings in which access is restricted by university-issued ID card, locked doors or monitored entryways, including university residence halls. Also included within this category of limited access spaces are certain parts of buildings that, although ordinarily unlocked during normal operations, involve particularized concerns for privacy, safety, and operational needs; these spaces include administrative or faculty offices, classrooms, and laboratories. If ICE agents do not present a judicial warrant (see point 4 below), they cannot legally access restricted spaces without explicit permission.

If you encounter federal immigration enforcement officials on campus:

- **Do Not Interfere**

Do not obstruct the actions of law enforcement officers.

- **Notify the University**

- Contact the Division of Public Safety and Security:

734-763-1131, Ann Arbor

313-593-5333, Dearborn

810-762-3333, Flint

Programming these numbers into your phone is a good practice.

- Do not accept a subpoena on behalf of another person or on behalf of a university office. If you are presented with an arrest or search warrant, ask the agent or officer to please wait patiently so that you may contact university authorities to review the warrant and provide assistance. Then, contact the Office of the General Counsel at 734-764-0304 or DPSS at the number above.
- As always, in an emergency, call 911.

- **Document the situation:**

You have the right to document the interaction. However, you should maintain a safe distance. You may not resist or otherwise interfere with the actions of law enforcement.

**Officials from ICE, the Department of Homeland Security or other federal agencies may be on campus for reasons unrelated to enforcement actions. They may alert us to criminal warrants for dangerous individuals who pose imminent threats or harm to the community.*

Due to our International Programs, UM is required to report certain information about F-1 or J-1 visa students to ICE. This reporting is routine, and UM is required to comply with on-site visits to review records when requested. Nevertheless, UM personnel, vendors and partners should respond to ICE's presence as noted above.

3. Does UM have an affirmative obligation to assist ICE? It is UM's position that it will not take affirmative steps to advance enforcement of federal immigration law. At the same time, a UM community member could be subject to criminal prosecution if they attempt to interfere, physically or otherwise, with the actions of a federal officer. Local law enforcement may be required to assist in enforcement action related to matters involving ongoing criminal activity or imminent threat.

Federal law prohibits hiding evidence, concealing individuals who are the targets of law enforcement, or interfering with an arrest. Federal law also prevents a federal, state, or local government from prohibiting or restricting *“any government entity or official from sending to, or receiving from, [federal immigration enforcement agencies] information regarding the citizenship or immigration status, lawful or unlawful, of any individual.”* Also, it is important for all UM community members to avoid putting themselves in physical danger during any immigration enforcement action on campus.

4. What Type of Warrant Requires Compliance? This is a determination that should be made by DPSS and/or OGC. An “ICE warrant” is a form issued by certain immigration officers that names an allegedly deportable non-citizen and directs various federal immigration enforcement agents to arrest that individual. ICE warrants are issued for suspected civil violations of immigration law, not probable cause of a criminal offense. They are also sometimes called “administrative warrants.” An “ICE warrant” is not a judicial warrant. It is not reviewed by a judge, or any party outside the Executive branch, to determine if it is supported by a showing of probable cause.

An ICE warrant directs various federal immigration enforcement agents to arrest the person named in the warrant. Because it is not a warrant within the meaning of the Fourth Amendment to the U.S. Constitution, an ICE warrant does not give an immigration enforcement officer authority to demand entry to a home, private space or limited access space. Nor do ICE warrants provide a basis for a local or state law enforcement officer or agency to arrest or detain anyone.

An ICE warrant is different from an ICE detainer. An ICE warrant is directed only at authorized DHS officials, while an ICE detainer is a request directed to other law enforcement agencies. Both an ICE detainer and an ICE warrant are issued based on alleged civil immigration violations and do not require probable cause of a crime. Neither document meets Fourth Amendment requirements for arrest or provides authority for law enforcement to arrest or detain someone—or search non-public spaces.

5. What to do if presented with an ICE Immigration Detainer. Immigration detainer requests are requests from federal immigration enforcement to local law enforcement (such as DPSS) to (1) share information regarding when and where an individual suspected of being removable from the country will be released from custody, to facilitate federal immigration enforcement officers detaining that individual upon release, and (2) hold the individual for up to 48 hours past the time they normally would have been released so immigration officers have a greater amount of time to detain that individual. While often framed as mandatory, compliance with immigration detainers is not mandatory, and proper University authorities should be consulted immediately.

6. What to do if federal officer/agent(s) insist on carrying out enforcement actions prior to contact being made with the appropriate UM authority. UM personnel should not interfere with their actions. Instead, UM personnel should observe their conduct and take detailed notes of what transpires, if they are able without obstructing or opposing ICE. In some circumstances, “exigent circumstances” authorizing their access to our facilities or people without a warrant may exist. In such a situation, UM personnel should comply with their commands, knowing that the justification for such commands may be challenged later.

7. Can a student refuse to allow a federal immigration enforcement officer to enter a residence hall room? Yes. In this situation, a student should immediately contact housing security/DPSS. A residence hall room is considered a limited access area and cannot be legally accessed by immigration enforcement officers without a valid criminal warrant or the voluntary consent of the occupant. A student need not allow entry to any law enforcement officer who is not in possession of a valid criminal warrant, absent exigent circumstances. However, as noted above, the student should not obstruct or otherwise interfere with agents’ actions.

8. In the absence of a valid judicial warrant, may UM staff refuse to allow a federal immigration enforcement officer entry to patient care areas of the hospital or other healthcare facilities? Yes. Again, the most important step for any UM community member is to politely advise the officer(s) in question that they have been instructed to notify DPSS and that they will need to wait for security to engage. UM may limit access to private areas to people who are receiving or providing care, or who are otherwise necessary for the provision of care, such as a parent accompanying a child who is receiving care. To the extent possible, access to private areas intended for patients and their family members should be restricted to essential medical personnel (e.g., doctors and nurses), excluding all other staff and visitors during business hours.

9. Does FERPA protect DACA and undocumented students? Yes. The Personal Identifiable Information (PII) of undocumented or DACA students are protected by the Family Educational Rights and Privacy Act (FERPA). FERPA effectively prohibits schools from releasing educational records or most personally identifiable information without consent unless presented with a subpoena issued for a law enforcement purpose. FERPA training for campus staff, faculty, and students may include this information, and campuses should ensure that all staff, faculty, and students are provided information on campus protocols regarding ICE officers coming onto campus.

10. Accepting Service of Process. UM students, faculty and staff should not accept service of any subpoena/warrant by immigration officials before contacting OGC. A UM community member approached by an immigration enforcement agent should state they are not authorized to accept service on behalf of the UM or any particular department, office, or person, and refer the officers to OGC. OGC will then assist in determining the validity of the request and whether it is lawful and enforceable.

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