

Promoting Safe and Secure Campus for All

Guide and Model Policies to Assist California's Colleges and Universities in Responding to Immigration Issues



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Introduction

Under the California Constitution, all students and staff—regardless of immigration status— have a right to privacy and “the inalienable right to attend campuses which are safe, secure and peaceful.”¹ The California Supreme Court has affirmed that an immigrant student’s right to an equal educational opportunity is “a vitally important right in our society.”² Protections are expressly codified in California law to assure educational access for all, regardless of a student’s immigration status, “in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state student financial aid.”³

California’s higher education system is incredibly diverse. It includes three public segments—the University of California (UC), the California State University (CSU), and the California Community Colleges. Higher education in California also includes over 150 private nonprofit colleges and approximately 70 four-year, for-profit institutions.⁴ In total, the State’s colleges and universities enroll nearly 2.5 million students from a wide range of backgrounds.⁵ The State’s postsecondary educators have the opportunity, and responsibility, to provide effective learning environments for all students, regardless of nationality or immigration status.

Noncitizen students, including recipients of Deferred Action for Childhood Arrivals (DACA), comprise a small but vital part of the higher education landscape in California. As reported by the Migration Policy Institute, there were 141,470 DACA recipients in California as of September 2025.⁶ Overall, in 2021, the most recent year for which data is available on DACA recipients in California colleges, there were approximately 83,000 noncitizen postsecondary students in California, approximately 38,000 of whom were DACA recipients.⁷ California’s colleges and universities also serve many more students with other kinds of immigration classifications and citizenship status, such as those with Temporary Protected Status (TPS), refugees, and permanent residents (green card holders). In 2024-25, California colleges and universities hosted 139,351 international students.⁸

California’s colleges and universities welcome all these students and support their educational rights and opportunities. Under the U.S. Constitution, all students have a right to receive an education without discrimination based on immigration status.⁹

However, intensifying immigration enforcement practices have created new challenges for institutions of higher education. Individuals may hesitate to participate fully in the range of educational opportunities available to them if they believe their presence, personal information, or participation in programs could expose them—or their family members—to immigration enforcement. These immigration enforcement practices have also led to questions about student data held by colleges and universities.

This Guide was first developed and subsequently updated to address these concerns. It ensures that colleges and universities can continue to serve all students effectively by protecting student confidentiality and providing consistent and lawful responses to immigration enforcement activity.

History and Purpose of this Guide

The first version of this Guide was published after California enacted the California Values Act, Senate Bill (SB) No. 54 (2017-2018 Regular Session), which limits, with some exceptions, the use of state or local law enforcement agency funds or personnel to investigate, detain, or arrest individuals for civil immigration enforcement purposes, and limits the sharing of certain information with immigration authorities. SB 54 also directs the California Attorney General to develop model policies for shelters, public schools, libraries, public healthcare facilities, courthouses, and labor agencies that limit their

interactions with immigration enforcement to the fullest extent permitted by law.¹⁰ SB 54 further required that public schools,¹¹ among others, implement the model policies, or equivalent policies, and encouraged UC and all other organizations and entities that provide postsecondary education to adopt the model policies.¹² The law reflects a policy determination that public agencies must prioritize their core missions and maintain community trust, “ensuring that they remain safe and accessible to all California residents, regardless of immigration status.”¹³

In addition, Assembly Bill (AB) No. 21 (2017-2018 Regular Session) provided that the CSU Trustees, the governing boards for the California Community Colleges, and each qualifying independent institution of higher education were required—and the UC Regents were requested—to adopt and implement the model policies issued by the Attorney General pursuant to SB 54’s mandate, or equivalent policies, by March 1, 2019.¹⁴ As defined by AB 21 and used in this guide, a qualifying independent institution of higher education is one that qualifies for the Cal Grant financial aid program.¹⁵

California Attorney General Rob Bonta issued an updated version of the 2018 Guide in December 2024, and is now updating that edition in response to legal and policy changes at the federal and state level discussed below.

This update to the SB 54 model policies and guide responds to recent changes in federal immigration enforcement practices and policy as well as changes in state law. These changes include DHS’s rescission of its sensitive locations policy, the increased reliance on databases and data sharing in immigration enforcement, and California’s enactment of several new laws that impact colleges and universities and their response to immigration enforcement. These laws, all introduced in the 2025-26 Regular Session of the California State Legislature, include Senate Bill 98 (effective September 20, 2025), Senate Bill 81 (effective September 20, 2025), Senate Bill 307 (effective January 1, 2026), and Senate Bill 580 (effective January 1, 2026).

The Federal Context Today: Unprecedented Expansion of Immigration Enforcement

Federal immigration enforcement has undergone substantial transformation in recent years, resulting in heightened uncertainty on college campuses about student safety and the role of the institution in complying with federal and state law. Previously, federal guidance emphasized targeting individuals who posed significant public safety or national security risks.¹⁶ The current federal administration has prioritized immigration enforcement beyond the targeting of individuals who posed significant public safety risks, expanding from borders and targeted domestic encounters into everyday settings and public institutions that communities depend on to advance its mass deportation goals.¹⁷ This shift has resulted in increased frequency of broad-based civil immigration arrests and of racial profiling, practices that have led to a surge in community arrests of undocumented and lawfully present individuals without criminal convictions.¹⁸ This rapid expansion of the immigration enforcement infrastructure has been fueled by substantial increases in federal funding. At the same time, U.S. Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) have been scaling back internal guardrails,¹⁹ including reductions in force of internal oversight bodies,²⁰ cuts to training programs, and loosening other procedural protocols for promoting transparency and accountability. As a result, enforcement operations now regularly involve personnel from multiple federal agencies, and officers who operate in plain clothes, face coverings or with limited identifying information.²¹ These factors can create uncertainty for public institutions attempting to assess authority and respond appropriately.

Additionally, recent changes have largely rescinded protections of historic, federal guidance that discouraged enforcement actions in certain “sensitive” locations associated with essential services, including colleges and universities.²² (See “Rescission of Protected Area Policies” in Chapter 2, Section

1.) As a result, enforcement may now occur more frequently in colleges and universities. Enforcement activity on campus can discourage students from accessing services, disrupt normal operations, and create uncertainty for staff regarding legal obligations.

With fewer safeguards on data acquisition and data use in immigration enforcement, DHS and ICE are also aggressively pursuing requests for data about an individual or groups of individuals. These requests can seek specific identifying information about a person such as their name, address, contact information, program participation, service usage, appointment times, or presence at a facility. Formal or informal requests can also seek access to broader data such as program enrollment records or demographic and personally identifying information about patrons. In other instances, DHS and ICE have been attempting to amass personally identifying data through data or audit-related requests from other federal agencies that condition continued federal funding of state programs on data disclosure, or by leveraging access to shared federal-state databases or aggregated datasets, in ways not fully visible or known to the originating state agency.²³ For colleges and universities, which collect and maintain personally identifiable information, these developments highlight the importance of limiting data collection to what is necessary, restricting access to sensitive information, and ensuring staff are adequately trained regarding the collection or disclosure of data.

These shifts in enforcement tactics can create uncertainty for colleges and universities attempting to assess authority and respond appropriately.

California's Response: New State Laws Protecting Immigrant Communities

Since the last edition of this Guide, and in response to this new immigration enforcement landscape, the California State Legislature has passed several new laws that impact some or all institutions of higher education:

- **Senate Bill 580** (effective January 1, 2026): Mandates that the Attorney General, on or before July 1, 2026, consistent with federal and state law, publish model policies for state and local agencies relating to their interaction with immigration authorities as well as guidance, audit criteria, and training recommendations for databases operated by state and local agencies to limit information availability for immigration enforcement purposes.²⁴ State and local agencies must implement these model policies or equivalent policies, by January 1, 2027.²⁵
- **Senate Bill 98** (effective September 20, 2025): Requires most California colleges and universities to notify all students, faculty, staff, and other campus community members who work on campus when the presence of immigration enforcement is confirmed on campus, to the fullest extent consistent with state and federal law.²⁶ This includes California Community Colleges, CSU, private colleges that qualify for Cal Grant financial aid, and it is requested of the UC.²⁷
- **Senate Bill 307** (effective January 1, 2026): Requires CSU (and encourages UC) to provide support to noncitizen students subject to immigration enforcement action, including preserving access to nonresident tuition under AB 540, providing assistance from staff and the designated Dreamer Resource Liaison in accessing financial aid and academic resources, and creating a systemwide policy to address course grades, administrative withdrawal, and reenrollment for noncitizen students who are unable to attend their courses by the final drop date due to immigration enforcement activity.²⁸
- **Senate Bill 81** (effective September 20, 2025): Amends the Confidentiality of Medical Information Act (CMIA, Civ. Code, § 56 et seq.) to provide several new requirements for health care providers related to protecting information for handling immigration status and other information and limiting immigration enforcement access to health careprovider sites.

This Guide explains how these new laws apply to California colleges and universities in order to equip them with the current information and resources needed to support all students and safeguard the rights and privacy of immigrant students and their families.

Overview of this Guide

Consistent with SB 54 and pursuant to SB 580, this Guide is intended to help colleges and universities establish practical steps to protect the rights of all students, including immigrant students, by providing guidance for responding to the following circumstances, organized by:

- **Section One:** Gathering and Handling Student Information and Data;
- **Section Two:** Responding to Law Enforcement Requests for Access to Campuses and Residential Units for Immigration Enforcement Purposes;
- **Section Three:** Responding to Law Enforcement Requests to Access Student Records and Other Data for Immigration Enforcement Purposes, Including Recommendations Regarding Databases; and
- **Section Four:** Responding to Immigration Actions Against Students or Family Members
- **Section Five:** The Attorney General’s Model Policies (Model Policies)

Sections One through Four contain relevant state and federal law as well as recommendations intended to serve as best practices to help colleges and universities meet their obligations. Section Five contains the Model Policies, discussed further below, which most California colleges and universities must adopt.

The Guide also includes several other important resources as Appendices:

- **Appendix A:** “Frequently Asked Questions” guide for college and university students about immigration enforcement on campus
- **Appendices B through H:** Sample immigration enforcement documents (see the Table of Contents for a complete list)

Higher education administrators, staff, students, and other stakeholders should keep the following points in mind when using the Guide:

This Guide is focused on immigration enforcement actions involving students. Although some laws pertaining to faculty and staff are addressed, the Guide is not intended to cover the obligations arising from employer-employee relationships at colleges and universities. Colleges and universities should be aware that other laws may apply to immigration enforcement activities and requests for information directed at campus employees as the subjects.²⁹

Although this Guide is focused on enforcement of federal immigration law, colleges and universities should handle requests from all law enforcement agencies in the same manner. California law enforcement agencies are restricted under state law from performing the functions of immigration enforcement officers.³⁰ But colleges and universities should be aware that, although ICE or U.S. Customs and Border Protection (CBP) are the agencies with primary responsibility for federal immigration

enforcement, there are instances in which other law enforcement agencies, including local ones, may attempt to enforce federal immigration laws. In this guide, ICE, CBP, other federal agencies, and local law enforcement officers attempting to enforce immigration laws are treated the same in terms of the advice given for how colleges and universities should handle interactions with them. Any policy adopted to address interactions between college and university personnel and immigration enforcement officers should encompass all law enforcement agencies that seek to enforce immigration law, and should handle requests from all law enforcement agencies acting with that purpose in the same way.

About the Model Policies (Section Five)

This Guide is also intended to provide relevant model policies for California colleges and universities. Institutions should keep the following in mind when implementing policies:

Who must adopt the model policies: Under SB 54, California State University and the California Community Colleges are required to implement these model policies, or equivalent policies, and the University of California is encouraged to adopt them. Under AB 21, private colleges and universities that qualify for the Cal Grant program must also adopt and implement the model policies.

Protections that go beyond the model policies: If colleges and universities have developed policies that are aligned with or provide greater protections for immigrant students, this Guide is not intended to supersede those policies. Nor does the exclusion of a particular policy in this Guide—whether recommended by an advocacy group or implemented by an institution—necessarily indicate the Attorney General’s disapproval of that policy. Rather, this Guide offers foundational policies reflecting the **minimum** that should be present in the policies adopted by any California college or university and should serve as a resource to enhance current policies as needed and ensure alignment with state law.

Training staff on model policies: It is important that colleges and universities train staff for possible interaction with immigration enforcement officers, so that staff can be prepared in the event of an immigration enforcement activity, inquiry, or request at the college or university, including determining when, if at all, any potential disclosures of information will be necessary.

Alignment with the model policies: For colleges and universities that are required to adopt policies under SB 54, SB 580, and AB 21, their policies must substantially reflect the model policies here, except where conflicting laws or circumstances require adjustments. To the extent that any specific college or university program presents circumstances that are not addressed in these materials, institutions should consult legal counsel in adapting the model policies described here.

SB 54 and SB 580: This Guide is intended to satisfy the Attorney General’s mandate under SB 54 and SB 580 as it relates to colleges and universities. The Attorney General’s July 1, 2026 SB 580 guidance and model policies broadly apply to all state and local agencies, but do not provide guidance specific to colleges and universities. Accordingly, the Department of Justice recommends colleges and universities consult this specific Guide and implement the model policies, or their substantial equivalent, found in this Guide to satisfy their obligations under SB 580.

This Guide is not legal advice. This Guide is based on the law as of July 2026, which, of course, may change. College and university administrators should consult with their legal counsel when formulating policies and practices, and in addressing any questions regarding the issues covered in this Guide. For guidance-related information or to report any related immigration enforcement incidents, or if you believe that state or federal law is being violated at your college or university, you may contact the Office of the Attorney General at Immigration@doj.ca.gov.

01 Gathering and Handling Student and Family Information and Data

Purpose of this Section

Provide college and university administrators with policies for collecting and retaining information and data to prevent unnecessary collection of information and data on the immigration status of students and their families.

Governing Law

1. Immigration Status Generally

Federal law does not impose an affirmative duty on state or local government entities, or other colleges and universities, to collect, hold, or process information or data establishing a student's citizenship or immigration status.

Section 1373 of Title 8 of the United States Code provides that state and local government entities and officials cannot prohibit or restrict any government entity or official from maintaining information regarding a person's immigration status, exchanging information regarding a person's immigration status with other governmental entities, or sending or receiving information regarding the citizenship or immigration status of any individual to or from federal immigration enforcement authorities.³¹ **This includes public colleges and universities.**

In keeping with federal law, this Guide does not recommend or require colleges or universities to adopt a policy restricting staff from sharing immigration or citizenship status information in violation of 8 U.S.C. section 1373 or its counterpart 8 U.S.C. section 1644. However, sections 1373 and 1644 do not obligate colleges or universities to provide the federal government with any information about a person's immigration status (or any information of any other kind) nor do they prohibit colleges or universities from restricting the sharing of other forms information such as a person's last known address, contact information, or physical description information. Importantly, these federal laws do not require colleges or universities to collect or preserve immigration status information, and these federal laws do not apply to private colleges or universities.

The federal government has also attempted to condition the receipt of certain federal grant funding on the recipient agreeing to cooperate with immigration enforcement or to comply with certain federal laws relating to immigration. Such conditions can give rise to potential legal issues. Any entity confronted with such a condition should consult its legal counsel. A public college or university facing such a condition may also contact the Office of the California Attorney General, which has been involved in ongoing litigation efforts challenging conditional federal funding. As of the date of this publication there have been many lawsuits against the Trump Administration related to the federal government's attempt to require immigration enforcement cooperation as a condition of receiving federal grant funding.³²

2. Admissions Information

Social Security Numbers

Every individual has a privacy interest in retaining the confidentiality of their Social Security number (SSN).³³ The Family Educational Rights and Privacy Act (FERPA) protects the privacy of students by prohibiting all colleges and universities that receive federal funds from disclosing personally identifiable information contained in education records to any third party without the student's permission.³⁴ Under FERPA's implementing regulations, a student's SSN is considered personally identifiable information, and, subject to limited exceptions, cannot be disclosed without written consent.³⁵ Thus, colleges and universities are prohibited from designating SSNs as directory information or allowing them to be used to identify the student or the student's records.³⁶

There are several exceptions to FERPA's consent requirement, discussed further in Section Three. But none of these exceptions authorize or require disclosing information for immigration enforcement, nor is there any other requirement, in either federal or state law, to provide information to officers engaged in immigration enforcement, DHS, ICE, or any other agency within DHS, without a court order or lawfully issued subpoena.³⁷ Moreover, even when a subpoena is issued, a college or university may petition a court to quash or limit the scope of the subpoena.

During the admissions and enrollment process, a college or university may request a student's SSN for administrative purposes, to the extent required by federal law, including for Internal Revenue Service (IRS) related matters,³⁸ financial aid eligibility and disbursement, and the repayment of financial aid or other debts payable to the college or university.³⁹ **However, students are not required to provide a SSN on applications to enroll in college or university.** A student who is a DACA beneficiary, for example, or who has not obtained a SSN, may elect to leave the item blank on the application. Typically, the college or university will assign applicants a temporary student identification number for use in the application process and while attending the school.⁴⁰

Please Note: The University of California recommends that noncitizen students with a valid SSN for work authorization purposes (i.e. DACA beneficiaries), or those who possess an Individual Tax Payer Identification Number (ITIN), use any of these in their admissions application, but they may alternatively choose to leave the item blank. Keep in mind that different campuses may have different funding opportunities that students may be able to access based on AB 540 eligibility, and this information could help in rendering students eligible.⁴¹ ***Additionally, if the student is also applying for state or institutional financial aid through the California Dream Act Application, it is recommended that the student input the same number included in that application for financial aid.***

Country of Citizenship

Applicants seeking admission to a college or university are often asked to list a country of citizenship for financial aid purposes. All applicants, including noncitizen students, have the option to leave this blank or choose "No Selection" if it is available in the application.⁴² This option is considered a valid response for noncitizen applicants, including those with DACA status. By choosing "No Selection," when available, the applicant will avoid being asked subsequent questions about permanent residency and visa status that are not applicable.

California Residency

The rules governing state residency for postsecondary education purposes are determined by the California Education Code.⁴³ Public colleges and universities can request residency information from the applicant for tuition calculation purposes.⁴⁴

Assembly Bill (AB) No. 540 (2001-2002 Regular Session) established an exemption from the payment of nonresident tuition for certain nonresident students who have attended high school in California and received a high school diploma or its equivalent.⁴⁵ Later legislation, Senate Bill No. 68 (2017-18 Regular Session) and Assembly Bill No. 2000 (2013-14 Regular Session), expanded opportunities for qualifying for nonresident tuition exemptions.⁴⁶

The expanded tuition exemption opportunities also take into account time spent at California adult schools, community colleges, or a combination of high schools and elementary or middle schools when meeting time and coursework requirements.⁴⁷ Students can also become eligible for the nonresident tuition exemption by showing attainment of an associate degree from a California community college or fulfillment of minimum transfer requirements from a California community college to a UC or CSU campus.⁴⁸ Additionally, “in the case of a person without lawful immigration status,” California law requires “the filing of an affidavit with the institution of higher education stating that the student has filed an application to legalize their immigration status, *or will file an application as soon as they are eligible to do so.*”⁴⁹

An exempt applicant must complete a form, often referred to as the AB 540 Affidavit or the California Nonresident Tuition Exemption, and submit it to the college or university they plan to attend. Under the law, any student information obtained in the implementation of AB 540 is confidential.⁵⁰

Please Note: Successful submission of an AB 540 Affidavit does not classify the student as a California resident for enrollment purposes. But the student is exempt from paying nonresident tuition and will be charged in-state tuition and fees. Further, students with AB 540 status can be considered for state and institutional financial aid. Noncitizen students who do not meet the AB 540 tuition requirements are not eligible for the exemption.⁵¹

Providing the residency status of a student’s parent or legal guardian is not required when applying to a college or university. However, a college or university can consider a parent’s (or legal guardian’s) state residency to determine a student’s residency status for tuition purposes.⁵²

International Students

International students with a nonimmigrant F-1, M-1, or J-1 student classification visa are allowed to study in the United States like any other admitted college or university student. Thus, colleges and universities may also ask for the student’s SSN and country of citizenship. Generally, SSNs can be obtained by people who are authorized to work in the United States. Most international student visas do not grant work authorization.⁵³ As discussed above, students with no reported SSNs will likely be assigned a student identification number by their school. International students should answer the question of country of citizenship, which will lead them to identify which visa classification they possess.

FERPA itself does not distinguish between students based on their immigration status or nationality. Therefore, FERPA protects personally identifiable information contained in student records of international students.

Any college or university that enrolls nonimmigrant international students on F (academic) and M (vocational) visas must be certified by ICE’s Student and Exchange Visitor Program (SEVP).⁵⁴ SEVP-certified colleges and universities must comply with all SEVP data collection requirements or risk becoming ineligible to enroll foreign students.⁵⁵ Additionally, SEVP representatives are authorized to conduct site visits when a school seeks SEVP certification and recertification, and may visit campuses to monitor schools’ participation and compliance with SEVP requirements.⁵⁶ ICE officials therefore may be present on campuses for purposes unrelated to apprehension and removal.

Personal Statements and Personal Insight Application Questions

Personal essays and personal insight questions are often used by school admissions officers to assess a student's application. These essays and questions often include a main admissions essay, a series of short questions throughout the application process, and/or essay questions for specific housing programs or scholarships. These essays and questions do not require disclosure of an applicant's immigration status, such as whether they are noncitizen, a DACA recipient, or the beneficiary of TPS. However, answers to these writing prompts may allow students to shed light on the various experiences and qualities that make their applications distinct from others. Providing this information can help admissions officers understand the circumstances an applicant has had to navigate or their resources available to afford college. Colleges and universities should only use this information during the process of considering applications and should establish policies and procedures for ensuring its protection and limited retention.⁵⁷ A student's personal statement and application become education records, subject to the protections of FERPA, when that student attends the college or university. Therefore, except as permitted under FERPA, a college or university cannot disclose this information without the express written consent of the student.⁵⁸

3. Financial Aid

Financial aid offices collect, manage, and have access to a large amount of confidential data about students and their parents. This information is often obtained through the Free Application for Federal Student Aid (FAFSA), the state-administered California Dream Application intended to serve students with AB 540 status or pursuant to AB 2000,⁵⁹ as well as students who have a U visa or TPS, or by the submission of family tax returns or other documentation necessary to help establish financial aid eligibility. It can include a student's SSN (or reflect that a student has no SSN), and, in some cases, information about citizenship or immigration status.

Federal Financial Aid

To qualify for federal financial aid, a student must be a U.S. citizen, permanent resident, or eligible noncitizen.⁶⁰ Noncitizen immigrants, including DACA beneficiaries, are not eligible for federal aid.⁶¹ Eligibility is not affected if a student's parents are noncitizens.⁶² However, the FAFSA form requests parents' SSNs. Students whose parents do not have SSNs are advised by the U.S. Department of Education to select the box that indicates they do not have an SSN.⁶³ Some students who do not wish to provide family information to the federal government choose to complete the California Dream Act application for state financial aid instead, although this is a choice that may restrict the amount of funding available to them.

State Financial Aid

The California Dream Act (AB 130 and AB 131)⁶⁴ allows students who qualify for AB 540/AB 2000/SB 68⁶⁵ non-resident tuition exemptions to apply for and receive state-administered financial aid (e.g., Cal Grants and CA Middle Class Scholarships), and financial aid administered by public institutions (including institutionally funded grants as well as those funded by private donors, alumni contributions, and departments, and the California DREAM Loan).⁶⁶

To be eligible for these state aid programs, a student must first meet the AB 540/AB 2000/SB 68 criteria, discussed above under "California Residency." Students must then submit a California Dream Act application to the California Student Aid Commission (CSAC), which shares the application with campuses designated by the applicant. The application requests the student's SSN or ITIN, but states that providing this information is optional; the form does not request this information for parents.⁶⁷ For its financial aid programs, CSAC requires submission of a grade point average verification, which does not require a SSN.⁶⁸ The California Dream Application requires annual renewal, much like the FAFSA.⁶⁹

Confidentiality of Financial Aid Data

Federal laws such as the Higher Education Act, FERPA, and the Privacy Act control and protect the use and release of student data collected on financial aid applications. For example, the Higher Education Act allows the FAFSA to collect a student's and parent's SSNs to verify identity and retrieve records,⁷⁰ but it also restricts the use of the FAFSA data to the application, award, and administration of aid awarded under federal student aid programs, state aid, or aid awarded by eligible institutions.⁷¹ Additionally, the Higher Education Act also prohibits the use of National Student Loan Data System information for non-governmental research and marketing purposes.⁷² As noted above, FERPA protects the privacy of students by prohibiting colleges and universities from disclosing personally identifiable information contained in education records, such as SSNs, without consent, unless an exception applies.⁷³ Similarly, the Privacy Act governs the collection, maintenance, and use of records maintained by federal agencies, such as the U.S. Department of Education, and generally prohibits agencies from disclosing data contained in those records without prior written consent from the individual.⁷⁴

State law also generally prohibits colleges and universities from releasing personally identifiable information in education records to third parties, absent informed consent.⁷⁵ However—and as stated in Sections Two and Three, below—a college or university must comply with all valid judicial warrants, court orders, or subpoenas.⁷⁶

Financial Aid and the “Public Charge” Rule

Under the federal public charge rule, applicants for consular visa issuance, inspection for admission at a port of entry, or adjustment of status to lawful permanent residence in the United States, must demonstrate that they are not likely to become dependent on the government (i.e., a public charge). The factors that DHS may consider when determining if someone is likely to become a public charge in the future have changed with different federal administrations and court decisions.⁷⁷ **Under the law current as of July 2026, accepting state or federal financial aid does not affect students' eligibility for consular visa issuance, port of entry inspection for admission, or green cards under the “public charge” rule.**⁷⁸ Also, the current rule does not apply to many categories of immigrants, including refugees, asylum seekers, certain victims of trafficking, self-petitioners under the Violence against Women Act (VAWA), and others.⁷⁹

In November 2025, DHS proposed a new public charge rule which does not restrict the types of public benefits that immigration officers can consider, or the types of immigrants to which it applies.⁸⁰ If this proposed rule gets adopted and takes effect, immigration officers will have broader discretion to consider what counts as evidence that someone may become a public charge in the future. **Students and campus financial aid officers concerned about the potential impact of changes to the public charge rule should contact the California Student Aid Commission for current information.**

4. Campus Housing

University housing options vary from campus to campus, and therefore, housing offices may have cause to collect different information from students. This information may include student's pre-college home address, phone number, e-mail address, and emergency contact information. College/university housing offices may also have access to information regarding whether students qualify for AB 540 or California Dream Act aid for the purposes of granting fee waivers or deferrals to students applying for on-campus housing. Further, applications for themed housing programs may include essay questions, in response to which some students may choose to disclose their immigration status. This information is protected under FERPA. California law also requires colleges and universities to refrain from disclosing students' personal information except “as part of a directory that does not include residence addresses.”⁸¹ Colleges and universities should store all student information securely and

inform students that this information is confidential. For more specific information on whether and when information must be released to officers engaged in immigration enforcement, see Sections Two and Three below.

5. Campus Police

California law restricts California law enforcement agencies from using “agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes” and generally prohibits “[i]nquiring into an individual’s immigration status.”⁸² **This includes campus police or security departments.**⁸³

State law limits California law enforcement agencies, including campus police and security departments, from engaging in the following activities for immigration enforcement purposes:

Key Law Enforcement Actions Limited under Senate Bill No. 54⁸⁴

- ✓ Inquiring into an individual’s immigration status.
- ✓ Detaining an individual on the basis of a hold request.
- ✓ Providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual for immigration enforcement purposes, including, but not limited to, the individual’s home address or work address, unless that information is available to the public, apart from specific exceptions.⁸⁵
- ✓ Making or participating in arrests based on civil immigration warrants.
- ✓ Assisting immigration authorities, or performing any functions of an immigration officer, formally or informally.

Importantly, investigative reports and other files, documents, or records created and maintained by campus police for a law enforcement purpose are not considered education records under FERPA.⁸⁶ Rather, law enforcement agencies with responsibilities on or around public college and university campuses should also ensure that their policies regarding the use and sharing of non-criminal history information regarding students follow the requirements of SB 54.⁸⁷

SB 54 also prohibits law enforcement officers from asking a student about their immigration status for immigration enforcement purposes.⁸⁸ (Note: SB 54 does not prohibit officers from sharing a student’s immigration status with governmental entities; see Section Three under the caption *State Law Restrictions on Release of Personal Information Obtained by Campus Police* for more information regarding disclosure.)

SB 54 contains only a limited, express exemption permitting inquiry into immigration status where “necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U visa.”⁸⁹ In fact, California law provides additional protections for crime victims that reinforce the federal protections afforded under the Violence Against Women Act (for U visas), as well as under the Victims of Trafficking and Violence Prevention Act (for T visas). California’s Immigrant Victims of Crime Equity Act requires state and local law enforcement agencies, prosecutors, judges, and other entities and officials to certify the helpfulness of noncitizen victims of qualifying crimes on a federal U Nonimmigrant Status Certification (Form I-918), also known as a “U visa certification” if certain conditions are met.⁹⁰ Upon request, prosecutors, judges, and other entities and officials are to complete U visa certifications for eligible immigrant crime victims who possess information about

qualifying criminal activity and have been or are likely to be helpful to the investigation or prosecution of that qualifying criminal activity.⁹¹ The 2023 Immigrants Rights Act strengthened these protections and applied them to indirect victims and bystander or witness victims as well.⁹²

Under California law, there is a rebuttable presumption that an immigrant victim is helpful, has been helpful, or is likely to be helpful, if the victim has not refused or has not failed to provide information and assistance reasonably requested by law enforcement.⁹³ More detailed guidance on California's Immigrant Victims of Crime Equity Act and the Immigrant Rights Act can be found in the California Department of Justice, Division of Law Enforcement, DLE Information Bulletin No. 2024-DLE-05, *Update to Information Bulletin 2020-DLE-01: New and Existing State and Federal Laws Protecting Immigrant Victims of Crime* (April 3, 2024), available at <https://oag.ca.gov/system/files/media/2024-dle-05.pdf>.

6. Campus Healthcare Facilities

Colleges and universities may provide health or medical services to students. While the records in most medical facilities in the United States are governed by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), student health records at colleges and universities may instead be considered treatment records or educational records under FERPA, neither of which are protected by the HIPAA privacy rules.⁹⁴ Student health records are treatment records when they are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.⁹⁵

However, once records are disclosed for any purposes other than provision of treatment as described (including giving it to the student), the records will no longer fall under the treatment record exception, and will become an education record under FERPA, subject to the same exceptions to consent and the rights of students to review records.⁹⁶ See Section Three: *Governing Law* for more information on exceptions permitting disclosure of educational records without consent.

Records of nonstudent patients are still subject to HIPAA privacy rules. Similarly, patient records maintained by a hospital affiliated with a university that is subject to FERPA are not typically "education records" or "treatment records" under FERPA because university hospitals generally provide services without regard to the person's status as a student or on behalf of a university. Assuming the hospital is a HIPAA-entity, these records are subject to all of the HIPAA Rules, including the HIPAA Privacy Rule.⁹⁷

Several state confidentiality laws also apply to health information, including the Confidentiality of Medical Information Act (CMIA), which prohibits healthcare providers, insurance plans, and contractors from disclosing medical information to third parties;⁹⁸ the Patient Access to Health Records Act, which establishes a patient's right to see and to receive copies of their own medical records;⁹⁹ and the Information Practices Act (IPA), which limits California state agencies' authorization to collect, manage, and disseminate personal information.¹⁰⁰ Additionally, healthcare facilities are obligated to prevent unauthorized access to, or disclosure of, medical information.¹⁰¹

In 2025, Senate Bill No. 81 (Regular Session 2025-26) (SB 81) amended the CMIA to provide several new protections related to immigration enforcement. These include a revised definition of "medical information" to explicitly include any individually identifiable information about a patient's immigration status or place of birth that is known or collected by a healthcare provider.¹⁰² As a result, SB 81 prohibits healthcare providers from disclosing medical information, which includes immigration status and place of birth, for the purpose of immigration enforcement, except under the limited circumstances permitted by law.¹⁰³

Section 1373 of Title 8 of the U.S. Code (Section 1373) prohibits government agencies, including public colleges and universities, from prohibiting or restricting any government entity or official from maintaining or exchanging information about a person's immigration status with immigration enforcement authorities or other governmental entities.¹⁰⁴ However, as discussed above, Section 1373 does not obligate colleges and universities to disclose information about a person's immigration status (or information of any other kind). Further, where information about a person's immigration status qualifies as "protected health information" under HIPAA, HIPAA prohibits sharing that information with governmental entities unless a specific HIPAA exception that permits or requires such sharing applies. As such, SB 81's restrictions on sharing immigration status information contained in medical records are consistent with federal law. This guide does not call for any public agency policy prohibiting or restricting agency employees in violation of Section 1373.

SB 81 also has new requirements for limiting access to patients and facilities (discussed further in Section Two) and revised language regarding disclosure pursuant to warrants or court orders (discussed further in Section Three, Section Five).

For more detailed information on privacy and immigration protections in healthcare facilities, please see the guide titled *Promoting Safe and Secure Healthcare Access for All: Guide and Model Policies to Assist California's Healthcare Facilities in Responding to Immigration Issues* (July 2026), available at <https://oag.ca.gov/sites/all/files/pdfs/immigration/healthcare-guidance.pdf> and Cal. Dept. of Justice, SB 81 Bulletin (Oct. 2025), available at <https://oag.ca.gov/system/files/attachments/press-docs/SB%2081%20Bulletin%20-%20October%202025.pdf>.

Recommendations for Section One

In addition to the model policies appearing in Section Five, the Attorney General makes the following additional, discretionary recommendations as "best practices" guidance for colleges and universities.

1. Recommendations for Gathering and Handling Student and Family Information and Data

Dissemination of Information to Students

Policies and procedures for gathering and handling sensitive student information during application, enrollment, or otherwise should be set out in writing and posted on the institution's website. Staff should receive training on these policies and procedures.

Documents/Record Retention

Colleges and universities should note required retention periods for different types of student information under state or federal law and their own policies and should not maintain sensitive information longer than is required by law or to administer educational services and programs.

Admissions and Enrollment Information

As discussed below, colleges and universities should avoid seeking or collecting information about the immigration status of students or their families. However, if the college or university is required to ask students for demographic information because of federal reporting requirements, or if a student discloses this information, such information should be held in accordance with applicable laws and shall not impede admissions decisions or educational access of the student to courses or degree programs. Moreover, the college or university should not use such information to create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin, unless required by law for specified purposes.

Financial Aid Information

College and university officials involved in administering financial aid should limit the collection of sensitive student information to that which is required for financial aid determinations and award processes. Sensitive information, such as student or parent SSNs and AB 540 determinations, should remain confidential, consistent with federal and state law. Offices collecting sensitive information should provide assurances to students that their information is subject to confidentiality protections under state and federal law. Procedures for complying with warrants, orders, or subpoenas, including verifying that they have been lawfully issued, should also be adopted.

Campus Police

College and university police or security departments should adopt policies limiting their own collection of immigration status information. They should not maintain a database or aid federal efforts to create a registry containing individuals' country of birth or based on any protected characteristic of victims, witnesses, or suspects of crimes, unless required by law for specified purposes.

2. Recommendations Regarding Immigration Status, Citizenship Status, and National Origin Information

Colleges and universities should not collect personally identifiable information about a student, including citizenship and immigration status, unless required by law. They should not at any time seek or require, to the exclusion of other sufficient and permissible information, data regarding or probative of a student's or their parents' citizenship (U.S. citizenship or foreign citizenship) or immigration status (e.g., Alien Registration Number or A-Number). Any data gathered shall remain confidential, consistent with federal and state law and shall be used only for the limited purpose for which it was intended and in accordance with retention policies.

02 Responding to Campus and Residential Unit Access Requests for Immigration Enforcement Purposes

Purpose of this Section

- Provide college and university administrators with policies and practices for responding to campus and residential unit requests for access to locations or students for immigration enforcement purposes.
- Provide a description of the types of documents law enforcement officers may present when seeking to access students and documents.

Governing Law

1. Rescission of Protected Area Policies

On January 20, 2025, the DHS Secretary, which oversees ICE and the CBP, rescinded the Biden-era version of the “protected areas” policy that had limited immigration enforcement in or near areas requiring “special protection.”¹⁰⁵ The Biden administration policy did not prohibit enforcement actions in protected areas, but directed that ICE and CBP should avoid enforcement actions in or near protected areas “to the fullest extent possible.”¹⁰⁶ Schools, including postsecondary schools, colleges, universities, and vocational or trade schools, were considered “protected areas” under the former policy.¹⁰⁷

DHS’s current policy, as of the date of this publication, is that officers should use their discretion, along with “a healthy dose of common sense,” to balance a variety of interests in deciding what law enforcement actions to take, including the degree to which any law enforcement action occurs in a sensitive location.¹⁰⁸ Consistent with this policy, current ICE guidelines charge Assistant Field Office Directors and Assistant Special Agents in Charge with responsibility for making case-by-case determinations regarding whether, where, and when to conduct an immigration enforcement action in or near a protected area, and providing verbal or written authorizations for such actions.¹⁰⁹

Since the rescission of the protected areas policy, news reports have documented immigration enforcement activity around hospitals, schools, and other sites previously designated as protected areas.¹¹⁰

The lawfulness of DHS’s current policy is the subject of litigation pending as of the date of this publication.

2. Notifications Regarding Immigration Enforcement

Notifications to Campus Community

Under SB 98, a state law effective on September 20, 2025 and codified at California Education Code § 66093.3, most California colleges and universities are required to notify all students, faculty, staff, and other campus community members who work on campus, when the presence of immigration enforcement is confirmed on campus, to the fullest extent consistent with state and federal law.¹¹¹ The notice must include the date and time immigration enforcement was confirmed, the location, a link to specific resources (discussed below), and should not include any personally identifiable information.¹¹²

These notifications are required for CSU and California Community Colleges, as well as independent (private) institutions that qualify for Cal State grants, and they are requested of UC.¹¹³ The law is operative until January 1, 2031.¹¹⁴

“Immigration enforcement” includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States.¹¹⁵

The presence of immigration enforcement officers on campus for nonenforcement activities does not require notification. Nonenforcement activities are not specifically defined in SB 98, but “nonenforcement activities” are categorized in a different subsection of the same section of California’s Education Code to include an officer’s request for access or information related to the institution’s operation of international student, staff, or faculty programs or employment verification efforts.¹¹⁶ Thus, an ICE I-9 inspection pursuant to a Notice of Inspection, or a DHS audit of a college or university as a recipient of federal funding, would not typically require notification unless there is an additional “immigration enforcement” element as defined above, for example when DHS is investigating an individual student under federal civil or criminal immigration law. If program administrators are unclear whether the presence of immigration enforcement officers on campus is part of immigration enforcement or nonenforcement activities, they should consult with legal counsel.

Note that “immigration enforcement” could include state or local law enforcement assisting with immigration enforcement, but California law limits California law enforcement agencies from assisting in the enforcement of federal immigration law, subject to specific exceptions.¹¹⁷

Some examples of immigration enforcement activity that would require notification under SB 98 include:

- Immigration or other law enforcement officers execute a warrant, court order, or subpoena on campus related to investigating or enforcing a federal civil or criminal immigration law.
- Immigration or other law enforcement officers detain someone on campus on suspicion of violating a federal civil or criminal immigration law.
- Immigration or other law enforcement officers are present on campus to request access to an individual for the purpose of investigating or enforcing a federal civil or criminal immigration law.
- Immigration or other law enforcement officers are present on campus to request access to information (e.g. student or employee records) for the purpose of investigating or enforcing a federal civil or criminal immigration law.

Some examples of activity that would not require notification under SB 98 include:

- There are rumors of immigration enforcement present on campus, but these have not been confirmed.
- Immigration enforcement agents are present in neighborhoods surrounding campus to enforce immigration law.
- Immigration enforcement officers are present on campus for reasons other than enforcing immigration law (for example, to attend a career fair).

- Campus staff electronically transmit I-9 forms or other data in compliance with federal immigration law (but no immigration enforcement officers are present).

See Recommendations below for best practices on implementing SB 98's notification requirement.

However, this guidance does not construe immigration enforcement to include instances where federal agencies act in their auditing capacity. For instance, where ICE conducts an I-9 inspection pursuant to a Notice of Inspection or where DHS audits a college or university as a recipient of federal funding. The examples of immigration enforcement that would trigger SB 98 are meant to capture instances where federal agents are present on campus to interrogate, stop, detain, or arrest any individual for purposes of enforcing civil or criminal immigration laws.

Website and E-mailed Resources

California colleges and universities are required (or requested, in the case of UC) to post on their websites, in a conspicuous location, a copy of the policies limiting assistance with immigration enforcement and guidance on rights under federal and state immigration law as well as how to respond to an immigration action or order.¹¹⁸ The policies and guide must also be emailed to students, faculty and staff each quarter or semester. Institutions must update the website information as often as necessary to reflect changes in federal and state immigration laws and university or college policies and procedures.¹¹⁹

An institution's SB 98 notifications to the campus community must include a link to the website with these policies and guide.¹²⁰

Encouragement for Campus to Report Immigration Enforcement

Relatedly, these California colleges and universities are required (or requested, in the case of UC) to encourage their campus community to report certain kinds of immigration enforcement activity to the institution. CSU, community colleges, and Cal Grant qualifying independent institutions must advise all students, faculty, and staff to notify the office of the chancellor or president, or their designee, as soon as possible if they are advised that an officer engaged in immigration enforcement is expected to enter, will enter, or has entered the campus to execute a immigration order.¹²¹ These institutions must also advise all students, faculty, and staff responding to or having contact with an immigration officer executing a immigration order, to refer the entity or individual to the office of the chancellor or president, or their designee, for purposes of verifying the legality of any warrant, court order, or subpoena.¹²²

3. Access to Areas of Campus

The Fourth Amendment to the United States Constitution protects individuals against unreasonable searches and seizures. What is required for law enforcement officers to access areas of a campus depends on whether a student—or any person on campus—has an expectation of privacy in the place to be entered. For example, a warrant is not required to enter a quad open to the public, but a warrant would be required for any officer to enter a student’s dormitory room without the student’s permission. Where a reasonable expectation of privacy exists, the federal Constitution prohibits access without consent, a judicial warrant, or specific exceptions that excuse the warrant requirement, such as “exigent circumstances” (e.g., a fleeing suspect or the imminent destruction of evidence) or the “plain view” exception (which allows officers to search and seize items or documents that are visible in their line of sight).

Under state law, CSU, community colleges, and qualifying independent institutions of higher education may (and UC is requested to) only comply with a request from an immigration officer for access to nonpublic areas of the campus **upon presentation of a signed judicial warrant**.¹²³ This does not apply to an immigration officer’s request for access or information related to the operation of international student, staff, or faculty programs, employment verification efforts, or other nonenforcement activities.¹²⁴

Under California law, a California law enforcement officer, including police and security departments for CSU or California Community Colleges, cannot, for the purpose of investigating immigration violations, detain a student by preventing them from leaving campus or by taking the student out of class.¹²⁵

Resident Halls/Student Housing

Law enforcement officers do not have the right to enter a residence, including a college dormitory room or other university or college residence, to make an arrest unless they have a judicial warrant, consent from a tenant, or other established exceptions permitting entry, such as exigent circumstances requiring immediate action. As in any landlord-tenant relationship, students and their families residing in dormitories or other residences provided by the institution have a reasonable expectation of privacy in their residences. Campus officials cannot consent to the warrantless entry into or search of these residences by law enforcement officers conducting criminal investigations even if the housing contract permits inspections by staff.¹²⁶ The same rules apply to officers engaged in the enforcement of immigration laws. However, student tenants may have a lower reasonable expectation of privacy under the Fourth Amendment in residential common spaces, even those that are locked, than they do in their own dorm rooms.¹²⁷

Student tenants do not have an affirmative obligation to consent to the entry into their resident hall or living quarters. A tenant’s refusal to consent or a request to see a judicial warrant is not an obstruction of justice.¹²⁸ It also does not provide a basis for a charge of resisting arrest or interfering with a peace officer in the performance of their duties.¹²⁹

Healthcare Facilities and Social Services Establishments

Like schools, healthcare facilities and shelters were previously designated by DHS as “Protected Areas” at which immigration enforcement actions should not generally occur, but as aforementioned the “Protected Areas” policy has been rescinded.¹³⁰ Two separate guides – titled *Promoting Safe and Secure Healthcare Access for All: Guide and Model Policies to Assist California’s Healthcare Facilities in Responding to Immigration Issues* (available at [Publications | State of California - Department of Justice - Office of the Attorney General](#)) and *Promoting Safe and Secure Shelters for All: Guide and Model*

Policies to Assist California Shelters in Responding to Immigration Enforcement (available at [Publications | State of California - Department of Justice - Office of the Attorney General](#)) – discuss ICE’s and CBP’s current policies related to California’s public healthcare facilities and shelters.

Effective September 20, 2025, SB 81 amends the Confidentiality of Medical Information Act (CMIA) to provide several new protections related to requests for access to a health care facility.¹³¹ It requires health care providers to establish or amend procedures for monitoring, documenting, and receiving visitors, to immediately notify health care provider entity management, administration, or legal counsel of any request for access to a health care provider entity site or patient for immigration enforcement, and prohibits, unless required by state or federal law, a health care provider entity and its personnel from allowing any person access to nonpublic areas of the provider’s facilities for immigration enforcement purposes, except as specified.¹³² The law also requires health care provider entities to tell staff and relevant volunteers how to respond to requests for access to health care provider entity sites or patients for the purpose of immigration enforcement.¹³³

Libraries

Libraries were not separately identified by DHS as protected areas.¹³⁴ A separate guide titled *Promoting Safe and Secure Libraries for All: Guide and Model Policies to Assist California’s Public Libraries in Responding to Immigration Issues* (available at [Publications | State of California - Department of Justice - Office of the Attorney General](#)) discusses current law as it applies to public libraries.

4. Racial Profiling by Immigration Authorities

Even in public spaces, immigration enforcement officers must have reasonable suspicion to stop someone and ask about their immigration status. As of the time of this publication, and pursuant to the Supreme Court’s decision in *Noem v. Vasquez Perdomo*, immigration enforcement officers may rely on a combination of factors in immigration enforcement stops.¹³⁵ As explained by Justice Kavanaugh’s concurring opinion in *Vasquez Perdomo*, these factors may include a person’s presence at particular work site such as day laborer pickup site or agricultural site, the type of work they do, speaking Spanish or speaking English with an accent, and their apparent race or ethnicity.¹³⁶ In *Vasquez Perdomo*, the Supreme Court lifted a California district court’s injunction against DHS’s roving immigration patrols in Los Angeles, allowing federal agents to continue their practice of conducting immigration enforcement stops based on these factors, including race, pending the final outcome of the litigation.

Nevertheless, federal officers are still bound by the Fourth Amendment, which prohibits unreasonable searches and seizures. The Fourth Amendment also prohibits unreasonable use of force and requires that arrests be made based on probable cause. Additionally, regardless of the final outcome of the *Vasquez Perdomo* litigation, state law continues to prohibit state and local law enforcement from engaging in racial or identity profiling.

Members of the public may report potentially unlawful activity in California by federal agents or personnel the Office of the Attorney General at <https://oag.ca.gov/ReportMisconduct>. Examples of potentially unlawful activity by federal law enforcement agents may include use of excessive force; unlawful searches, seizures, or arrests; wrongful detentions; interference with voting; and/or other civil rights violations.

Please Note: Filing a complaint does not guarantee that the Office of the Attorney General will take formal action on a complaint.

5. Warrants, Subpoenas, and Court Orders

A college campus may have areas that are open to the public, areas that have restricted access, and nonpublic areas, such as residences, that cannot be accessed by law enforcement, including immigration enforcement, absent valid consent or a duly issued judicial warrant. The different documents that permit access to persons, locations, and records are discussed here and included in Appendices B to H.

Additionally, as required by AB 21, CSU, community colleges, and qualifying independent institutions shall (and UC is encouraged to) advise all students, faculty, and staff having contact with officers engaged in immigration enforcement who are executing any immigration order to refer the officers to the office of the chancellor or president or that office's designee for purposes of verifying the legality of these listed documents.¹³⁷

ICE Administrative "Warrant"

An ICE administrative "warrant" is the most typical type used by immigration enforcement officers. An ICE administrative warrant can be issued by a number of federal agents¹³⁸ and may be issued for purposes of removing an individual.¹³⁹ Such a document authorizes an immigration enforcement officer to arrest a person suspected of violating immigration laws. An ICE administrative warrant can be issued by any authorized immigration enforcement officer, and is not a warrant within the meaning of the Fourth Amendment to the U.S. Constitution, because it is not supported by a showing of probable cause of a criminal offense. An ICE warrant is also not signed by a district court judge or magistrate.

An ICE administrative warrant does not grant an immigration enforcement officer any special power to compel college or university personnel to cooperate with requests. For example, an ICE warrant does not authorize access to nonpublic areas of a college or university. An ICE warrant alone does not allow an immigration enforcement officer to access and search college or university records. (See Appendix A for a sample ICE administrative "arrest warrant" (Form I-200), and Appendix B for a sample ICE "removal warrant" (Form I-205).)

College and university personnel should not physically interfere with an immigration enforcement or other law enforcement officer in the performance of their duties, even if the officer appears to be acting without consent or exceeding the purported authority provided by a warrant or other document. However, a college or university employee is not required to assist with the apprehension of a person identified in an ICE administrative warrant, nor is the employee required to consent to an immigration enforcement officer's search of college or university facilities.

State law restricts most California colleges from granting access to nonpublic spaces when presented with an ICE warrant. Under AB 21, CSU, community colleges, and qualifying independent institutions of higher education may not comply with a request from an immigration officer for access to nonpublic areas of the campus unless presented with a judicial warrant or if the entry is permitted by federal law, such as when an officer declares that exigent circumstances exist.¹⁴⁰ Similarly, a college or university may not provide voluntary consent to an immigration enforcement officer seeking access to a nonpublic area when presented with an ICE administrative warrant.¹⁴¹

Federal Court Warrant

A federal court warrant (or federal judicial warrant) is issued by a district judge or a magistrate judge of a U.S. District Court, based on a finding of probable cause authorizing the search or seizure of property, the entry into a nonpublic place to arrest a person named in an arrest warrant, or the arrest of a named person.

There are two types of federal court warrants, a search-and-seizure warrant and an arrest warrant.

- A federal search-and-seizure warrant allows an officer to conduct a search authorized by the warrant. (See Appendix C for a sample federal search and seizure warrant (Form AO 93).)
- A federal arrest warrant allows an officer to arrest the individual named in the warrant. (See Appendix D for a sample federal arrest warrant (Form AO 442).)

A federal court warrant will include a description of the property to be searched or the person to be arrested and will be signed by a federal judge.

Prompt compliance with a federal court warrant is usually required. Where feasible, however, college and university personnel should consult with the designated campus official or legal counsel before responding.

Administrative Subpoena

A DHS administrative subpoena is a document that requests production of documents, testimony, or other evidence for use in immigration related investigations or in immigration proceedings, and is issued by an immigration enforcement officer or other DHS personnel.¹⁴² The administrative subpoena will contain the following information: file number, subpoena number, mailing address to which to mail the requested information, a list of the regulations that apply, the request for information, and the signature(s) of the officer(s). (See Appendix E for a sample administrative subpoena (Form I-138).)

College and university staff generally do not need to immediately comply with an administrative subpoena. If an immigration enforcement officer arrives with a pre-designated administrative subpoena, the college or university may decline to produce the information sought and may choose to challenge the administrative subpoena before a judge.¹⁴³ Therefore, college and university personnel should immediately contact a designated campus official or legal counsel upon receipt of a subpoena.

Federal Judicial Subpoena

A federal judicial subpoena is a document that asks the recipient to produce documents or other evidence. The federal judicial subpoena will identify a federal court and the name of the judge or judicial magistrate issuing the subpoena and may require attendance at a specific time and location and the production of prescribed records. (See Appendix F for a sample federal judicial subpoena.)

As with an administrative subpoena, noted above, a college or university generally does not need to immediately comply with a federal judicial subpoena, and can challenge it before a federal judge in a U.S. District Court. Campus personnel should therefore immediately contact the designated campus official upon receipt of a federal judicial subpoena.

Court Order

If an immigration enforcement officer arrives with a court order, the designated campus official shall review the order with legal counsel or other designated person, and respond accordingly.

Notice to Appear

A Notice to Appear (NTA) is a charging document issued by ICE, CBP or the U.S. Citizenship and Immigration Services (USCIS) seeking to commence formal removal (or deportation) proceedings against an individual before an immigration court. An NTA contains allegations made about a particular person's immigration status, and charges about the person's removability (or deportability). An NTA

notifies an individual that he or she is expected to appear before an immigration judge on a certain date. An NTA does not authorize an individual's arrest by immigration enforcement authorities or local law enforcement authorities.¹⁴⁴ (See Appendix G for a sample Notice to Appear form (Form I-862).)

An NTA does not require college or university staff to take any action or grant an officer engaged in immigration enforcement any special power to compel the college or university to cooperate with the officer. An NTA does not authorize access to nonpublic areas of the campus. An NTA does not legally require college or university staff to allow authorities to search student or other school records.

6. Immigrant Worker Protection Act

The Immigrant Worker Protection Act (Assembly Bill No. 450, 2017-2018 Regular Session) imposes obligations on employer conduct, and persons acting on their behalf, at colleges and universities in the event an immigration enforcement agent seeks to enter the employer's place of business, subject to certain specified exceptions.¹⁴⁵ California employers, or persons acting on behalf of the employer, are prohibited from providing "voluntary consent" for an immigration enforcement agent to enter "any nonpublic areas of a place of labor." This provision does not apply if the immigration agent provides a judicial warrant.¹⁴⁶ This provision also does not preclude a public employer from bringing an immigration enforcement agent into a nonpublic area of the workplace for the purpose of determining whether the agent has a judicial warrant, "provided no consent to search nonpublic areas is given in the process."¹⁴⁷

Whether voluntary consent has been provided by an employer, or a person working on behalf of an employer, is a fact-based determination that depends upon the specific circumstances of the interaction between the employer and the officer conducting immigration enforcement, including the conduct of, and words used by, the employer or person working on behalf of the employer. In general, for consent to be voluntary, it cannot be the result of duress or coercion, whether express or implied.

Recommendations for Section Two

In addition to the model policies appearing in Section Five, the Attorney General makes the following discretionary recommendations as "best practices" guidance for colleges and universities.

1. Designate Restricted Areas

Designating restricted areas (such as through the use of keycards, signage, staff/student ID or locks, whether at all times or at certain hours) and limiting access to outsiders can promote a safe learning environment for all. Higher education institutions should acknowledge that immigration enforcement activities, and threats of such activities, interfere with classroom learning. They should therefore adopt policies on restricted areas and similar policies regarding access to facilities and students to avoid disruptions to student education. However, while restricted areas and similar policies protect facility users and staff in other ways and promote a safe environment conducive to the institution's mission, such restrictions will not always equate to Fourth Amendment protection.

Institutions should make clear to their campus communities that state and campus policies limiting cooperation with enforcement of federal immigration law do not bar immigration enforcement from entering campus, including restricted areas, when they have legal authority to do so, such as upon presentation of a valid, signed judicial warrant.

2. Create and Share an Immigration Enforcement Notification Policy

In addition to (or as part of) adopting the model policy on notification found in Section Five, colleges and universities should create and share their own written policies explaining how they are implementing the notification requirements under SB 98. Where possible and appropriate, these policies should be consistent across an institution's campuses.

To comply with SB 98 (as discussed in the Governing Law section above), an immigration enforcement notification policy must affirm that the institution will notify students, faculty, staff, and other campus community members who work on campus when the presence of immigration enforcement is confirmed on campus, to the fullest extent consistent with state and federal law, include the date and time immigration enforcement was confirmed, the location, a link to the required resources and should not include any personally identifiable information.

Some additional factors that institutions should consider when creating a policy to implement SB 98:

- **Reporting and Verifying Immigration Enforcement**
 - Ensure that campus community members know how to report immigration enforcement activity on campus.
 - Consider how your institution will confirm any reported immigration enforcement.
- **Tools and Timeframes for Sending Notifications**
 - **Consider the best tools and timeframes with which to notify your campus community regarding different kinds of immigration enforcement events.** SB 98 does not specify the required method of notification (e.g. text alert, email, website post, etc.) or the timeframe during which a notification must be sent. Similarly, there is no requirement that every type of immigration enforcement presence on campus be treated the same way. Institutions are therefore free to consider the factual circumstances of the confirmed immigration enforcement activity when determining how to respond.
 - For example, existing real-time emergency alert tools designed for large-scale disruptive events may at times be an appropriate way to alert students to immigration enforcement actions despite likely disruption to educational activities. However, such real-time alerts may provoke undue alarm in some cases.
 - Institutions should prioritize student safety, clear communication, and minimal disruptions to the learning environment when determining how and when to send notifications.
 - Institutions should ensure that no personally identifiable information is included with notifications, including information that could identify individuals who subscribe to or receive such alerts through listservs or similar distribution systems.
- **Communication and Student Support**
 - Share your SB 98 policy with your campus community.
 - Consider clarifying in your policy the types of activity that will and will not trigger notification.
 - While the institution's response to immigration enforcement might be a case-by-case determination, to the extent possible, institutions should tell their campus community generally who makes these decisions and what they can expect.

- To help interested campus community members stay informed about immigration enforcement activity that does not trigger notification (e.g. activity off campus), institutions should consider sharing other local resources that provide news and updates, such as rapid response networks.
- Institutions are free to provide notifications about immigration enforcement activity even if it is not required by SB 98. For example, an institution might choose to notify students regarding enforcement activity that occurs near campus and is disrupting educational activities.
- Relatedly, campuses may consider providing advanced notice of a planned nonenforcement visit from immigration enforcement officers (for example for a routine audit or career fair). This might be shared in a more limited and targeted manner designed to effectively inform those who wish to know.
- Keep in mind that immigration enforcement on campus may affect many community members beyond those directly involved. Consider how best to share access to campus resources for support in the wake of any disruptive events.
- Note that requests for student records may still require notifying individual students under FERPA, regardless of whether they trigger campus notification.

03 Responding to Law Enforcement Requests to Access Student Records and Other Data for Immigration Enforcement Purposes, Including Guidance Regarding Databases

Purpose of this Section

Provide college and university administrators with policies and practices for responding to requests for student records and other data for immigration enforcement purposes.

Governing Law

As with access to nonpublic spaces on campus (discussed in Section Two, above), access to a student's records similarly depends on whether the records are confidential and, if so, whether a court or other authorized agency nonetheless has authorized access to the otherwise confidential records.

As described in Section One, FERPA and the California Education Code generally protect the confidentiality of student educational records. These protections, as well as other confidentiality protections that apply to certain records, are described below.

1. Restrictions on Release of Educational Records

As a condition of federal funding, federal law restricts postsecondary educational institutions like colleges and universities from releasing certain private student information without the consent of the eligible student.¹⁴⁸ Federal funding may be withheld from a college or university that has a policy of releasing educational records or personally identifiable information (other than directory information; see discussion below) of students, without the student's written consent.¹⁴⁹ "Personally identifiable information" includes direct identifiers (such as a student or other family member's name or student ID number), and indirect identifiers (such as a student's date of birth, place of birth, or mother's maiden name), as well as any information that, alone or in combination, is linked to a specific student and would allow the student to be identified with reasonable certainty.¹⁵⁰

2. Exceptions that Permit or Require Disclosure

General Exceptions to FERPA Permitting Disclosure

A college or university may provide access to educational records without a student's consent in limited circumstances. Such circumstances include information relevant to the legitimate educational interests of the requestor such as for reviewing school attendance issues, providing schools with information on transferring students, or evaluating federally funded educational programs.¹⁵¹ An agency may also provide information without consent in response to a judicial order or lawfully issued subpoena.¹⁵² (For more information on these documents, see the discussion in *Section Two: Responding to Law Enforcement Requests for Access to College Campuses and Residential Units for Immigration Enforcement Purposes*).

Even when disclosure is permitted by FERPA, however, there is no general requirement in federal or state law to provide information to officers engaged in immigration enforcement without a valid judicial warrant, court order, or judicial subpoena. (Note that colleges and universities are required to provide certain immigration records for international students to DHS, as discussed below under the caption

FERPA Exception Requiring Disclosure of Certain Information about International Students and Scholars to DHS.)¹⁵³ An ICE administrative warrant does not allow officers to search student records, and it does not provide authority to obtain otherwise confidential student records or protected information.¹⁵⁴

Also, unless the college or university is served with a law enforcement subpoena prohibiting disclosure of the existence of the subpoena to the student, pursuant to FERPA, the student must be notified of any request for records before the institution complies.¹⁵⁵

The following sections discuss exceptions to FERPA's confidentiality requirements under specific circumstances or with regard to certain types of records.

FERPA Exceptions Permitting Disclosure of University Disciplinary Records

While disciplinary records maintained by a college or university are protected as “education records” under FERPA,¹⁵⁶ there are certain narrow circumstances in which disciplinary records may be disclosed without the student’s consent. A college or university may disclose to an alleged victim of any crime of violence or a nonforcible sex offense the final results of a disciplinary proceeding against the alleged perpetrator of that crime, regardless of the results.¹⁵⁷ A college or university may disclose to anyone—not just the victim—the final results of a disciplinary proceeding conducted against a student who is an alleged perpetrator of a crime of violence or a nonforcible sex offense, if the institution determines that the student has committed a violation of the institution’s rules or policies with respect to the offense.¹⁵⁸ Final results are limited to name, violation and sanction and would not include immigration status.

For more information on whether and how college and university personnel must comply with requests for information or physical access to nonpublic spaces on school property, see *Section Two: Responding to Law Enforcement Requests for Access to Campuses and Residential Units for Immigration Enforcement Purposes*.

FERPA Exception Allowing Release of Directory Information

Directory information is basic student information that may be shared with outside parties, unless a student opts out of the release of the information.¹⁵⁹ Examples of directory information include the following:

Examples of Directory Information¹⁶⁰

- | | |
|--|--|
| ✓ Dates of attendance | ✓ Dates of attendance |
| ✓ Most recent previous school | ✓ Most recent previous school attended |
| ✓ Telephone number | ✓ Participation in officially-recognized activities and sports |
| ✓ Weight and height of athletic team members | ✓ Degrees and awards received |
| ✓ Date of birth | |
| ✓ E-mail address | |
| ✓ Major field of study | |

No law mandates that colleges and universities provide directory information.¹⁶¹ However, colleges and universities are permitted to disclose such information to designated individuals, officials, and organizations without the impacted student's explicit consent, but subject to the opt-out described below.¹⁶²

FERPA Exceptions Permitting Disclosure in a Health and Safety Emergency

In a health and safety emergency, FERPA permits school officials to disclose education records without student consent, including personally identifiable information from those records, if disclosure is necessary to protect the health or safety of students or other individuals.¹⁶³

Records and information may be released to "any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals."¹⁶⁴ Additional guidance promulgated by the United States Department of Education lists law enforcement as a permissible recipient of student information in case of a health and safety emergency.¹⁶⁵ The United States Department of Education interprets FERPA to also permit institutions to disclose information from education records to parents if the agency determines there is an articulated and significant threat to health and safety that disclosure of certain limited information to a parent could prevent.¹⁶⁶ However, release of information for purposes of immigration enforcement is not among the enumerated exceptions to the consent requirements within FERPA.

FERPA Exception Requiring Disclosure of Certain Information about International Students and Scholars to DHS

FERPA's privacy protections do not apply when DHS requests certain records related to nonimmigrant international students and scholars using or applying for F, J, or M visas.¹⁶⁷ The records that may be disclosed include anything that the institution is required to maintain as part of the Student and Exchange Visitors Program (SEVIS).¹⁶⁸ Under DHS regulations, a college or university may not refuse to report information concerning an F or M nonimmigrant student or a J nonimmigrant exchange visitor that the educational agency or institution is required to report under 8 U.S.C. 1372 and § 214.3(g) (or any corresponding Department of State regulation concerning J nonimmigrants) on the basis of FERPA.¹⁶⁹ Although the college or university must report information that would otherwise be protected by FERPA, this is only to the extent that it is required by the laws and regulations noted above.¹⁷⁰

3. Other Confidentiality Protections for Medical Information and Health Care Data

As discussed above in Section One under *Campus Healthcare Facilities*, the confidentiality of patient information and medical records is protected by both federal and state law. Under federal law, such information may be protected under FERPA as student educational or treatment records (in the case of student data at campus health centers) or HIPAA (in the case of university-run hospitals and/or non-student patients). Both federal statutes prohibit disclosure of protected information without consent, subject to specified exceptions.¹⁷¹

At the state level, also discussed in Section One under *Campus Healthcare Facilities*, several laws protect confidentiality of medical information and patient records, including the California Medical Information Act (CMIA). Of particular note is SB 81, which added new protections for California patients to the CMIA in 2025.

Pursuant to SB 81, health care provider personnel must immediately provide any requests for review of documents, including through a lawfully issued subpoena, warrant, or court order, to health care provider entity management, administration, or legal counsel.¹⁷² Because SB 98 defines "medical information" to include immigration status, including any individually identifiable information about a patient's immigration status that is known or collected by a healthcare provider, SB 81 prohibits

providers from disclosing a patient’s immigration-related information for the purpose of immigration enforcement, except under limited circumstances permitted by law.¹⁷³

For more detailed information on the laws protecting the confidentiality of all patients, regardless of immigration status, please see the guide titled *Promoting Safe and Secure Healthcare Access for All: Guidance and Model Policies to Assist California’s Healthcare Facilities in Responding to Immigration Issues* (October 2018), available at <https://oag.ca.gov/sites/all/files/pdfs/immigration/healthcare-guidance.pdf>.

4. State Law Restrictions on Release of Students’ Personal Information

California also protects the confidentiality of students’ personal information more broadly, including immigration status information. Under California law AB 21, faculty and staff of most California colleges are prohibited from disclosing the personal information, including immigration status information, of any student, faculty, or staff person with anyone, apart from the exceptions permitting disclosure discussed below.¹⁷⁴ This prohibition applies to California State University, California Community Colleges, and all qualifying private colleges, and it is requested of the University of California.¹⁷⁵

Disclosure under AB 21 is only permitted with the consent of the person identified (or, if the person is under 18 years of age, with the consent of their parent or guardian); as may legally be disclosed under state and federal privacy laws; for the programmatic purpose for which the information was obtained; as part of a directory that does not include residence addresses or individual persons’ course schedules and that the person has not elected to opt out of; or in response to a judicial warrant, court order, or subpoena.¹⁷⁶

Relatedly, faculty and staff are prohibited from discussing personal information, including immigration status information, of any student, faculty, or staff person with anyone, or revealing that personal information to anyone, unless the disclosure is permitted by state and federal education privacy law.¹⁷⁷

As discussed above, Section 1373 of Title 8 of the U.S. Code (Section 1373) prohibits government agencies, including public colleges and universities, from prohibiting or restricting any government entity or official from maintaining or exchanging information about a person’s immigration status with immigration enforcement authorities or other governmental entities.¹⁷⁸ However, Section 1373 does not obligate agencies to disclose any information. Further, FERPA prohibits colleges and universities from sharing any part of a student’s educational record, including immigration status information, unless a specific FERPA exception permits or requires such sharing.¹⁷⁹ As such, AB 21’s restriction on sharing students’ immigration status or other personal information except “as may legally be disclosed under state and federal privacy laws” is consistent with federal law, including Section 1373.¹⁸⁰ This Guide does not call for any public agency policy prohibiting or restricting public college employees in violation of Section 1373.

Under California law AB 450 (Regular Session 2017-18), except as otherwise required by federal law, an employer, or a person acting on behalf of the employer, shall not provide voluntary consent to an immigration enforcement agent to access, review, or obtain the employer’s employee records without a subpoena or judicial warrant.¹⁸¹ This does not apply to I-9 Employment Eligibility Verification forms and other documents for which a Notice of Inspection has been provided to the employer.¹⁸²

5. State Law Restrictions on Release of Personal Information Obtained by Campus Police

California also has confidentiality laws governing information held by law enforcement, including campus police or security departments.¹⁸³ California Government Code prohibits campus police from providing “personal information” about an individual for immigration enforcement purposes,

unless that information is publicly available.¹⁸⁴ The definition of “personal information” incorporates any information that “identifies or describes an individual” including, but not limited to, a student’s physical description, home or work address, telephone number, education, financial matters, medical or employment history, and statements made by, or attributed to, the individual.¹⁸⁵ This would include a student’s course schedule, which is described as “personal information” protected by Education Code section 66093.3.¹⁸⁶ Therefore, SB 54 would generally prohibit sharing such other personally identifiable information, even if contained in investigative reports and other files, documents, or records created and maintained by campus police for a law enforcement purpose.

The California Government Code does not prohibit campus police from exchanging information regarding a person’s citizenship or immigration status with governmental entities included in police records,¹⁸⁷ which are exempt from FERPA’s “education records” protections.¹⁸⁸ Additional information on these restrictions appears in this section under the caption *Restrictions on Release of Personal Information or Educational Records*, above.

However, as discussed in Section One under the caption *Campus Police*, SB 54 prohibits school police and security departments from asking a student about their immigration status for immigration enforcement purposes.

Recommendations for Section Three

1. Limiting Access to Educational Records and Other Student Data

Colleges and universities should endeavor to be as transparent as possible with students with respect to any disclosure of educational records or other student data.

At a minimum, colleges and universities must provide students and families with annual notice, at the beginning of each school year, of institutional policies for student confidentiality and the abilities of parents or eligible students to inspect student information.¹⁸⁹

Such written consent must be signed and dated by the eligible student (who is 18 years of age or older, or attending a post-secondary institution) before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made.¹⁹⁰ If desired by the eligible student, the college or university must provide a copy of the records to be released.¹⁹¹ The party to whom the information is disclosed may not disclose the information to any other party without the prior consent of the eligible student.¹⁹²

Colleges and universities must give annual notice of the school’s directory information policy and afford an opportunity to opt out of disclosure of directory information to eligible students. Specifically, notices to eligible students must describe the following:

- The kind of information that the school has identified as directory information.
- The eligible student’s ability to refuse to let the school designate the information as directory information, which could be disclosed to outside entities.
- The period of time in which the eligible student has to notify the school in writing that they do not want the information designated as directory information.
- That opting out by the noted deadline is the student’s only way to prevent the release of directory information.¹⁹³

2. Contracting with Vendors and Federal Funding

Colleges and universities should pay close attention to the terms and conditions of contracts or grants, including contracts that permit vendors to sell or make data available to third parties like federal agencies. At times, federal agencies have attempted to condition federal grant funding on entities agreeing to cooperate with federal officials in the enforcement of civil immigration laws. These grant conditions may be illegal under federal law and inconsistent with state law.¹⁹⁴

An example of an unlawful grant condition from the federal government is when the U.S. Department of Transportation announced in April 2025 that all recipients of federal transportation funding would be required to cooperate with federal officials in the enforcement of federal immigration law. California and other states sued the federal government arguing that these immigration enforcement conditions on grant dollars were unlawful.¹⁹⁵ Like in similar past cases,¹⁹⁶ the court ruled in California's favor concluding that federal law "does not require unbridled state cooperation with federal civil immigration enforcement."¹⁹⁷ As related to federal transportation funding, the court found that the U.S. Department of Transportation acted beyond the authority given to it by Congress in conditioning federal grant funding on civil immigration enforcement, which was unrelated to transportation spending generally.¹⁹⁸

Contact the Attorney General's Office if you believe a federal grant term is asking you to assist in immigration enforcement. These are fact-specific questions that can depend on many legal factors, so ask your federal grant coordinator for more time to consult with your institution's legal counsel or the Attorney General's Office before making any agreements.

04 Responding to Immigration Actions Against Students or Family Members

Purpose of this Section

Provide college and university administrators with resources for responding to immigration enforcement actions against a student or a student's family member.

Governing Law

1. Support for students, faculty, and staff affected by immigration enforcement

There are several requirements under state law for colleges and universities to support students, faculty, and staff who are detained or deported, who may be subject to an immigration order or inquiry on campus, or whose studies are disrupted by immigration enforcement activity.

Unless otherwise noted below, these measures are **mandatory** for the Trustees of California State University (CSU), the California Community Colleges, as well as California independent institutions of higher education that qualify for Cal Grant financial aid, and they are **requested** of the Regents of the University of California (UC).

- **Staff point of contact:** Colleges and universities must (and UC is requested to) designate a staff person as a point of contact for any student, faculty, or staff person who may or could be subject to an immigration order or inquiry on campus.¹⁹⁹
- **Notifications to emergency contacts and campus community:** If there is a reason to suspect that a student, faculty member, or staff person has been taken into custody as a result of an immigration action, colleges and universities must (and UC is requested to) notify the person's emergency contact as soon as possible that the person has been taken into custody.²⁰⁰ These institutions must (and UC is requested to) also notify the campus community of any confirmed immigration enforcement presence on campus (see Section Two under the caption *Notifications Regarding Immigration Enforcement* for details on this notification requirement).²⁰¹
- **List of legal service providers:** Colleges and universities must (and UC is requested to) maintain a contact list of legitimate legal service providers who provide legal immigration representation, and they must provide this list free of charge to any students who request it.²⁰² The list must include, but not necessarily be limited to, the legal service provider's name and contact number, email address, and office address.²⁰³ The list should include only attorneys licensed by and in good standing with the State Bar of California or the highest court or state licensing entity of another state, or organizations that employ such attorneys or organize services by such individuals.²⁰⁴
- **Assistance for noncitizen students subject to an immigration order:**
 - **Retaining eligibility for aid, housing, and services:** If a student is detained or deported, or is unable to attend to their academic requirements due to an immigration order, colleges and universities must make all reasonable efforts to assist the student in retaining any eligibility for financial aid, fellowship stipends, exemption from nonresident tuition fees, funding for research or other educational projects, housing stipends or services or other benefits the student has been awarded or received.²⁰⁵

- **Reenrollment:** Colleges and universities must make all reasonable efforts to permit the student to reenroll if and when the student is able to return to the college or university (see below for additional provisions regarding a systemwide reenrollment policy for public universities). Colleges and universities should make reasonable and good faith efforts to provide for a seamless transition in the student's reenrollment and reacquisition of campus services and supports.²⁰⁶
- **Staff support:** College and university staff must be available to assist, in a sensitive manner, noncitizen students, as well as other students, faculty, and staff who may be subject to an immigration order or inquiry, or who may face similar issues, and whose education or employment is at risk because of immigration actions.²⁰⁷

2. New Rules for Supporting Noncitizen Students at Public Universities

Effective January 1, 2026, a new California law, Senate Bill 307, added additional requirements related to supporting students whose academic careers are disrupted by immigration enforcement activity.²⁰⁸ These are mandatory only for CSU and are requested of UC:

- CSU is required, and UC is requested, to ensure that if immigration enforcement activity causes a noncitizen student to be unable to satisfy academic requirements, this does not affect the student's qualification for the exemption from paying **nonresident (out of state) tuition under AB 540**, provided the student meets all requirements.²⁰⁹
- CSU must, and UC is requested to, also ensure that staff and the designated Dreamer Resource Liaison at the institution assist noncitizen students in **accessing all financial aid and academic resources** available to noncitizen students.²¹⁰
- CSU must, and UC is requested to, adopt a systemwide policy addressing **course grades, administrative withdrawal, and reenrollment** for noncitizen students who are unable to attend their courses by the final drop date due to immigration enforcement activity. The systemwide policy must include a timeframe during which a student withdrawn for nonattendance is reenrolled and retains the same academic status they held before their withdrawal, upon submitting written confirmation of their intent to return to the institution.²¹¹

Recommendations for Section Four

In addition to the model policies appearing in Section Five, the Attorney General makes the following additional, discretionary recommendations to support students impacted by immigration enforcement.

1. Work Closely with Dream Resource Centers

Administrators should work closely with campus Dream/Noncitizen/Monarch Resource Centers and other staff who serve noncitizen students directly to best provide student support. Add your campus's center as a resource on websites and/or campus communications to ensure students are aware these resources are available. Include representatives from these centers in administrative meetings related to immigration enforcement on campus.

2. Ensure Access to Educational and Campus Resources

California colleges and universities should support students who are detained, deported, or subject to immigration orders in continuing to access, or regaining access, to educational resources and opportunities, including courses, financial aid, housing, and enrollment or reenrollment.

Colleges and universities are encouraged to provide additional support beyond what is required in state law. For example, this could include support for students who are not subject to an immigration order themselves but who are impacted by a family member's detention or deportation, or whose mental health may be impacted by recent immigration enforcement on campus or in the community. Support might take the form of emergency aid grants, flexibility around academic requirements during times of personal crisis, wellness or mental health support, or access to legal aid resources. Colleges and universities should also consider providing alternatives to in-person attendance if there is a confirmed immigration enforcement action on campus.

The Higher Ed Immigration Portal hosts a resource with additional suggestions for colleges and universities, *Institutional Policies and Practices to Support Students Impacted by Immigration Enforcement*. For more information, visit <https://www.higheredimmigrationportal.org/effective-practice/institutional-policies-and-practices-to-support-students-impacted-by-immigration-enforcement/>.

3. Ensure Access to Financial Aid

Colleges and universities, and particularly financial aid officers, should familiarize themselves with the resources and guidance from the California Student Aid Commission (CSAC) on how best to ensure that all students, regardless of immigration status, have access to higher education. These include memoranda on protecting noncitizen student financial aid data, steps to promote the California Dream Act, and other tools. See CSAC's resources and guidance at <https://www.csac.ca.gov/immigration-impacted-students>.

4. Support Students with Different Kinds of Immigration or Citizenship Status

Increasingly, students who are citizens also have concerns about immigration enforcement. Students with noncitizen family members, international students holding student visas, Temporary Protected Status (TPS) holders or others with legal immigration status, and even naturalized or U.S.-born citizens, may have concerns or encounters with immigration enforcement. Colleges and universities should gather and communicate available resources, including the supports discussed above, for students of any immigration status.

5. Communication Training for Students and Staff

Colleges and universities should continually work to ensure that students are aware of the policies and support available to them. Many of the above-mentioned resources are already available at most colleges and universities, but administrators should work with student services, communications staff and Dream Resource Centers to ensure that students know how to access them when impacted by immigration enforcement activity. Because colleges and universities may not collect students' immigration status, this information should be shared as widely as possible to ensure that impacted students are reached.

Colleges and universities should also ensure that all faculty and staff are aware of the support available for students so they can provide flexibility as needed to impacted students.

6. Encourage Emergency Planning

To the extent possible, colleges and universities should encourage students to develop an emergency plan (sometimes called a Family Preparedness Plan) in the case of an immigration action against a student or a member of the student's family. If a student has children, such a plan may identify a trusted adult who can care for the children if no parent or guardian can do so.

- Public Counsel provides a workbook guide for immigrant families to utilize when creating a Family Plan with recommended steps based on families' long-term goals.
 - For more information see <https://publiccounsel.org/wp-content/uploads/2025/02/Creating-a-Family-Plan-A-Workbook-for-Immigrant-Parents-Bound-Documents-4.pdf>.
- The Immigrant Legal Resource Center provides step-by-step guidance for families creating a Family Preparedness Plan.
 - To access this guidance in English, Spanish, Chinese, Tagalog, or Vietnamese, visit <https://www.ilrc.org/resources/step-step-family-preparedness-plan>.
- Informed Immigrant provides step-by-step guidance for preparing families for cases of emergencies.
 - This guidance is accessible by visiting the following link <https://www.informedimmigrant.com/resources/detention-deportation/steps-take-prepare-family/>

7. Update Emergency Contact Information

In addition to facilitating the development of an emergency plan, colleges and universities should implement policies that ensure that all students' emergency contact information (including the listing of secondary contacts) is complete and regularly updated. This should be treated as confidential information.

Additional Resources

Below is a collection of additional resources that may be useful to share with students and staff, including resources from governmental and non-governmental organizations. The California Department of Justice provides resources from other entities for informational purposes only and does not independently verify the content provided in those resources.

ICE Detainee Locator

The ICE online detainee locator (<https://locator.ice.gov/odls/#/search>) can help people determine if someone has been detained and where the individual is being held. In using the ICE detainee locator, it is helpful to know the individual's date of birth and 'A-Number' (Alien Registration Number), if there is one. An individual who entered the United States without inspection may not have an A-number.

Please Note: The ICE online detainee locator is intended only for locating individuals who are already detained. The website is not updated regularly; if an individual known to be detained does not appear on the website, it should not be interpreted as confirmation that they are no longer detained or have been deported. If an individual has general questions about their immigration status, they should be referred to a list of legal service providers such as those noted in the *Other Legal Assistance* section below.

The National Immigration Law Center provides resources for finding a loved one after a U.S. immigration arrest that may be accessed by visiting <https://www.nilc.org/resources/how-to-find-a-loved-one-after-a-u-s-immigration-arrest/>.

Immigration Court Website and Hotline

If an individual wants to know the status of their immigration case, they can consult the Executive Office for Immigration Review (EOIR) Automated Case Information System website (<https://acis.eoir.justice.gov/en/>) and/or call the Immigration Court Hotline at [1-800-898-7180](tel:1-800-898-7180). It is useful to check both the website and hotline since they have different categories of information. The Asylum Seeker Advocacy Project (ASAP) also provides links and resources to navigating the immigration court system here: <https://asaptogether.org/en/check-court/>.

The EOIR will frequently change the time, date, and potentially even the location of immigration hearings. If EOIR changes this information, it will email a new notice of hearing, but individuals can also always check with the Immigration Court Hotline. Individuals must show up for all of their immigration hearings. If they do not, they may be ordered removed in their absence.

Consulate or Embassy

The consulate or embassy of an individual's country of origin may be able to offer additional information and assistance.

Rapid Response Networks

In response to immigration enforcement actions, some immigrant rights and legal advocacy organizations have developed Rapid Response Networks (<https://caimmigrant.org/what-we-do/policy/fighting-mass-detention-deportation/resources-for-immigration-legal-protection/>). These provide hotlines individuals can call if they see or are impacted by immigration enforcement actions; often mobilize trained responders to verify reports of enforcement activity; and connect individuals to legal assistance, "Know Your Rights" information, and follow-up services. In some cases, they also coordinate rapid attorney activation when someone is detained.

Some examples of Rapid Response Networks include: Stand Together Contra Costa (<https://standtogethercontracosta.org>); San Francisco Rapid Response Network (<https://sfilen.org/resources/sf-rapid-response-network>); Sacramento Rapid Response Network (<https://www.sacfuelnetwork.org/sacramento-rapid-response-network>); Kern County Rapid Response Network (<http://rapidresponsekern.com>); 805 Immigrant Rapid Response Network in Santa Barbara, Ventura, and San Luis Obispo Counties (www.805undocufund.org/alerts); and Immigrant Defenders Law Center Rapid Response Network in Los Angeles, San Bernardino, Orange, Riverside, San Diego and Imperial Counties (<https://www.immdef.org/rapidresponse>); Marin Rapid Response Network (<https://multiculturalmarin.org/mrrn/>)

Please note: Rapid Response Networks are not government agencies. They are community defense systems that help people understand their rights and access legal resources when immigration enforcement actions are taking place locally.

Free Legal Assistance at California Public Colleges and Universities

Students at all public colleges and universities in California have access to free immigration legal services.

- For University of California students, information about services is available at <https://ucimm.law.ucdavis.edu/>. Enrolled students, staff/faculty, and immediate family members are eligible for services.
- For CSU and community college students, information about services is available at <https://findyourally.com/>.

Other Legal Assistance

Immigration lawyers in private practice, United States Department of Justice (USDJOJ)-accredited representatives (who assist immigrants in immigration proceedings), or legal-aid organizations may be able to provide legal assistance to secure the release of, or arrange for visits to, an individual or individual's family member.²¹²

- ✓ An individual can determine if lawyers are licensed by and in good standing with the State Bar of California by checking online at <https://www.calbar.ca.gov/legal-professionals>.
- ✓ Individuals may be able to find legal assistance from legal aid offices and lawyer referral services at the California Department of Social Services website, <http://www.cdss.ca.gov/inforesources/immigration/contractor-contact-information>, or at the California Courts website, <http://www.courts.ca.gov/1001.htm>. California courts also operate Self-Help Centers that may also be able to provide legal assistance to individuals. A list of these centers across the state is available at <https://selfhelp.courts.ca.gov/self-help/find-self-help>.
- ✓ The Immigration Advocates Network maintains a national immigration legal services directory. The directory allows users to search for free or low-cost immigration legal services providers by state, county, or detention facility. Users can refine their search by areas and types of legal assistance provided, populations served, and languages spoken. The directory is available at: <https://www.immigrationadvocates.org/nonprofit/legaldirectory>.
- ✓ The Executive Office for Immigration Review (EOIR), Office of Policy, Public Resources Program (PRP) administers a List of Pro Bono Legal Service Providers. The list is provided to individuals involved in immigration proceedings and contains information on non-profit organizations and attorneys who have committed to providing at least 50 hours per year of pro bono legal services before the immigration court location where their name appears. The list also contains information on pro bono referral services that refer individuals in immigration court proceedings to pro bono legal counsel. A list of pro bono legal service providers can be found here: <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>.
- ✓ The USDJOJ'S Recognition and Accreditation (R&A) Program allows certain individuals, specifically non-attorney employees and volunteers of qualifying non-profit organizations, to represent individuals in immigration proceedings before the federal government. To find an "Accredited Representative" to help you with your immigration case, you can contact a nonprofit "Recognized Organization" under the Recognition and Accreditation Program. A list of Recognized Organizations can be found here: <https://www.justice.gov/eoir/recognition-accreditation-roster-reports>.

- ✓ Pro se Assistance for Asylum Seekers: UC Law San Francisco provides an English and Spanish resource to assist pro se (self-represented) asylum seekers, available here: https://cgrs-uclawsf-edu.translate.google.com/get-help-pro-se-asylum-seekers?_x_tr_sl=en&_x_tr_tl=es&_x_tr_hl=en&_x_tr_pto=wapp
- ✓ **A list of additional resources can also be found on the Attorney General's website:** <https://oag.ca.gov/immigrant#resources>.

Please note: Individuals should not hire a notary or an immigration consultant if they are seeking advice and assistance regarding their immigration status. Accreditation and licensing for an attorney does not guarantee competence, quality of service ethical conduct or freedom from fraud. Notaries and immigration consultants are not attorneys or immigration experts. In fact, they are not legally required to know anything about immigration law because they are only allowed to help with non-legal tasks like translating information. Immigration consultants cannot —and should not— provide advice or direction about an individual's eligibility for different types of immigration relief, which immigration forms to submit, or speak to the government on a client's behalf. In addition, immigration consultants must be bonded and pass background checks with the Secretary of State. To learn whether a specific immigration consultant has complied with these requirements, consult the Secretary of State website here: <https://specialfilings.sos.ca.gov/icbs>.

05 Model Policies

All California State University campuses and community college districts, as well as independent institutions of higher education that qualify for Cal Grant financial aid under Education Code section 69432.7, subdivision (l), are required to adopt the Attorney General's model policies or equivalent policies. These institutions are also required to post on their websites a copy of their relevant policies and guidance on rights under federal and state immigration law and how to respond to an immigration action or order; email these documents quarterly or each semester to faculty, students, and staff; and update website information as often as necessary to reflect changes in federal and state immigration laws and university or college policies and procedures.²¹³ The University of California system and all other postsecondary institutions were encouraged to adopt the model policies as well.

The model policies below have been updated with current law as of July 2026, including new requirements under SB 98, SB 507, and SB 580. Colleges and universities should review and update their own policies on a regular basis to ensure they are aligned with current state and federal law.

The text below should be adapted by inserting the information relevant to your institution in the bracketed portions.

Gathering and Handling Student Information and Data

Model Policies for Collecting and Retaining Student Information and Data

- [College or university personnel] shall treat all students equitably in the receipt of all school services, including, but not limited to, the gathering of student and family information for the institution's benefit programs.
- The [title of appropriate official or name of unit] shall maintain in writing [college or university] policies and procedures for the gathering, handling, and retention of sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.
- [College or university] will provide students and families with annual notice, at the beginning of each school year, of institutional policies for student privacy and the abilities of parents or eligible students to inspect student information.
- [College or university] will provide students an opportunity to opt out of disclosure of directory information. Notices must describe the following:
 - ✓ The kind of information that the school has identified as directory information;
 - ✓ The eligible student's ability to refuse to let the school designate the information as directory information, which could be disclosed to outside entities;
 - ✓ The period of time in which the eligible student has to notify the school in writing that they do not want the information designated as directory information; and
 - ✓ That opting out by the noted deadline is the students' only way to prevent the release of directory information.
- Any sensitive information, such as a student's, parent's, or guardian's SSN, any AB 540 determinations, or citizenship status information collected by the [college or university] or disclosed by the student, should be maintained only for as long as necessary or required by law.

Model Policies for Collecting and Retaining Student Information and Data, *continued*

- If the [college or university] possesses information that could indicate immigration status or citizenship status, [college or university personnel] shall not consider the acquired information in admissions decisions or access to educational courses or degree programs.
- Students may elect not to provide immigration or citizenship status information to the institution, and this election shall not impede admissions or enrollment in educational programs.
- [College or university personnel] shall not create a list of student names linked with immigration status.
- [College or university] police or security departments shall not inquire into an individual's immigration status for immigration enforcement purposes.
- [College or university] police or security departments shall not aid any effort to create a registry containing individuals' country of birth or based on any other protected characteristics of victims, witnesses, or suspects of crimes unless required by law for specified purposes.

Model Policies for Responding to Inquiries of Immigration Status, Citizenship Status, and National Origin Information

- Unless required by federal or state law, [college or university personnel] shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's immigration status, such as a green card, voter registration, a passport, or citizenship papers.
- Where any law contemplates submission of immigration status or citizenship status information to satisfy the requirements of a special program, [college or university personnel] shall not use that documentation or information for decisions related to admissions or enrollment in courses or degree programs.
- [College or university] is not permitted to use immigration status, citizenship status, or national origin information in personal statements outside the application process, other than for legitimate educational interests, including the provision of a service or benefit relating to the student, such as health care, counseling, job placement or financial aid.
- If [college or university] learns of a student's immigration status through its application process (including the student's personal statement or answers to personal insight questions), [college or university] shall create policies and procedures to protect such personally identifiable information and retain the information only to the extent it is necessary or required by law. The [college or university] shall avoid the disclosure of information that might indicate a student or family's citizenship or immigration status if the disclosure is not authorized by the Family Educational Rights and Privacy Act (FERPA) or state law.
- Where permitted by law, the [title of officer or unit] of [college or university] shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of immigration status or citizenship status, and that do not reveal information related to citizenship or immigration status.

Model Policies for Responding to Inquiries of Immigration Status, Citizenship Status, and National Origin Information, *continued*

- Examples of ways to establish proof of residency include but are not limited to:
 - Registering a motor vehicle operated in California.
 - Obtaining a California driver's license or California identification card.
 - Filing a resident or nonresident California state income tax return.
 - Listing a California address on a federal income tax return.
 - Listing a permanent military address or home of record in California.
 - Obtaining a professional or vocational license from a California state licensing agency (e.g., nursing, teaching credentials).
 - Maintaining active resident memberships in California based professional organizations (e.g., police union, teachers' union).
 - Maintaining an active bank account at a California bank.²¹⁴
- Where a [college or university] is permitted by law to request a minor student's parent's residency information in order to determine tuition or aid, the educational institution shall only require documentation or information that is available to persons regardless of immigration status (as noted above).
- Where residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this [resolution/policy], the [college or university's] procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this [resolution/policy].
- Specifically, where [college or university] must determine a student's residency for purposes of in-state tuition, a [college or university] shall not inquire about a parent/guardian's citizenship or immigration status, and shall enumerate alternative means of establishing a parent/guardian's residency. If the student is considered a minor dependent of a California resident, the college or university shall only require documents to determine whether the parent has resided in California for one year (e.g. vehicle registration, lease agreements, etc.).²¹⁵

Responding to Law Enforcement Requests for Access to Campuses and Residential Units for Immigration Enforcement Purposes

Model Policies for Responding to Requests for Access for Immigration Enforcement Purposes

- [College and university personnel] shall provide guidance and offer to campus employees, including campus security, training addressing law enforcement access to campus buildings and student residences. This guide shall include the following required topics:
 - ✓ Instructions that law enforcement officers cannot enter living quarters to make arrests without a judicial warrant, valid consent, or other permissible bases such as exigent circumstances or the “plain view” exception.
 - ✓ Instructions that [college and university personnel], including campus police, cannot consent to the entry into a residence or dormitory for the purpose of a search or arrest, but a judicial warrant or exigent circumstances or the “plain view” exception may authorize officer entry without consent.
 - ✓ Campus police and designated liaison contact information to report concerns about the presence of officers engaged in immigration enforcement on any campus property.
 - ✓ Samples of warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus (see Appendices A to G).
 - ✓ Sample responses for [building personnel or residence hall staff] to use in response to officers seeking access for immigration enforcement purposes that avoids classroom interruptions, and that preserves the peaceful conduct of the school’s activities.
- [College and university personnel] shall advise all students, faculty, and staff to immediately notify the office of the chancellor or president, or their designee, if they are advised that an officer engaged in immigration enforcement is expected to enter, will enter, or has entered the campus for immigration enforcement purposes. Campus police should also be notified as soon as possible.
- No personnel may consent to entry of [college or university] facilities or portions thereof.
- [College and university personnel] shall advise all students, faculty, and staff responding to or having contact with an officer engaged in immigration enforcement executing an immigration order, to refer the entity or individual to the office of the chancellor or president, or their designee, for purposes of verifying the legality of any warrant, court order, or subpoena.
- If the officer declares that exigent circumstances exist or the plain view exception applies and demands immediate access to a nonpublic area on campus, [college or university personnel] should not refuse the officer’s orders and immediately contact the [designated administrator or campus police liaison].
- [College and university] staff shall not physically engage, assist, or interfere with any officer engaged in immigration enforcement.

Model Policies for Responding to Requests for Access to Campus for Immigration Enforcement Purposes, *continued*

- The office or designee of the chancellor's or president's office shall determine what type of authorization is being provided to support the officer's request for access:
 - **A U.S. Immigrations and Customs Enforcement (ICE) administrative "warrant" (see Appendices A and B):** Immediate compliance is *not* required. [College and university personnel] shall inform the officer that they cannot consent to any request without first consulting with the [designated campus official]. Provide copy of the warrant to the designated administrator (where possible, in consultation with legal counsel) as soon as possible. College or university, in consultation with legal counsel, shall decline to provide the officer access to nonpublic areas of a college or university facility.
 - **A notice to appear (see Appendix G):** This document is not directed at the [college or university]. [College and university personnel] is under no obligation to deliver or facilitate service of this document to the person named in the document. If you get a copy of the document, give it to a designated administrator as soon as possible. College or university, in consultation with legal counsel, shall decline to provide the officer access to nonpublic areas of a college or university facility.
 - **A subpoena for production of documents or other evidence (see Appendices E and F):** Immediate compliance is *not* required. Inform the officer that the [college or university] cannot respond to the subpoena until after it has been reviewed by a designated administrator. Provide a copy of the subpoena to a designated administrator or legal counsel as soon as possible. College or university, in consultation with legal counsel, shall decline to provide the officer access to nonpublic areas of a college or university facility.
 - **A federal judicial warrant (search-and-seizure warrant or arrest warrant; see Appendices C and D):** Prompt compliance with such a warrant *is* usually legally required, but compliance should be limited to the scope of what the warrant requires.
- College or university personnel should not attempt to physically interfere with an officer, even if the officer appears to be acting without consent or exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, [college or university personnel] shall make a record of the contact and forward the information to the office of the president or chancellor.
- In making record of the contact with an immigration enforcement officer, [college or university personnel] shall provide the following information:
 - ✓ Name of the officer, and, if available, the officer's credentials and contact information;
 - ✓ Identity of all school personnel who communicated with the officer;
 - ✓ Details of the officer's request;
 - ✓ Whether the officer presented a warrant, subpoena, or court order to accompany their request, what was requested in the warrant/subpoena/court order, and whether the warrant/subpoena/court order was signed by a judge;
 - ✓ [College or university personnel's] response to the officer's request;
 - ✓ Any further action taken by the immigration officer; and
 - ✓ Photo or copy of any documents presented by the officer.

Model Policies for Responding to Requests for Access to Campus for Immigration Enforcement Purposes, *continued*

- [College or university personnel] shall provide a copy of those notes, and associated documents collected from the officer, to the [general counsel or other designated campus official].
- In turn, the [general counsel or designated campus official] shall submit a timely report to the [college's or university's] governing board and the campus public safety office regarding the officer's requests and actions and the [college's or university's] response(s).
- [Colleges or university] personnel shall comply with a request from an immigration officer for access to nonpublic areas of the campus only upon presentation of a judicial warrant. This does not apply to an immigration officer's request for access or information related to the operation of international student, staff, or faculty programs, employment verification efforts, or other nonenforcement activities.

The following model policy implements SB 98 (2025-26 Regular Session)

- [College and university] personnel shall notify all students, faculty, staff, and other campus community members who work on campus when the presence of immigration enforcement is confirmed on campus, to the fullest extent consistent with state and federal law. This includes instances where immigration enforcement is on campus to investigate, interrogate, stop, detain, or arrest any person for purposes of enforcing civil and criminal immigration laws, but does not include nonenforcement activities such as an officer's request for access or information related to the institution's operation of international student, staff, or faculty programs or employment verification efforts. The notice shall include the date and time immigration enforcement was confirmed, the location of the confirmed immigration enforcement, and a hyperlink to additional resources, including the model policies and guide posted on the [college or university's] website. The notice shall not include any personally identifiable information.

Model Policies for Responding to Request for Access to Student Records and Other Data for Immigration Enforcement Purposes

- [College or university] must obtain a student's written consent before disclosing educational records, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information for immigration enforcement purposes; no student information shall be disclosed for immigration enforcement purposes without a court order or lawfully issued subpoena. Without a court order or a lawfully issued subpoena, written consent must be signed and dated by the student, or (if the student is a minor) by the student's parent(s) or guardian(s), before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made. If desired by the student, [the college or university] must provide a copy of the records to be released. The party to whom the information is disclosed may not redisclose the information to any other party without the prior consent of the student or subsequent court order.

Model Policies for Responding to Request for Access to Student Records and Other Data for Immigration Enforcement Purposes, *continued*

- [College and university personnel] shall develop a written policy for interactions with immigration authorities seeking to review student records. At minimum, such policies shall include the following information:
 - ✓ Contact information [name, title, e-mail addresses, and phone numbers] for the correct person to review and respond to a request for student records.
 - ✓ Access to sample warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus (see Appendices A to G).
 - ✓ [College and university personnel] shall provide a set of responses for [building personnel or residence hall staff] to use in response to officers seeking access to records for immigration enforcement purposes.
- In addition to notifying the [designated campus official], [college or university personnel] shall take the following action steps in response to an officer other than campus police requesting access to student records:
 1. Ask for the officer's name, identification number, and agency affiliation;
 2. Record or copy this information;
 3. Ask for a copy of any warrants;
 4. Inform the officer that you are not obstructing their efforts but that you need to contact a campus administrator or campus legal counsel for assistance.
- When immigration enforcement authorities provide documentation to support a request for a student's information, [designated campus official] or [college or university personnel] shall consider the following:
 - **An ICE administrative "warrant" or administrative "subpoena" (see samples in Appendix, items A & B):** Compliance is not required. College or university, in consultation with legal counsel, shall consider not responding.
 - **A federal judicial search warrant (see samples in Appendix, items D & E):** Prompt compliance usually is required, but compliance should be limited to the scope of what the search warrant requires.
 - **A subpoena for the production of documents or other evidence (see samples in Appendix, items F & G).** Compliance is not required. College or university, in consultation with legal counsel, shall consider not responding or petitioning a court to quash the subpoena.
- Campus police shall not provide personal information about an individual for immigration enforcement purposes, unless that information is publicly available, or required by a court order or judicial warrant. "Personal information" is defined as any information that identifies or describes an individual, and includes but is not limited to, a student's physical description, home or work address, telephone number, education, financial matters, medical or employment history, and statements made by, or attributed to, the individual. This restriction does not apply to information regarding the immigration or citizenship status of an individual.
- Unless [college or university] is served with a judicial subpoena or court order that by its terms prohibits disclosure to the student, the student must be notified of any request for records before the institution complies in accordance with FERPA.

Model Policies for Responding to Immigration Actions Against Students or Family Members

- If there is reason to suspect that a student, faculty member, or staff person has been taken into custody as the result of an immigration action, [college and university personnel] shall notify the person's emergency contact that the person may have been taken into custody.
- [College and university personnel] shall designate a staff person as a point of contact for any student, faculty member, or staff person who may or could be subject to an immigration order or inquiry.
- [College and university personnel] shall not discuss the personal information, including immigration status information, of any student, faculty member, or staff person with anyone, or reveal the personal information to anyone, unless disclosing this information is permitted by federal and state law.
- [College and university personnel] shall maintain a contact list of legal service providers who provide legal immigration representation and provide this list free of charge to any student who requests it. At minimum, the list shall include the legal service provider's name and contact number, e-mail address, and office address.
- If a student is detained or deported, or is unable to attend to their academic requirements because of an immigration order, [college and university personnel] shall make all reasonable efforts to assist the student in retaining any eligibility for financial aid, fellowship stipends, exemption from nonresident tuition fees, funding for research or other educational projects, housing stipends or services, or other benefits the student has been awarded or received subject to and in compliance with its policy.
- [College and university personnel] shall permit a student who is subject to an immigration order to reenroll if and when the student is able to return to [the college or university], subject to and in compliance with its policy and will make reasonable and good-faith efforts to provide for a seamless transition in the student's reenrollment and reacquisition of campus services and support.
- [College and university personnel] shall be available to assist any student, faculty, and staff who may be subject to an immigration order or inquiry, or who may face similar issues, and whose education or employment is at risk because of immigration enforcement actions.
- [College and university personnel] shall not disclose the personal information, including immigration status information, of any student, student's parent or guardian, faculty, or staff person, unless with the consent of the person identified (or if the person is under 18 years of age, with the consent of their parent or guardian); as may legally be disclosed under state and federal privacy laws; for the programmatic purpose for which the information was obtained; as part of a directory that does not include residence addresses or individual person's course schedules and that the person has not elected to opt out of; or in response to a judicial warrant, court order, or subpoena.

Note: The following model policy implementing SB 507 is only required for the Trustees of California State University (and requested of the Regents of the University of California):

- [College or university] personnel shall ensure that if immigration enforcement activity causes a noncitizen student to be unable to satisfy academic requirements, this does not affect the student's qualification for the exemption from paying nonresident tuition provided the student meets all requirements. [College and university personnel] shall also ensure that staff and the designated Dreamer Resource Liaison assist noncitizen students in accessing all financial aid and academic resources available to noncitizen students. They shall adopt a systemwide policy addressing course grades, administrative withdrawal, and reenrollment for noncitizen students who are unable to attend their courses by the final drop date due to immigration enforcement activity. The systemwide policy includes a timeframe during which a student withdrawn for nonattendance is reenrolled and retains the same academic status they held before their withdrawal, upon submitting written confirmation of their intent to return to the institution.

Recommendations on Database Governance Under SB 580

The Office of the Attorney General publishes the following recommendations as mandated by California Government Code Section 12532.5. Pursuant to California Government Code Section 12532.5, state and local agencies are recommended to adopt the following policies, or their equivalent, on or before January 1, 2027. **This includes California community colleges and California State University.** Adoption of these policies is recommended for all other colleges and universities in California.

The recommendations below provide voluntary best practices for consideration. Colleges and universities can tailor them by inserting information specific to their institution's own functions in the brackets. Colleges and universities may choose to include additional information or provide additional protections.

Note: Several of the model policies in earlier sections of this Guide also further the objectives of SB 580 by helping to limit the availability of information in colleges and university databases to immigration enforcement as much as possible, consistent with federal and state law. The recommendations below are intended to supplement, not replace, those policies.

Audits, Criteria and Databases

[College or university] strives to provide a clear, objective, and measurable foundation for audits. Strong criteria ensure that audits generate actionable insights, highlight improvement opportunities, and enhance accountability across the organization. Whether establishing operational audits or compliance audits, [college or university] has adopted processes and procedures to implement secure and legally compliant database operations to ensure that auditors can assess whether objectives are being met effectively and whether [college or university] complies with applicable state and federal law.

In support of this objective, [college or university] undertakes best efforts to implement auditing best practices. At [college or university], this includes: *[Institutions should include the practices that they have adopted and implemented, or direct readers to their existing policies on this topic].*

Establishing or designating a person, committee, unit, or oversight body responsible for conducting university-wide database audits or audits of specific databases (such as admissions, financial aid, research, medical facilities, etc.) and clearly defining the roles, responsibilities, and authority necessary to fulfill this responsibility.

Note: This designee(s) should have sufficient independence to perform their oversight responsibilities objectively and without undue influence or personal conflict, as well as have the necessary skill and knowledge to effectively discharge their oversight responsibilities.

Granting the designee(s) access to sufficient relevant and reliable information to fulfill oversight responsibilities by, for example, defining the scope of information necessary to effectively exercise their oversight role, establishing a process to periodically review the quality and quantity of information received from [college or university] and external sources, and establishing appropriate, credible, complete, and timely performance and risk information to [college or university] to allow for correction.

To assist with establishing a baseline of knowledge and the context by which to assess compliance with expectations, [college or university] will evaluate policies and procedures, internal control documents, higher education sector standards and best practices, and relevant laws and regulations.

Conducting audits under privilege, where appropriate, to help protect audit findings from disclosure where they could reveal deficiencies related to the handling of students' personally identifiable information, including immigration status.

To facilitate the criteria by which compliance expectations may be measured, [college or university] also does the following [*Institutions should note the relevant practices that they have adopted and implemented or direct readers to existing policies on this topic*]:

- Regularly reviewing forms, databases, and program intake practices to avoid collecting information that is not necessary to administer the program, such as unnecessary household member identifiers, unnecessary place-of-birth fields, or unrestricted narrative fields.
- Regularly reviewing and logging all immigration enforcement requests for access to facilities, records, or information systems, including the documentation presented, internal review steps, and outcome; [Note that these requests must also be reported to the campus community pursuant to SB 98; see Section Two under the caption *Notifications Regarding Immigration Enforcement*].
- Regularly reviewing and logging all instances where a vendor discloses information or data for immigration enforcement purposes that [college or university] becomes aware of.
- Regularly reviewing database access rights and promptly revoking unnecessary privileges for users with no legitimate need.
- Regularly reviewing and ensuring agreements relating to data sharing, including contracts with private vendors, incorporate terms that prohibit unauthorized access or disclosure of data to law enforcement, including immigration enforcement authorities.
- Reviewing and identifying chain of command and the individual(s) responsible for reviewing requests for information and issuing approvals.
- Regularly conducting audits and establishing how often audits should occur, listing the programs that collect personally identifiable information, identifying minimum scope of data collection needed for each programmatic necessity, identifying minimum data retention requirements based on programmatic necessity, and establishing processes for data handling.

[College or university] has designated [list name(s)/job title] as the [individual(s)/office] responsible for implementing corrective actions identified by the audit. [Name(s)/job title] will aim to engage with appropriate internal and external stakeholders to align expectations and document agency compliance at regular review intervals.

Dissemination of Information to Contractors

[College or university] has established role-based access controls to database systems and physical files that restrict who may access sensitive or personally identifiable information. This includes restrictions for files housed off-site or with private vendors. *[Consider including your institution's relevant policies regarding data sharing with third parties here].*

[The college or university should consider appending this policy, or its equivalent, to any contracts, MOUs, or agreements to ensure that vendors and contractors abide by the same policy and limitations.]

Applicability and Enforcement

Colleges and universities should clarify to whom their policies are applicable and how they are enforced. For example: *[This policy is applicable to all [college or university] administrators, employees, contractors. Violations of this policy will lead to appropriate disciplinary or corrective actions in accordance with [college or university] existing practices.]*

Training Recommendations Under SB 580

[College or university] follows best practices on training all relevant staff and users of databases to comply with federal and state law, regulations, and institutional policy. At [college or university], this includes: *[Institutions should include the practices that they have adopted and implemented, or direct readers to their existing policies on this topic]:*

Maintain training completion records.

Identify individual(s) responsible for developing training related to databases containing sensitive information, determining how often training should occur, and personnel who should be trained. This may include training staff, contractors, vendors, or third parties.

Train relevant personnel on relevant confidentiality law applicable to information requests that may be relevant to agency operations, identify legal authorities for the receipt of information, and relevant exemptions to those legal authorities.

Train staff on the scope of an informational request and how to provide only the minimum information required by law.

Train staff in compliance with retention schedules and secure deletion methods.

Train staff on written policies and processes for responding to law enforcement requests for information, including requests related to immigration enforcement.

Train staff on federal and state legal limits on cooperation with immigration enforcement.

Train staff on privacy and best practices for handling personally identifiable information. This may include only allowing authorized data usage in secured locations, conducting regular training on data security, and ensuring that data is only accessed from official workstations and laptops that meet

technological control standards. Among other practices, making sure to only access, copy, download, or export the minimum necessary amount of personally identifiable information that is required to perform any specific business function.

Train staff on procedures for logging and documenting all interactions with law enforcement, including immigration enforcement requests.

Train staff on documenting or reporting deficiencies in database management and processes for corrective measures.

Train staff on how to identify and report patterns of non-compliance within the chain of command or with the appropriate external agency.

Endnotes

- 1 Cal. Const., art. I, §§ 128, subd. (f)(1); see also, e.g., *White v. Davis* (1975) 13 Cal.3d 757, 775-777 (stationing covert, undercover police agents in university classrooms and association meetings, both public and private, was prima facie violation of California Constitution's right to privacy).
- 2 *Maria P. v. Riles* (1987) 43 Cal.3d 1281, 1293.
- 3 Ed. Code, § 220; see also Ed. Code, § 200 ("It is the policy of the State of California to afford all persons in public schools, regardless of their . . . immigration status, equal rights, and opportunities in the educational institutions of the state").
- 4 *California's Higher Education System*, Public Policy Institute of California (updated Feb. 2026), <https://www.ppic.org/wp-content/uploads/californias-higher-education-system.pdf> (as of May 29, 2026).
- 5 *Digest State Dashboard: California*, National Center for Education Statistics, <https://nces.ed.gov/programs/digest-dashboard/state/california>.
- 6 *Deferred Action for Childhood Arrivals (DACA) Data Tools*, Migration Policy Institute (2026) <https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles> (as of March 3, 2026).
- 7 *Undocumented Students in Higher Education*, American Immigration Council (Aug. 2023) https://www.higheredimmigrationportal.org/wp-content/uploads/2023/08/07.23-Undocumented-Students_v3.pdf (as of May 29, 2026).
- 8 *2025 Fast Facts: International Students in the United States*, Open Doors (2025) <https://opendoorsdata.org/annual-release/international-students/#fast-facts>.
- 9 *Plyler v. Doe* (1982) 457 U.S. 202, 210.
- 10 Gov. Code, § 7284.8, subd. (a). SB 54 defines "immigration enforcement" to include "any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States." (Gov. Code, § 7284.4, subd. (f).) This guide adopts that definition.
- 11 Model policies for K-12 public schools are provided in the guidance issued by the Attorney General under Assembly Bill No. 699, published on March 30, 2018 and updated in 2024 and 2025. See Bureau of Children's Justice, Office of the Attorney General, *Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues* (Dec. 2025) <https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf> (as of May 29, 2026).
- 12 Gov. Code, § 7284.8, subd. (a).
- 13 Gov. Code, § 7284.8, subd. (a).
- 14 Ed. Code, § 66093.3, subd. (a)(8).
- 15 A qualifying independent institution of higher education is one that qualifies for the Cal Grant financial aid program pursuant to Ed. Code, § 69432.7, subd. (l)(1).
- 16 See, e.g., Memorandum from Tae D. Johnson Acting Director U.S. Immigration and Customs Enforcement, Guidelines for the Enforcement of Civil Immigration Law, (Sept. 30, 2021) <https://www.ice.gov/doclib/foia/policy/guide-EnforcementCivilImmigrationLaw.pdf>
- 17 Kaleah Haddock and Diana Roy, ICE and Deportations: How Trump Is Reshaping Immigration Enforcement, Council on Foreign Relations, updated February 27, 2026 <<https://www.cfr.org/articles/ice-and-deportations-how-trump-reshaping-immigration-enforcement>>; Immigration Detention Expansion in Trump's Second Term, American Immigration Council, January 2026, <https://www.americanimmigrationcouncil.org/wp-content/uploads/2026/01/immigration-detention-report.pdf>.
- 18 Will Craft and Andrew Witherspoon, By the numbers: the latest ICE and CBP data on arrests, detentions and deportations in the US, The Guardian, last updated April 13, 2026, <https://www.theguardian.com/us-news/ng-interactive/2025/aug/29/trump-immigration-ice-cbp-data>.
- 19 See Ximena Bustillo, Homeland Security makes cuts to civil rights and immigration oversight offices, NPR, March 21, 2025, <https://www.npr.org/2025/03/21/nx-s1-5336738/homeland-security-rif-cuts-dhs>.
- 20 See Blumenthal Releases Whistleblower Documents Showing Drastic Cuts to ICE Training & Testing for New Recruits, Feb. 23, 2026, <https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-releases-whistleblower-documents-showing-drastic-cuts-to-ice-training-and-testing-for-new-recruits>.
- 21 *Ibid.*
- 22 See, e.g., United States Department of Homeland Security, Secretary Mayorkas Issues New Guidance for Enforcement Action at Protected Areas, Oct. 27, 2021, <<https://www.dhs.gov/archive/news/2021/10/27/secretary-mayorkas-issues-new-guidance-enforcement-action-protected-areas>>.
- 23 Josie Stewart, et al., How tech powers immigration enforcement, The Brookings Institution, Oct. 6, 2025, <https://www.brookings.edu/articles/how-tech-powers-immigration-enforcement/>; see also Understanding Immigration

Enforcement Databases, American Immigration Council, <https://www.americanimmigrationcouncil.org/content-understanding-immigration-enforcement-databases/> (last accessed May 3, 2026), <https://www.brookings.edu/articles/how-tech-powers-immigration-enforcement/>.

24 Gov. Code, § 12532.5.

25 *Ibid.*

26 Ed. Code, § 66093.3, subd. (b).

27 *Id.* at subd. (a).

28 Ed. Code, § 66093.2; see also Ed. Code, § 68130.5.

29 Public employers have federal and state obligations based on their status as employers, and this guide does not address those obligations in detail. For example, Assembly Bill No. 450 (2017-2018 Regular Session) prohibits an employer, or a person acting on the employer's behalf, from providing voluntary consent to an immigration enforcement agent to access, review, or obtain the employer's employee records without a subpoena or judicial warrant, unless certain exceptions apply. (Gov. Code, § 7285.2, subd. (a)(1).) Another relevant law, the Workplace Know Your Rights Act (Senate Bill No. 294, 2025-2026 Regular Session) (Workplace Act), aims to protect workers amidst the increase in immigration enforcement actions in the state. The Act creates two key obligations for employers as of February 1, 2026. First, it requires California employers to distribute a stand-alone written notice to all employees annually detailing specified workers' rights, as well as constitutional rights of an employee when interacting with law enforcement. Additionally, employers are required to allow workers to designate an emergency contact who must be notified if the employee is arrested or detained during work hours. Lab. Code, § 1550 et seq. Please note: For additional information, the Department of Industrial Relations has created a notice regarding the Workplace Act. The notice is available at: <https://www.dir.ca.gov/dlse/Know-Your-Rights-Notice/Know-Your-Rights-Notice-English.pdf>.

30 Gov. Code, § 7284.6, subd. (a)(1)(G). See also Cal. Dept. of Justice, Div. of Law Enforcement, Information Bulletin No. 2025-DLE-03, *Updated Responsibilities of Law Enforcement Agencies Under the California Values Act, California TRUST Act, and the California TRUTH Act* (Jan. 17, 2025), <https://oag.ca.gov/system/files/media/2025-dle-03.pdf> (as of May 29, 2026), at pp. 2-3.

31 8 U.S.C. § 1373(a), (b).

32 *Illinois v. Noem* (D.R.I., Dec. 22, 2025, No. 1:25-CV-00495-MSM-PAS) 2025 WL 3707011(26-1182, app. pending).

33 See *In re Crawford* (9th Cir. 1999) 194 F.3d 954, 958 (“[I]ndiscriminate public disclosure of SSNs, especially when accompanied by names and addresses, may implicate the constitutional right of informational privacy.”).

34 20 U.S.C. § 1232g(b)(1); 34 C.F.R. § 99.3. Section 99.3 defines “educational records” to encompass records that are directly related to a student and maintained by an educational institution or by a party acting for the agency or institution, with exceptions for certain kinds of records. Further, “personally identifiable information” includes but is not limited to a student's name, the name of a student's parent or other family member, the address of a student or the student's family; personal identifiers, such as the student's SSN, student number, or biometric record; or indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name. It also includes information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

35 34 C.F.R. § 99.3 as provided by 20 U.S.C. § 1232g.

36 34 C.F.R. § 99.3 as provided by 20 U.S.C. § 1232g(a)(5)(A).

37 See 20 U.S.C. § 1232g(b)(1)(C).

38 26 U.S.C. § 6109.

39 Cal. Code Regs., tit. 5, § 41201. The California State University uses SSNs to identify students and their records including identification for purposes of financial aid eligibility and disbursement and the repayment of financial aid and other debts payable to the institution. (California State University, *Mandatory Catalog Copy Policy* (effective May 18, 2026) <https://calstate.policystat.com/policy/15274496/latest> [as of May 29, 2026], Section XIV.) Other colleges and universities may have similar practices. California law “does not prevent the collection, use, or release of a SSN as required by state or federal law or the use of a SSN for internal verification or administrative purposes.” (Civ. Code, § 1798.85, subd. (b).)

40 Educators for Fair Consideration, *Advice for Undocumented Students Applying to California Public Colleges: How to Fill Out Application Forms* (Nov. 16, 2010); see also California State University Bakersfield, *Resources for Undocumented Students, Frequently Asked Questions* <https://www.csub.edu/equity-inclusion-compliance/resources-undocumented-students/> (as of May 29, 2026); University of California, *Undocumented Student Resources, Applying to UC* <https://undoc.universityofcalifornia.edu/applying-to-uc.html> (as of May 29, 2026).

41 The University of California uses SSNs to match a student application to things like the student's test score report, final transcript(s), or the Free Application for Federal Student Aid. (University of California, *Admissions* <https://admission.universityofcalifornia.edu/apply-now.html> [as of May 29, 2026].) Accuracy and consistency in reported SSNs on both the financial aid application (as applicable to the student) and the campus admissions application allows for speedy matching of information and timely disbursement of funds.

42 Applies to California Community Colleges, California State University, and the University of California systems. See

Educators for Fair Consideration, *Advice for Undocumented Students Applying to California Public Colleges: How to Fill Out Application Forms*, (Nov. 16, 2010). See also University of California, *Undocumented Student Resources* <http://undoc.universityofcalifornia.edu/applying-to-uc.html> (as of May 29, 2026).

- 43 See Ed. Code, §§ 68040, 68017 (defining resident students as having one year of residence immediately preceding the determination date), 68018 (defining a nonresident student as one who does not have a resident in the state for more than one year immediately preceding the residence determination date).
- 44 See Ed. Code, §§ 68040, 68050, 68052.
- 45 Ed. Code, § 68130.5.
- 46 Senate Bill 68 (Regular Session 2017-18) (expanding the AB 540 exemption to allow adult school and noncredit course work to establish eligibility); Assembly Bill 2000 (2013-14) (increasing the flexibility for meeting exemption requirements by including students who have attained credits from a California high school equivalent to three or more years of full-time high school course work and attended a combination of elementary, middle and/or high schools in California for a total of three or more years). Both bills were codified at Ed. Code, § 68130.5.
- 47 Ed. Code, § 68130.5., subd. (a)(1).
- 48 Ed. Code, § 68130.5, subd. (a)(2)(B), (C).
- 49 *Id.*, subd. (a)(4) (emphasis added).
- 50 *Id.*, subd. (d).
- 51 See California Student Aid Commission, *California Nonresident Tuition Exemption: Education Code § 68130.5, as amended, commonly known as AB 540* (as of May 29, 2026).
- 52 Ed. Code, § 68062, subds. (f), (g). A residence is the place where one remains when not called else- where for labor or other special or temporary purpose, and to which he or she returns in seasons of repose. (Ed. Code, § 68062, subd. (b).) Moreover, the residence of an unmarried minor foreign national shall be derived from their parents under subdivisions (f) and (g).
- 53 International students who wish to seek on-campus employment should contact the designated college or university official for international students.
- 54 See United States Immigration and Customs Enforcement (ICE), Student and Exchange Visitor Program <https://www.ice.gov/sevis> (as of May 29, 2026).
- 55 ICE, Student and Exchange Visitor Program Operating Instructions: ICE Statement on Protected Areas (Oct. 29, 2021) <https://www.ice.gov/sevis/operating-instructions#tab2> (as of May 29, 2026).
- 56 *Ibid.*
- 57 See *Undocumented Student Resources, Applying to UC*, University of California <http://undoc.universityofcalifornia.edu/applying-to-uc.html> (as of May 29, 2026).
- 58 FERPA defines “student” as “any individual who is or has been in attendance at an educational... institution.” (20 U.S.C. § 1232g(a)(6); 34 C.F.R. § 99.3.) Once a student is in attendance, all the students’ application materials become education records. The personal statements and other application materials of applicants who do not become students in attendance are not protected by FERPA. (20 U.S.C. § 1232g(a)(6).)
- 59 Assembly Bill No. 2000 (2013-2014 Reg. Sess.) amended Education Code section 68130.5 by providing in-state tuition eligibility for immigrant students who graduate early from a California high school.
- 60 20 U.S.C. § 1091(a)(5).
- 61 U.S. Dept. of Education, *Undocumented Students and Financial Aid*, <https://studentaid.gov/apply-for-aid/fafsa/filling-out/undocumented-students> (as of May 29, 2026).
- 62 *Ibid.*
- 63 *Ibid.*
- 64 Ed. Code, §§ 68130.7, 68130.5, 66021.6, 66021.7, 76300.5.
- 65 Senate Bill No. 68 (2017-2018 Reg. Sess.) further amended Education Code section 68130.5 by providing in-state tuition eligibility to immigrant students with: (1) at least 3 years’ attendance at a California high school, California adult school or California Community College; and (2) graduation from a California high school (or equivalent degree) or attainment of an associate degree from a California community college.
- 66 Ed. Code, §§ 66021.6, 66021.7, 68130.5, 68130.7, 76300.5.
- 67 California Student Aid Commission, July 1, 2026-June 30, 2027 California Dream Act Application https://www.csac.ca.gov/sites/default/files/2025-10/2026-27_Paper%20CADAA_English_FINAL_09.02.2025-ADA.pdf (as of May 29, 2026).
- 68 Cal. Student Aid Commission, GPA Matching and Editing Reference Guide (May 2024), 14, https://www.csac.ca.gov/sites/default/files/2024-08/gpa_matching_and_editing_reference_guide.pdf (as of May 29, 2026).
- 69 *California Dream Act FAQ for Parents and Students*, California Student Aid Commission (Sept. 2023) http://www.csac.ca.gov/sites/main/files/file-attachments/california_dream_act_faq.pdf (as of Nov. 26, 2024), p.8.
- 70 20 U.S.C. § 1091(a)(4)(B).
- 71 20 U.S.C. § 1090(a)(3)(E).

72 20 U.S.C. § 1092b(d)(2), (d)(5)(b).
73 20 U.S.C. § 1232g; 34 C.F.R. § 99.3.
74 5 U.S.C. § 552a. However, the Privacy Act allows for the release of data to institutions for the “routine use” for which
the data was collected.
75 Ed. Code, § 66093.3.
76 20 U.S.C. § 1232g(b)(2)(B); Ed. Code, § 66093.3, subd. (a). The California code prohibits the disclosure of a student’s
personal information, except when: (1) the student identified provides consent, or if the parent or guardian of
a minor student provides consent; (2) disclosure is permitted by state and federal privacy laws; (3) it serves a
programmatic purpose for which the information was obtained; (4) it is used as part of a directory that does not
include residence addresses or individual persons’ course schedules and that the student has not elected to opt out
of; or (5) it is in response to a judicial warrant, court order, or subpoena.
77 Jason Levy, Think Immigration: Why We Have Concerns About What the Trump Administration Considers a
Public Charge, American Immigration Lawyers Association (March 17, 2026), [https://www.aila.org/library/think-](https://www.aila.org/library/think-immigration-why-we-have-concerns-about-what-the-trump-administration-considers-a-public-charge)
immigration-why-we-have-concerns-about-what-the-trump-administration-considers-a-public-charge.
78 See 8 C.F.R. § 212.22(a)(3) (stating that DHS will not consider public benefits apart from those specified, including
“supplemental or special-purpose benefits); see also Undocumented/Dreamer Student FAQ, California Student Aid
Commission, <https://www.csac.ca.gov/post/students> (accessed May 5, 2026).
79 Dep’t. Homeland Security, 90 Fed.Reg. 52168 (November 19, 2025);see also Public Charge: What Advocates Need to
Know About the November 2025 Proposed Rule, National Immigration Law Center (Nov. 18, 2025), [https://www.nilc.](https://www.nilc.org/resources/public-charge-what-advocates-need-to-know-about-the-november-2025-proposed-rule/)
org/resources/public-charge-what-advocates-need-to-know-about-the-november-2025-proposed-rule/.
80 Dep’t. Homeland Security, 90 Fed.Reg. 52168 (November 19, 2025);see also Public Charge: What Advocates Need to
Know About the November 2025 Proposed Rule, National Immigration Law Center (Nov. 18, 2025), [https://www.nilc.](https://www.nilc.org/resources/public-charge-what-advocates-need-to-know-about-the-november-2025-proposed-rule/)
org/resources/public-charge-what-advocates-need-to-know-about-the-november-2025-proposed-rule/.
81 Ed. Code, § 66093.3, subd. (a)(4).
82 Gov. Code, § 7284.6, subd. (a)(1). Employees of school police and security departments are bound by the prohibitions
stated in SB 54 and are therefore advised to review the Information Bulletin issued by the Department of Justice’s
Division of Law Enforcement on Jan. 17, 2025, entitled *Updated Responsibilities of Law Enforcement Agencies Under*
the California Values Act, California TRUST Act, and the California TRUTH Act, No. DLE-2025-03, [https://oag.ca.gov/](https://oag.ca.gov/system/files/media/2025-dle-03.pdf)
system/files/media/2025-dle-03.pdf (as of May 29, 2026). Under the relevant statute, “[s]chool police and security
departments’ includes police and security departments of the California State University, the California Community
Colleges, charter schools, county offices of education, schools, and school districts.” Gov. Code 7284.4(k).
83 Gov. Code, § 7284.6, subd. (a); Gov. Code § 7284.4, subds. (a), (k) (defining law enforcement agency and school police
and security departments).
84 Gov. Code, § 7284.6, subd. (a)(1); see also Gov. Code, § 7284.6, subd. (b) (exceptions); *Updated Responsibilities of*
Law Enforcement Agencies Under the California Values Act, California TRUST Act, and the California TRUTH Act, No.
DLE-2025-03, <https://oag.ca.gov/system/files/media/2025-dle-03.pdf> (as of May 29, 2026).
85 Gov. Code, § 7284.6., subds. (a)(1)(D); (e); see also *Updated Responsibilities of Law Enforcement Agencies Under*
the California Values Act, California TRUST Act, and the California TRUTH Act, No. DLE-2025-03, [https://oag.ca.gov/](https://oag.ca.gov/system/files/media/2025-dle-03.pdf)
system/files/media/2025-dle-03.pdf (as of May 29, 2026).
86 34 C.F.R. § 99.8.
87 See *Updated Responsibilities of Law Enforcement Agencies Under the California Values Act, California TRUST Act, and*
the California TRUTH Act, No. DLE-2025-03, <https://oag.ca.gov/system/files/media/2025-dle-03.pdf> (as of May 29,
2026).
88 Gov. Code, § 7284.6, subd. (a)(1)(A); Gov. Code, § 7284.4, subds. (a),(k).
89 Gov. Code, § 7284.6, subd. (b)(4); see also Cal. Dept. of Justice, Div. of Law Enforcement, DLE Information Bulletin
No. 2024-DLE-05, *Update to Information Bulletin 2020-DLE-01: New and Existing State and Federal Laws Protecting*
Immigrant Victims of Crime (April 3, 2024), <https://oag.ca.gov/system/files/media/2024-dle-05.pdf> (as of May 29,
2026).
90 Pen. Code, § 679.10.
91 *Ibid.*
92 *Id.*, subd. (o)(1). See also Cal. Dept. of Justice, Div. of Law Enforcement, DLE Information Bulletin No. 2024-DLE-05,
Update to Information Bulletin 2020-DLE-01: New and Existing State and Federal Laws Protecting Immigrant Victims
of Crime (April 3, 2024), <https://oag.ca.gov/system/files/media/2024-dle-05.pdf> (as of May 29, 2026).
93 *Id.*, subd. (h).
94 45 C.F.R. § 160.103 (paragraphs (2)(i) and (ii) under the definition of “Protected health information”; 20 U.S.C. §
1232g(a)(4)(B)(iv).
95 20 U.S.C. § 1232g(a)(4)(B)(iv); 34 C.F.R. § 99.3(b)(4) (excluding such records from the definition of “Education
records”).
96 See U.S. Dept. of Education Student Privacy Policy Office, *Family Educational Rights and Privacy Act Guidance*
for School Officials on Student Health Records (April 12, 2023), <https://studentprivacy.ed.gov/sites/default/files/>

[resource_document/file/FERPA%20Guidance%20for%20School%20Officials%20on%20Student%20Health%20Records.pdf](#).

- 97 U.S. Dept. Health and Human Services, “Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) And the Health Insurance Portability and Accountability Act of 1996 (HIPAA) To Student Health Records,” November 2008 (Dec. 2019 update), <https://www.hhs.gov/sites/default/files/2019-hipaa-ferpa-joint-guidance.pdf>.
- 98 Civ. Code, § 56 et seq.
- 99 Health & Saf. Code, § 123110 et seq.
- 100 Civ. Code, § 1798 et seq. A government agency may not disclose an individual’s personal information without their consent, except in limited circumstances. *Id.*, § 1798.24, subds. (c-e).
- 101 Health & Saf. Code, §§ 1280.15, 1280.18.
- 102 Civ. Code, §§ 56.05, subd. (j).
- 103 Civ. Code, §§ 56.05, subd. (j)(2), 56.10, subds. (a), (b), and (f); see also Cal. Dept. of Justice, SB 81 Bulletin (Oct. 2025), <https://oag.ca.gov/system/files/attachments/press-docs/SB%2081%20Bulletin%20-%20October%202025.pdf> (as of May 29, 2026).
- 104 8 U.S.C. § 1373.
- 105 Benjamin C. Huffman, Acting Secretary, U.S. Dept. of Homeland Security, Memorandum re Enforcement Actions in or Near Protected Areas (Jan. 20, 2025), 1 (superseding and rescinding DHS’s October 27, 2021 Guidelines for Enforcement Actions in or Near Protected Areas), https://www.dhs.gov/sites/default/files/2025-03/25_0120_S1_enforcement-actions-in-near-protected-areas.pdf (as of May 29, 2026).
- 106 Mayorkas, Memorandum, Guidelines for *Enforcement Actions in or Near Protected Areas* (Oct. 27 2021), <https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw10272021.pdf> (as of May 29, 2026). In his 2021 memorandum, the DHS Secretary stated that immigration enforcement actions could take place at protected areas only when either: (a) prior approval is obtained from Agency headquarters or delegate; or (b) there are exigent circumstances necessitating immediate action without prior approval. *Ibid.*
- 107 *Ibid.*
- 108 Benjamin C. Huffman, Acting Secretary, U.S. Department of Homeland Security, Memorandum re Enforcement Actions in or Near Protected Areas (Jan. 20, 2025) (superseding and rescinding DHS’s October 27, 2021 Guidelines for Enforcement Actions in or Near Protected Areas), https://www.dhs.gov/sites/default/files/2025-03/25_0120_S1_enforcement-actions-in-near-protected-areas.pdf (as of May 29, 2026).
- 109 Caleb Vitello, Acting Secretary, U.S. Immigration and Customs Enforcement, Memorandum re Common Sense Enforcement Actions in or Near Protected Areas (Jan. 31, 2025), 2, <https://www.ice.gov/doclib/foia/policy/CommonSenseEnforcementActInNearProtectedAreas.pdf> (as of May 29, 2026).
- 110 See, e.g., Izzy Canizares, *Minneapolis parents, teachers demand ICE leave after targeting schools*, Minnesota Spokesman-Recorder (January 16, 2026), <https://spokesman-recorder.com/2026/01/16/ice-at-minneapolis-schools> (as of May 29, 2026); Ana B. Ibarra and Kristen Hwang, *ICE is suddenly showing up in California hospitals. Workers want more guidance on what to do*. (August 26, 2025) <https://calmatters.org/health/2025/08/immigration-hospitals-workers-fear/> (as of May 29, 2026).
- 111 Ed. Code, § 66093.3, subd. (b).
- 112 *Ibid.*
- 113 *Ibid.*
- 114 Ed. Code, § 66093.3, subd. (d).
- 115 Ed. Code, § 66093.3, subd. (c)(1).
- 116 See, e.g., Ed. Code § 66093.3, subd. (a)(4) (describing an immigration officer’s request for access or information related to the operation of international student, staff, or faculty programs, employment verification efforts, as “nonenforcement activities”).
- 117 Gov. Code § 7284.6 subds. (b),(c).
- 118 Ed. Code, § 66093.3, subd. (a)(9).
- 119 *Ibid.*
- 120 Ed. Code, § 66093.3, subd. (b)(2)(C).
- 121 Ed. Code, § 66093.3, subd. (a)(2).
- 122 Ed. Code, § 66093.3, subd. (a)(5).
- 123 Ed. Code, § 66093.3, subd. (a)(4).
- 124 *Ibid.*
- 125 See Gov. Code, § 7284.6, subd. (a).
- 126 *People v. Superior Court (Walker)* (2006) 143 Cal.App.4th 1183, 1207-1208.
- 127 *U.S. v. Nohara* (9th Cir. 1993) 3 F.3d 1239, 1242 (finding that a tenant did not have a reasonable expectation of privacy

in the hallway of a locked apartment building).

128 *United States v. Prescott* (9th Cir. 1978) 581 F.2d 1343, 1350-1351.

129 See Pen. Code, § 148.

130 Benjamine C. Huffman, Acting Secretary, U.S. Department of Homeland Security, Memorandum re Enforcement Actions in or Near Protected Areas (Jan. 20, 2025), 1 (superseding and rescinding DHS's October 27, 2021 Guidelines for Enforcement Actions in or Near Protected Areas), https://www.dhs.gov/sites/default/files/2025-03/25_0120_S1_enforcement-actions-in-near-protected-areas.pdf (as of May 29, 2026).

131 Health & Saf. Code, §§ 24250, subd. (a), § 24251; see also SB 81 Bulletin (Oct. 2025), <https://oag.ca.gov/system/files/attachments/press-docs/SB%2081%20Bulletin%20-%20October%202025.pdf>.

132 Health & Saf. Code, § 24251, subd. (a),(b).

133 Health & Saf. Code, § 24251, subd. (d).

134 See Mayorkas, Memorandum, Guidelines for *Enforcement Actions in or Near Protected Areas* (Oct. 27, 2021), https://www.dhs.gov/sites/default/files/publications/21_1027_opa_guidelines-enforcement-actions-in-near-protected-areas.pdf (as of May 29, 2026.)

135 *Noem v. Vasquez Perdomo* (2025) 146 S.Ct. 1, 2 (conc. opn. of Kavanaugh, J).

136 *Ibid.*

137 Ed. Code, § 66093.3, subd. (e).

138 See 8 CFR § 287.5.

139 See 8 CFR § 241.2 and § 241.32.

140 Ed. Code, § 66093.3, subd. (a)(4).

141 Gov. Code, § 7285.1; see also Cal. Dept. of Justice and Dept. Industrial Relations, *Immigrant Worker Protection Act (Assembly Bill 450) Frequently Asked Questions*, <https://oag.ca.gov/sites/all/files/agweb/pdfs/immigrants/immigration-ab450.pdf> (as of May 29, 2026).

142 See 8 C.F.R. § 287.4(a).

143 Disclosure of information that is protected under FERPA in response to an administrative subpoena could violate FERPA. (20 U.S.C. § 1232g.) College or university personnel must therefore provide notice to and receive written consent from the student before turning over their student records. (34 C.F.R. §§ 99.3, 99.30.)

144 *Arizona v. United States* (2012) 567 U.S. 387, 407.

145 The Immigrant Worker Protection Act contains other terms regulating the actions of employers and persons acting on their behalf, including, for example, when responding to requests by immigration enforcement agents for employee records. (Gov. Code, § 7285.2.) These terms, and other legal requirements running between employers and their employees, fall outside the scope of this guide. A federal district court previously preliminarily enjoined part of the Immigrant Worker Protection Act as it pertains to private employers, but the preliminary injunction was dissolved on April 6, 2021, and the Act is now fully in effect. (See *United States v. California*, *supra*, 314 F.Supp.3d 1077, *aff'd in part, rev'd in part and remanded* (9th Cir. 2019) 921 F.3d 865.) And as stated in the Introduction, this guide is not intended to cover obligations arising from the employer-employee relationship, which may be impacted by AB 450.

146 See Gov. Code, § 7285.1, subd. (a).

147 *Id.*, subd. (c).

148 34 C.F.R. § 99.3 (defining “eligible student” as “a student who has reached 18 years of age or is attending an institution of postsecondary education”).

149 20 U.S.C. § 1232g(b)(1), (b)(2).

150 See 34 C.F.R. § 99.3 (defining “personally identifiable information”).

151 20 U.S.C. § 1232g(b)(1)(A)-(J), (b)(3), (b)(5); 34 C.F.R. § 99.35.

152 20 U.S.C. § 1232g(b)(2)(B); 34 C.F.R. § 99.31.

153 See 20 U.S.C. § 1232g(b)(1)(C).

154 National Immigration Law Center, Warrants and Subpoenas: What to Look Out For and How to Respond (Jan. 2025), https://media.nilc.org/wp-content/uploads/2025/01/2025-Subpoenas-Warrants_.pdf (as of May 29, 2025).

155 20 U.S.C. § 1232g(b)(1)(J)(i),(ii), (b)(2)(B).

156 20 U.S.C. § 1232g(h)(1).

157 20 U.S.C. § 1232g(b)(6)(A).

158 20 U.S.C. § 1232g(b)(6)(B); 34 C.F.R. §§ 99.31(a)(13)-(14).

159 34 C.F.R. § 99.3 (defining directory information); 34 C.F.R. § 99.37(a).

160 Ed. Code, § 49061, subd. (c).

161 34 C.F.R. § 99.37 (institutions “may” disclose directory information).

162 20 U.S.C. § 1232g(b)(2).

163 U.S. Department of Education, *Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Colleges and Universities* (Oct. 2007) <https://www.govinfo.gov/content/pkg/GOVPUB-ED-PURL-gpo14871/pdf/GOVPUB-ED-PURL-gpo14871.pdf> (as of May 29, 2026); see also 34 C.F.R. §§ 99.31(a)(10), 99.36.

164 34 C.F.R. § 99.36(c). This exception to FERPA’s general consent rule is limited to the period of the emergency and generally does not allow for a blanket release of personally identifiable information from a student’s education records.

165 U.S. Department of Education, *Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Colleges and Universities* (Oct. 2007) <https://www.govinfo.gov/content/pkg/GOVPUB-ED-PURL-gpo14871/pdf/GOVPUB-ED-PURL-gpo14871.pdf> (as of May 29, 2026).

166 *Ibid.*

167 8 U.S.C. § 1372(a), (c)(2); 8 C.F.R. § 214.1(h).

168 8 U.S.C. § 214.3(g)(1) (recordkeeping requirements); see also “Note to paragraph (g)(1),” explaining the timeline for compliance; 8 U.S.C. § 1372(c)(1) (information schools must collect).

169 8 C.F.R. § 214.1(h).

170 *Ibid.*

171 45 C.F.R. § 164.512 (exceptions to HIPAA confidentiality); 20 U.S.C. § 1232g (exceptions to FERPA confidentiality).

172 Health & Saf. Code, § 24250, subd. (b).

173 Civil Code, §§ 56.05(j)(2), 56.10(a), (b), and (f); see also SB 81 Bulletin (Oct. 2025), <https://oag.ca.gov/system/files/attachments/press-docs/SB%2081%20Bulletin%20-%20October%202025.pdf> (as of May 29, 2026).

174 Ed. Code, § 66093.3, subd.s (a)(1),(6).

175 *Ibid.*

176 *Ibid.*

177 Ed. Code, § 66093.3, subd(a)(6).

178 8 U.S.C. § 1373.

179 20 U.S.C. § 1232g(b).

180 Ed Code, § 66093.3, subd (a)(1)(B).

181 Gov. Code § 7285.2, subd. (a). See also Cal. Dept. of Justice and Dept. Industrial Relations, *Immigrant Worker Protection Act (Assembly Bill 450) Frequently Asked Questions*, <https://oag.ca.gov/sites/all/files/agweb/pdfs/immigrants/immigration-ab450.pdf> (as of May 6, 2026).

182 Gov. Code § 7285.2, subd. (a).

183 See Gov. Code, § 7284.6, subd. (a); Gov. Code § 7284.4, subds. (a), (k).

184 Gov. Code, § 7284.6, subd. (a)(1)(D).

185 Civ. Code, § 1798.3, subd. (a).

186 Ed. Code, § 66093.3, subd. (a)(1).

187 Gov. Code, § 7284.6, subd. (e).

188 34 C.F.R. § 99.8(c)(2).

189 34 C.F.R. § 99.7(a)(1).

190 20 U.S.C. § 1232g(b)(2)(A); 34 C.F.R. §§ 99.3, 99.30.

191 20 U.S.C. § 1232g(b)(2)(A).

192 34 C.F.R. § 99.33(a)(1).

193 34 C.F.R. § 99.37(a).

194 Presidential executive orders have also been used as a tool to limit funding to jurisdictions that limit assistance with immigration enforcement. In April 2025, President Trump issued Executive Order 14,287 directing the Department of Homeland Security to publish and update a list of states and local jurisdictions considered to be “sanctuary jurisdictions” and to notify those jurisdictions of their status and potential “defiance” of federal immigration law. Exec. Order No. 14287, 90 Fed.Reg. 18761 (Apr. 28, 2025). This Executive Order directed the Department of Homeland Security to identify federal funds, including grants and contracts, that can be suspended or terminated where legally permissible and to pursue legal remedies and enforcement measures to try and bring “non-complying” jurisdictions into alignment with federal law—as defined by President Trump’s administration. *Ibid.* A federal district court in California has issued an order preventing enforcement of this executive order, meaning federal funds cannot be withheld based solely on a jurisdiction’s “sanctuary” status, but the federal government has appealed this decision and an appellate court is deciding whether to uphold the order. *City & Cnty. of San Francisco v. Trump* (N.D. Cal. 2025) 782 F.Supp.3d 830, 835; (25-3889, app. pending).

195 See First Amended Complaint for Declaratory and Injunctive Relief *California v. United States Department of Transportation* (D.R.I. 2025) 788 F.Supp.3d 316.

196 See, e.g., *City of Providence v. Barr* (1st Cir. 2020)954 F.3d 23, 45; *City of Philadelphia v. Att’y Gen. of United States* (3d

Cir. 2019) 916 F.3d 276, 291; *City of Chicago v. Barr* (7th Cir. 2020) 961 F.3d 882, 931; *City & Cnty. of San Francisco v. Barr*, *supra*, 965 F.3d 753, 761; *City of Los Angeles v. Barr* (9th Cir. 2019) 941 F.3d 931, 944; *Colorado v. U.S. Dep’t of Justice* (D. Colo. 2020) 455 F.Supp.2d 1034, 1040; *City of Evanston v. Sessions* (N.D. Ill., Aug. 9, 2018, No. 18 C 4853) 2018 WL 10228461 at *1; *City of Albuquerque v. Barr* (D. N.M. 2021) 515 F.Supp.3d 1163, 1181–82.

197 *California v. United States Department of Transportation* (D.R.I. 2025) 808 F.Supp.3d 291, 306.

198 *Id.* at 307.

199 Ed. Code, § 66093.3, subd. (a)(6).

200 Ed. Code, § 66093.3, subd. (a)(3).

201 Ed. Code, § 66093.3, subd(a)(10)(C).

202 *Id.*, subd. (a)(7).

203 *Ibid.*

204 See 8 C.F.R. § 1001.1(f) (defining attorney as “any person who is eligible to practice law in and is a member in good standing of the bar of the highest court of any State, possession, territory, or Commonwealth of the United States, or of the District of Columbia, and is not under any order suspending, enjoining, restraining, disbaring, or otherwise restricting him in the practice of law”); *see also* 8 C.F.R. § 1292.1(a)(1) (stating that a person entitled to representation in administrative immigration proceedings may be repre § sented by attorneys as defined in 8 C.F.R. § 1001.1(f)).

205 Ed. Code § 66093.3., subd. (a)(10)(A).

206 *Ibid.*

207 *Id.*, subd. (a)(10)(B).

208 Ed. Code § 66093.2 (added by Stats. 2025, c. 668 (S.B.307), § 1, eff. Jan. 1, 2026).

209 *Ibid.*; *see also* Ed. Code § 68130.5, subd.(a)(1)-(2) (listing eligibility requirements for nonresident tuition under AB 540).

210 *Ibid.*

211 *Ibid.*

212 For information about who may represent individuals in immigration proceedings, *see* U.S. Department of Justice, *Can Someone Represent You Before EOIR?*, available at <https://www.justice.gov/eoir/can-someone-represent-you-eoir> (as of May 29, 2026).

213 Ed. Code, § 66093.3(i).

214 *See* Cal. Code Regs., tit. 5, § 41905.

215 Ed. Code, § 68076.

Appendix A

Immigration and Customs Enforcement "Arrest Warrant" (Form I-200)

U.S. DEPARTMENT OF HOMELAND SECURITY	Warrant for Arrest of Alien
File No. _____ Date: _____ To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon: ☐ the execution of a charging document to initiate removal proceedings against the subject; ☐ the pendency of ongoing removal proceedings against the subject; ☐ the failure to establish admissibility subsequent to deferred inspection; ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law. YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien. _____ (Signature of Authorized Immigration Officer) _____ (Printed Name and Title of Authorized Immigration Officer)	
Certificate of Service I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location) on _____ on _____, and the contents of this (Name of Alien) (Date of Service) notice were read to him or her in the _____ language. (Language) _____ Name and Signature of Officer _____ Name or Number of Interpreter (if applicable)	

Form I-200 (Rev. 09/16)

Appendix B

Immigration and Customs Enforcement “Removal Warrant” (Form I-205)

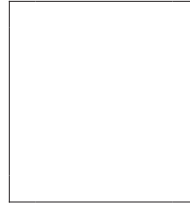
DEPARTMENT OF HOMELAND SECURITY U.S. Immigration and Customs Enforcement WARRANT OF REMOVAL/DEPORTATION	
File No: _____ Date: _____	
To any immigration officer of the United States Department of Homeland Security: _____ (Full name of alien)	
who entered the United States at _____ on _____ (Place of entry) (Date of entry)	
is subject to removal/deportation from the United States, based upon a final order by: ☐ an immigration judge in exclusion, deportation, or removal proceedings ☐ a designated official ☐ the Board of Immigration Appeals ☐ a United States District or Magistrate Court Judge	
and pursuant to the following provisions of the Immigration and Nationality Act: _____	
I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of: SAMPLE	
_____ (Signature of immigration officer) _____ (Title of immigration officer) _____ (Date and office location)	
ICE Form I-205 (8/07)	Page 1 of 2

To be completed by immigration officer executing the warrant: Name of alien being removed:

Port, date, and manner of removal:



Photograph of alien removed



Right index fingerprint of alien removed

(Signature of alien being fingerprinted)

(Signature and title of immigration officer taking print)

Departure witnessed by:

(Signature and title of immigration officer)

If actual departure is not witnessed, fully identify source or means of verification of departure:

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here. ☐

Departure Verified by:

(Signature and title of immigration officer)

Appendix C

Federal Search and Seizure Warrant (Form AO 93)

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of _____)
(Briefly describe the property to be searched)
or identify the person by name and address)) Case No. _____
)
)
)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 14 days)
☐ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)
☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____

Date and time issued: _____ Judge's signature _____

City and state: _____ Printed name and title _____

Federal Arrest Warrant (Form AO 442)

65

Appendix E

Department of Homeland Security Immigration Enforcement Subpoena (Form I-138)

1. To (Name, Address, City, State, Zip Code)	DEPARTMENT OF HOMELAND SECURITY IMMIGRATION ENFORCEMENT SUBPOENA to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To	
(Title of Proceeding) (File Number, if Applicable)	
By the service of this subpoena upon you, YOU ARE HEREBY SUMMONED AND REQUIRED TO:	
(A) ☐ APPEAR before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.	
(B) ☒ PRODUCE the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.	
Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).	
3. (A) CBP, ICE or USCIS Official before whom you are required to appear	(B) Date
Name	
Title	
Address	(C) Time ☒ a.m. ☐ p.m.
Telephone Number	
4. Records required to be produced for inspection	
5. Authorized Official	
(Signature)	
(Printed Name)	
(Title)	
(Date)	



If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

DHS Form I-138 (6/09)

Appendix F

Federal Judicial Subpoena (Form AO 88B)

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the

<i>Plaintiff</i>	)	
v.	)	Civil Action No.
<i>Defendant</i>	)	

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: _____
(Name of person to whom this subpoena is directed)

☐ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place:	Date and Time:
--------	----------------

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

_____ Signature of Clerk or Deputy Clerk	_____ Attorney's signature
--	--

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Appendix G

Notice to Appear (Form I-862)

U.S. Department of Homeland Security		Notice to Appear
In removal proceedings under section 240 of the Immigration and Nationality Act:		
Subject ID: _____	FINS: _____	File No: _____
	DOB: _____	Event No: _____
In the Matter of: _____		
Respondent: _____		currently residing at: _____
(Number, street, city and ZIP code)		(Area code and phone number)
☐ 1. You are an arriving alien. ☐ 2. You are an alien present in the United States who has not been admitted or paroled.		
☐ 3. You have been admitted to the United States, but are removable for the reasons stated below.		
The Department of Homeland Security alleges that you: _____		
☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture. ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30(f)(2) ☐ 8CFR 235.3(b)(5)(ii)		
YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: _____		
(Complete Address of Immigration Court, including Room Number, if any)		
on _____ at _____	to show why you should not be removed from the United States based on the	
(Date)	(Time)	
charge(s) set forth above. _____		
(Signature and Title of Issuing Officer)		
Date: _____		
(City and State)		
See reverse for important information		
Form I-862 (Rev. 08/01/07)		

Appendix H

Quick Reference Guide for College or University Personnel

What Should You Do if an Immigration Enforcement Officer Comes to Your College or University?

1. As soon as possible, notify the designated college or university administrator (the person tasked with responding to immigration enforcement actions at the college or university) of any request (including subpoenas, petitions, complaints, warrants, or court orders) by an immigration enforcement officer to access a college or university or a student, or any request for the review of [college or university] documents.
2. Advise the officer that before proceeding with their request, you must first notify and receive direction from [designated college or university administrator].
3. Ask to see, and make a copy of or note, the officer's credentials (name and badge number). Also ask for and copy or note the telephone number of the officer's supervisor.
4. Ask the officer to explain the purpose of the officer's visit, and note the response.
5. Ask the officer to produce any documentation that authorizes college or university access.
6. Make copies of all documents provided by the officer.
7. Decline to answer questions posed by the officer and direct them to speak to [designated college or university administrator].
8. State that the college or university does not consent to entry of the healthcare facilities or portions thereof.
9. Without expressing consent, respond according to the requirements of the documentation. If the officer has:
 - ✓ An ICE administrative "warrant" (see samples in Appendix, items A & B): Immediate compliance is not required. Inform the officer that the college or university cannot respond to the warrant until after it has been reviewed by a designated administrator. Provide a copy of the warrant to the designated administrator as soon as possible.
 - ✓ A federal judicial warrant (either a search-and-seizure warrant or an arrest warrant; see samples in Appendix, items C & D): Prompt compliance usually is required, but where feasible, consult with legal counsel before responding.
 - ✓ A subpoena for the production of documents or other evidence (see samples in Appendix, items E & F): Immediate compliance is not required. Inform the officer that the college or university cannot respond to the subpoena until after it has been reviewed by a designated administrator. Give your copy of the subpoena to the designated administrator or legal counsel as soon as possible.
 - ✓ A notice to appear (see sample in Appendix, item G): This document is not directed at the college or university. There is no obligation to deliver this document or facilitate service to the person named in the document. If you get a copy of the document, give it to [designated college or university administrator] as soon as possible.
10. Document the officer's actions in as much detail as possible after they enter college or university premises, but without interfering with the officer's movements.

11. If the officer orders staff to provide immediate access to facilities, comply with the officer's order and also immediately contact a designated administrator. Do not attempt to physically interfere with the officer, even if the officer appears to be acting without consent or appears to be exceeding the purported authority given by a warrant or other document. If an officer enters the premises without authority, [college or university] personnel shall simply document the officer's actions while at the facility.
12. [College or university] staff should document the officer's actions while in [college or university] premises in as much detail as possible, but without interfering with the officer's movements.
13. [College or university] staff should complete an incident report that includes the information gathered as described above and the officer's statements and actions.

Appendix I

Reference Guide — Immigration Enforcement Documents

Description of Legal Documents Presented by Immigration Enforcement

This document provides a brief overview of the types of documents that an immigration enforcement officer may present when seeking to enter a public facility, whether to conduct a search or an arrest or when requesting records. Not all documents authorize immigration enforcement to enter a facility or to obtain records. Samples of each document are included as Appendices A-G.

When an immigration enforcement officer asks for permission to enter a nonpublic area of a state or local agency facility or for information about a state or local agency client, staff should first ask the immigration enforcement officer to present credentials. Staff should immediately notify designated personnel, a supervisor, or agency legal counsel of the request. Staff should also collect any documents presented by the immigration enforcement officer that purport to require compliance with the officer's request. Designated staff or legal counsel should review the sufficiency of any documents presented by the immigration enforcement officer before complying with a request.

Type of Legal Document	Issued By	Action(s) Required	Immediate Compliance Necessary?
ICE Administrative "Warrant"	Immigration enforcement officer (not always ICE).	No action required on the part of the state or local agency. The "warrant" only authorizes the officer to arrest an individual suspected of violating immigration laws.	No.
Notice to Appear (NTA)	Immigration enforcement agencies (usually ICE, CBP, or USCIS).	No action required on the part of the state or local agency. The NTA only notifies an individual that they are expected to appear before an immigration judge for a formal removal proceeding.	No.
Federal Court Arrest or Search Warrant	Federal judge (district court judge or magistrate judge).	A judicial search warrant authorizes a search of a specific location for evidence; a federal arrest warrant authorizes the arrest of a specific person.	Yes, but the scope of the warrant determines the extent of compliance.
Administrative Subpoena	Immigration enforcement officer.	No action required. Under California law, a notice to consumer may be required before any information or documents about the consumer are produced.	No.

Type of Legal Document	Issued By	Action(s) Required	Immediate Compliance Necessary?
Federal Judicial Subpoena	Federal judge or magistrate.	If valid, the production of records but immediate compliance is not required. Agency served with a subpoena may petition a court to quash or limit the scope of the subpoena.	No.
Court Order	Judge or magistrate.	A designated administrator or legal counsel should review the order and respond accordingly.	Yes.
Public Records Act Request	Requestor.	Before complying with the request, determine if it is in the public interest to withhold the information or if exemptions or privileges apply. If agency decides to produce a record, agency should first determine if redaction of non-disclosable information under state law or agency policy is required. Under California, a notice to consumer may be required before any information or documents about the consumer are produced.	No.

ICE Administrative “Warrant”

An ICE administrative “warrant” is issued by certain immigration enforcement officers at ICE or other agencies within DHS (see Appendices C and D). The “warrant” authorizes the officer to arrest a person suspected of violating immigration laws, but it is not a warrant within the meaning of the Fourth Amendment to the U.S. Constitution.

When presented with an ICE administrative “warrant,” personnel are not required to cooperate with the officer’s request(s), including helping apprehend the person named in the “warrant” or consenting to an officer’s search. Subject to a few exceptions, an agency cannot voluntarily consent to an officer seeking access to a nonpublic area. However, staff should not physically interfere with an officer in the performance of their duties.

Notice to Appear

A notice to appear (NTA) is issued by ICE, CBP, or the USCIS to commence formal removal proceedings against an individual before an immigration court (see Appendix E). An NTA notifies an individual that they are expected to appear before an immigration judge on a certain date, but it does not authorize authorities to arrest the individual.

When presented with an NTA, staff are not required to take any action or cooperate with requests from authorities, including authorizing access to nonpublic areas of an agency or allowing authorities to search agency records.

Federal Search or Arrest Warrant

A federal court warrant is issued by a district judge or a magistrate of a U.S. District Court based on a finding of probable cause. A search warrant authorizes the search or seizure of property or entry into a nonpublic area to arrest a named person. An arrest warrant authorizes the arrest of a named person.

Staff should carefully review the federal court warrants, which come in two types: (1) a federal search-and-seizure warrant allows an officer to conduct a search authorized by the warrant (see Appendix F), and (2) a federal arrest warrant allows an officer to arrest the individual named in the warrant (see Appendix G).

The warrant should include a judge's signature and identifying details about the place to be searched (e.g., address). While it typically specifies the exact area an officer is authorized to search, the warrant may not grant permission to search the entire premises. When presented with a valid federal court warrant, prompt compliance is typically required. Where feasible, designated staff or legal counsel should review before an agency responds.

Administrative Subpoena

An administrative subpoena is issued by an immigration enforcement officer to request the production of records (see Appendix H). The subpoena will contain the file number, subpoena number, mailing address, list of applicable regulations, request for information, and signature(s) of the officer(s).

When presented with an administrative subpoena, staff generally need not comply immediately. If the officer arrives with a pre-designated subpoena, agency staff may decline to produce records and challenge the subpoena before a federal judge in a U.S. District Court. Therefore, agency staff should immediately contact designated staff, a supervisor, or legal counsel upon receipt of the subpoena.

Federal Judicial Subpoena

A federal judicial subpoena requests the production of records. It does not require staff to grant access to a particular place or person. The subpoena will identify a federal court and the name of the issuing judge or magistrate.

When presented with a federal judicial subpoena, staff generally are not required to comply immediately. A subpoenaed agency may challenge the subpoena before the issuing court. Therefore, agency staff should immediately contact designated staff or legal counsel upon receipt of the subpoena.

Court Order

A court order is a directive signed by a judge that requires a person or organization to do something or stop doing something. Whoever it is directed at must comply. If an immigration enforcement officer arrives with a court order, a designated staff or legal counsel should review the order and respond consistent with the scope of the order.