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Shortly after being sworn into office for the second time in January 2025, among his many actions taken related to immigration, President Trump directed the Department of Homeland Security (DHS) to rescind guidance that limited federal immigration operations near sensitive locations, including schools, hospitals, and churches, through an executive order, Protecting the American People Against Invasion. This change to immigration enforcement—by ending the so-called Sensitive Locations Policy—has significant implications for institutions of higher education (IHEs) across the United States because it provides federal immigration officials with greater authority to engage in enforcement on college campuses.

The first iteration of the Sensitive Locations Policy dates back to 1993 and has since been updated and/or expanded several times. The original guidance effectively directed Immigration and Customs Enforcement (ICE) officers to exercise good judgment when

conducting immigration enforcement activities and protected sensitive locations from immigration operations.

In 2021, the Biden administration significantly expanded the Sensitive Locations Policy (“2021 Protected Areas Memorandum”) to also include social service establishments; medical or mental healthcare facilities; places where children gather, including playgrounds and bus stops; homeless shelters; drug or alcohol counseling or treatment facilities; parades or demonstrations; and funerals, weddings, and other religious ceremonies. It also listed “school[s], such as a pre-school[s], primary or secondary school[s], vocational or trade school[s], or college[s] or university[ies]” as protected areas. The 2021 Protected Areas Memorandum included limited exceptions for when immigration enforcement actions could take place in or near one of the aforementioned protected areas; ICE could conduct enforcement activities in such areas when they involved (i) a national security threat; (ii) imminent risk of death, violence, or physical violence to a person; (iii) hot pursuit of an individual who posed a public safety threat; (iv) hot pursuit of an observed border-crosser; and/or (v) imminent risk of evidence material to a criminal case being destroyed. ICE could also act when a safe alternative location did not exist.

The goal of the Sensitive Locations Policy had been to prevent fear from deterring undocumented individuals or legal immigrants from seeking medical care, attending school, or participating in civil and religious activities. Critics have argued that the policy hamstrung law enforcement and allowed those wanted by ICE to hide in locations they knew law enforcement generally could not go.

With the rescission of the Sensitive Locations Policy, ICE now has broader authority to conduct enforcement actions, including on IHE

campuses. Moving forward, the Trump administration has directed ICE officers to use a “healthy dose of common sense” and eliminated “bright line rules where immigration laws are permitted to be enforced.”

While it is unclear how frequently immigration enforcement operations will take place on IHE campuses, the impact of the policy change has already been seen and felt. IHEs have recently seen a small number of well-publicized immigration enforcement actions on campuses.

Recommendations for How to Prepare

Accordingly, IHEs must now navigate a complex landscape where federal immigration enforcement intersects with their educational missions. Here are a few considerations to be taken into account to protect employees and students and to comply with evolving federal directives on immigration.

- **Stay up to date:** Review current federal guidelines by staying apprised of changes to ICE and DHS policies
- **Engage with in-house and/or outside counsel:** Now that these enforcement operations are a possibility, work with in-house and/or outside counsel to be prepared and then notify attorneys as soon as law enforcement is on campus
- **Train on rights and obligations:** Educate staff, campus security, other relevant employees, and students on legal protocols, including what both law enforcement and employees can and cannot do, as well as how students can engage lawfully

- **Designate an advisory council:** Identify a response team to mobilize quickly and be available for urgent immigration-related situations, including university leadership, legal experts, staff, campus security, and/or student leaders
- **Communicate with the community:** Notify students, faculty, and staff through emergency alert systems and provide clear guidance on rights and resources when immigration authorities are on campus
- **Develop rapid response protocols:** Prepare a robust communication plan that identifies a centralized spokesperson or representative office and effectively manages and disseminates information to both the community and broader public and
- **Ensure compliance with FERPA and other privacy requirements:** Reevaluate data collection practices and comply with the Family Educational Rights and Privacy Act (FERPA), which generally restricts the release of student records, including immigration status, except under specific circumstances, and with all laws related to employee privacy

IHEs with questions about how this shift in policy affects their employees and students are invited to contact the authors of this article or any other attorney in Venable's Labor and Employment Group.

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