

The Office of Legal Affairs has received questions from concerned members of the university community about potential interactions with representatives of Immigration & Customs Enforcement (ICE) on campus. We understand that there is a lot of uncertainty, and that interactions with law enforcement can be stressful. Our office is here to serve as a resource, and to that end, we have compiled the following official guidance to help address those questions.

- ICE officers are federal employees tasked with certain responsibilities pursuant to federal law. Please be respectful and courteous in any interactions with representatives of ICE.
- There is no general requirement to provide information to ICE officers or to permit entry into non-public spaces without an appropriate subpoena or warrant; however, university employees and students should not, under any circumstances, obstruct, interfere with, or provide false information to ICE officers.
- ICE officers may freely access public areas of the campus.
- ICE officers must have a judicial warrant to enter non-public areas of the university. Non-public areas typically include classrooms, laboratories, offices, residence halls, and other spaces restricted by key card or security. (An ICE administrative warrant to apprehend an individual is not the same as a judicially signed warrant permitting entry to a premises.)
- All health care providers, including students, must abide by the Health Insurance Portability and Accountability Act (HIPAA) and provide care per clinical expectation. HIPAA applies to all patients, regardless of immigration status. This means that health care providers cannot disclose any information about a patient's immigration status to law enforcement – proactively or in response to questions, in the absence of a subpoena or court order. Additionally, there is no requirement to document immigration status and, generally, patients are not asked about their status unless it directly relates to their health care. Please contact the Office of Legal Affairs at (614) 292-0611 if you are asked by an ICE representative for patient information.
- The Family Educational Rights and Privacy Act (FERPA), subject to very limited exceptions (see below), protects the privacy of student education records for all students. Protected records include immigration status. That means university employees cannot disclose a student's immigration status to law enforcement – proactively or in response to questions, in the absence of a subpoena or court order. Please contact the Office of Legal Affairs at (614) 292-0611 if you are asked by an ICE representative for student information or if you receive a subpoena or court order.
- There is a limited FERPA exception enabling ICE to obtain certain information concerning students in F, J, or M nonimmigrant status without a warrant or subpoena. (Primarily this relates to international students and exchange visitors.)

An ICE representative requesting information for an individual in one of these immigration classifications should contact either the Office of International Affairs at (614) 292-6101 or the Office of Legal Affairs at (614) 292-0611 to determine the appropriate response. (Typically, ICE would make such requests directly to the Office of International Affairs.)

- Generally, all local, state and federal law enforcement agencies – including U.S. Immigration and Customs Enforcement (ICE) – coordinate with the Ohio State University Police Division (OSUPD) when they have enforcement needs on campus. We anticipate that the process will continue to be followed; however, if law enforcement come to your classroom space or office contact OSUPD at 614-292-2121 and the Office of Legal Affairs at (614) 292-0611 for assistance.
- Please remember that there are many reasons that various representatives of the Department of Homeland Security (DHS) may visit campus that have no relation to ICE removal or deportation activities. DHS immigration components include ICE, U.S. Citizenship & Immigration Services (USCIS), and Customs & Border Protection (CBP).
- The Ohio State University complies with all local, state, and federal laws.