

Summary of AACRAO's Guidance on Disclosing Student Information to Immigration Officials

On January 21, 2025, the acting director of the Department of Homeland Security (DHS) [issued a directive](#) authorizing Immigration and Customs Enforcement (ICE) as well as Customs and Border Protection (CBP) enforcement action to take place on previously prohibited "sensitive" areas such as hospitals, churches, and college campuses.

As immigration officials may seek access to personally identifiable information from students' education records, it is important that institutions understand their legal obligations to protect students' personal information and the need to establish guidance for responding to requests from immigration officials seeking access to students' education records.

Below is an overview of the guidance AACRAO has developed in collaboration with the National Association of Collegiate University Attorneys (NACUA) regarding disclosing student information to immigration officials:

- The Family Educational Rights and Privacy Act (FERPA) generally prohibits institutions from sharing personally identifiable student information without written consent from the student
- Key exceptions to FERPA consent requirements include:
 - Information designated as "directory information" (assuming the student hasn't opted out)
 - "Directory information" can include name, address, contact details, but CANNOT include social security number, race, gender, citizenship, religion
 - Institutions cannot disclose directory information combined with non-directory information
 - Compliance with judicial orders or lawfully issued subpoenas, including *ex parte* court orders under the USA Patriots Act.
- When receiving a judicial order or subpoena:
 - Institutions should contact legal counsel to verify validity
 - Institutions MUST make a reasonable effort to notify students (unless explicitly prohibited by the judicial order or subpoena)
 - Institutions MUST record each disclosure (unless explicitly prohibited by the court or other issuing agency)

- Specific legal requirements exist for F, J, or M visa students:
 - Institutions must report certain information to DHS/ICE/State Department for SEVIS
 - This includes identity, address, visa status, academic status, and certain disciplinary actions
- Recommended institutional preparation:
 - Designate a legal point of contact for handling such requests
 - Seek legal advice on compliance and potential challenges
 - Establish procedures for timely student notification
 - Document all disclosures to immigration officials