



To: NJ Institutions of Higher Education
From: NJ Office of the Secretary of Higher Education
Date: February 12, 2025
Subject: Guidance and Resources on State and Federal Immigration Requirements for New Jersey Institutions of Higher Education

New Jersey is committed to ensuring equity, access, and affordability of higher education to create opportunity for residents and help meet the state's workforce objectives. This document is provided by the New Jersey Office of the Secretary of Higher Education (OSHE) to address questions received by New Jersey institutions of higher education. **It includes general guidance for institutions and the campus community, additional considerations for immigrant students, and helpful resources.** Institutions should continue to monitor for updated federal requirements and guidance as the situation evolves.

Does your institution have a website or provide digital resources for immigrant students that are campus-specific? Help OSHE centralize these resources on its website by completing this brief survey: <https://forms.office.com/g/eMzUCaH3e1> by February 21.

Guidance and Resources on State and Federal Immigration Requirements for New Jersey Institutions of Higher Education

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New Jersey is committed to ensuring equity, access, and affordability of higher education to create opportunities for residents and help meet the state's workforce objectives. In pursuit of this commitment, the State Plan for Higher Education affirms in its vision for a Student Bill of Rights that every student in New Jersey should feel safe, supported, and welcome in their learning environment. In light of recent changes in federal immigration policy, the Office of the Secretary of Higher Education (OSHE) provides the following basic information and resources to help Institutions of Higher Education (IHEs) navigate possible federal immigration enforcement activity on their campuses conducted by federal immigration officials, including but not limited to Immigration and Customs Enforcement (ICE) agents ("Immigration Officials").

GENERAL GUIDANCE FOR IHEs

IHEs should anticipate the unique needs and circumstances that immigration enforcement activity may present to an educational institution. To that end, IHEs should consider:

- Working with their general counsel or designee to proactively establish guidance and actions for the campus community in responding to Immigration Officials on campus.
- Designating a staff person(s) to serve as a point of contact for any student(s) who may or could be subject to an immigration order or inquiry on campus. The point of contact should also be equipped to provide students with guidance on where to obtain information and other resources related to immigration enforcement.
- Reviewing their student enrollment, residency, and data collection policies and practices to ensure that they comply with FERPA, HIPAA, and other federal and state privacy laws. While IHEs may be required to produce education records in response to a judicially-issued court order or subpoena, they should consult their general counsel or designee to ensure compliance with applicable state and federal laws that protect the privacy of student educational records.
- Re-familiarizing themselves with the New Jersey Attorney General's Immigrant Trust Directive (ITD)¹, which limits the type of voluntary assistance that New Jersey law enforcement officers—state, county, and local, including sworn campus police officers—may provide to federal immigration authorities.
- Communicating with personnel and students about protocol, designated contacts, and other resources available on campus.
- When able, translating communications into multiple languages to help make the community aware of their rights, responsibilities, and resources.

GUIDANCE REGARDING IMMIGRATION ENFORCEMENT ACTIVITIES ON CAMPUS

¹ https://www.nj.gov/oag/dcj/agguide/directives/ag-directive-2018-6_v2.pdf

Because it is difficult for an untrained person to determine the nature of legal documents being presented, it is vitally important for IHEs to develop a plan—including points of contact and receiving legal counsel—in the event of immigration enforcement activities on campus. Below are some considerations for IHEs as they develop such a plan.

- IHEs are encouraged to advise all students, faculty, and staff to immediately contact the IHE's general counsel or designee to obtain guidance if they encounter Immigration Officials on campus.
 - Personnel and students may inform Immigration Officials that they will need to contact the IHE's general counsel or designee before responding to any requests, including to verify any documents presented by the officers.
 - Consider notifying campus police or public safety so that they are aware of immigration enforcement activity on campus.
 - Institutions may want to consider documenting the actions taking place.
- In assessing the situation, it is important to obtain information from the agent regarding their credentials, the purpose of the access request, and any documentation that authorizes IHE access.
 - Generally speaking, an IHE is not required to grant access for Immigration Officials to premises not open to the general public absent an official judicial search warrant or arrest warrant signed by a judge or exigent circumstances.²
 - However, IHEs must honor judicially-issued search or arrest warrants, and court orders signed by a judge if presented by Immigration Officials.³
 - By contrast, an ICE administrative warrant is not a warrant within the meaning of the Fourth Amendment to the U.S. Constitution, because an ICE warrant is not supported by a showing of probable cause of a criminal offense and is not issued by a federal or state court judge. ICE administrative warrants are typically on Forms [I-200](#) or [I-205](#).⁴
 - In situations where no judicial warrants are presented and Immigration Officials do not claim exigent circumstances, an IHE's right to exclude Immigration Officials from specific spaces on campus can depend on factors like the degree of access the IHE affords to the general public. For example, access to administrative offices, research facilities, and residence halls tend to already be restricted from general public access.⁵ Because this inquiry may be fact-specific, IHE are encouraged to consult their general counsel with questions.

² A judicially-issued warrant is signed by a federal district judge or a magistrate judge of a U.S. District Court, or a state court judge, based on a finding of probable cause authorizing the search or seizure of property, or the arrest of a named person. Samples of federal court warrants include a federal search-and-seizure warrant ([Form AO 93](#)) and a federal arrest warrant ([Form AO 442](#)).

³ Federal authorities may also be on campus for reasons outside of immigration enforcement purposes.

⁴ This is not meant to be an exhaustive list. IHE students and personnel should consult with the Institution's general counsel or designee before responding.

⁵ In general, limited access areas are campus buildings where access is restricted by ID cards, locked doors, monitored entryways, or other indicia such as signage.

- Importantly, students and personnel should never physically resist, interfere, or put themselves or others at risk. However, they are not required to assist with the apprehension of a person identified in an ICE administrative warrant.

ADDITIONAL CONSIDERATIONS FOR IMMIGRANT STUDENTS:

Institutions should be aware of the following additional, discretionary considerations for their communities.

1. Develop an Emergency Plan

To the extent possible, institutions should encourage students and staff members to develop an emergency plan to be prepared for an immigration action against a student or a member of the student's family. If an individual has children, such a plan may identify a trusted adult who can care for the children if no parent or guardian can do so.

The Legal Aid Society has developed an Emergency Plan in Case of the Detention or Deportation of Family Members, available at https://legalservicesli.org/wp-content/uploads/attachments/389c48_1e16bb0aee084be48cfff97cc439ece8.pdf

For an example of a Family Safety Plan, see:

https://www.ilrc.org/sites/default/files/resources/family_preparedness_plan.pdf

2. Complete Emergency Contact Information

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

3. Additional Resources

In the event that a student or a student's family member is detained, the institution should refer the student or his or her family members to other resources for assistance, including, but not limited to the following.

- **ICE Detainee Locator**

The ICE detainee locator (<https://locator.ice.gov/>) can help people determine whether their family member has been detained and where the family member is being held. In using the ICE detainee locator, it is helpful to know the family member's date of birth and 'A-Number' (Alien Registration Number), if there is one. Please Note: the ICE detainee locator is intended only for locating individuals who are already detained. If a student has general questions about his or her immigration status, the student should be referred to a list of legal service providers.

- **Legal Assistance**

Immigration lawyers in private practice, accredited representatives (who assist immigrants in immigration proceedings), or legal-aid organizations may be able to provide legal assistance to secure the release of a student or a student's family member, or to help arrange for the student to visit the family member.

Students should beware of hiring a "notario" or an "immigration consultant" if they are seeking advice and assistance regarding their immigration status. Notarios and immigration consultants are not attorneys or experts in immigration. They cannot – and should not – provide legal advice, prepare immigration forms, or represent the student in legal proceedings.

- **Additional Resources from the State:**

[NJ Office of New Americans: Know Your Rights](#)

[NJ Office of Attorney General](#)

[NJ Department of Education: School Preparedness and Emergency Planning](#)

[NJ Department of Children and Families: Immigration Resources](#)

- **Additional Resources from External Sources:**

National Immigration Law Center - <https://www.nilc.org>

Immigrant Legal Resource Center, Red Cards - <https://www.ilrc.org/red-cards-tarjetas-rojas>

Informed Immigrant - <https://www.informedimmigrant.com/resources/undocumented-students/undocumented-college-students/>

New Jersey Alliance for Immigrant Justice - <https://www.njimmigrantjustice.org/kyr>

Higher Ed Immigration Portal -

https://www.higheredimmigrationportal.org/effective_practice/faqs-for-campus-on-immigration-enforcement-and-site-visits/;

https://www.higheredimmigrationportal.org/effective_practice/10-practices-to-safeguard-undocumented-student-data-in-higher-education/

A glossary of common immigration law terms can be accessed at:

<https://immigrantsrising.org/resource/glossary-of-common-legal-terms>

- **Consulate or Embassy**

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

- **Mental Health Resources**

Health services and wellness centers should be made aware of increased stress to the campus community at this time and prepare to have conversations surrounding this topic.