



STATUTORY STATE FOR NON-DOCUMENTED PERSONS PROCEDURE

Policy Number: 2.2002

Subject Area: General College Policies/Administration

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In response to recent federal executive orders and directives related to federal enforcement, this internal procedure provides a framework for college personnel to respond to inquiries about the immigration status of students and employees. All College employees are required to follow the current federal statute related to FERPA. The Kaskaskia Privacy of Student Records (FERPA) Policy, 5.3003 can be [found here](#). This procedure provides recommended guidance for responding to inquiries from external officials or entities outside of College employees, as well as inquiries from students, parents, employees, and other individuals.

All employees should be notified that, if they receive any inquiries from external agencies, including, but not limited to, federal or state agencies, related to a student's or employee's immigration status, those inquiries should be directed to the Director of Public Safety or the Assistant Director of Public Safety. As per FERPA regulations, Kaskaskia employees should not respond to inquiries directly.

The Kaskaskia College Department of Public Safety is responsible for reviewing all law-enforcement access requests to ensure compliance with applicable laws and college policies. Unauthorized disclosure of any student or employee's immigration status is strictly prohibited, as per FERPA regulations. For questions or additional information, please contact the Kaskaskia College Department of Public Safety at 618-545-3199.

A. Information to be Posted on the College Website

The College will include the following information on its website, pertaining to federal enforcement on campus.

- Point of contact for who employees and students should contact if a law enforcement agent seeks to enter the school campus, enters the school campus, or engages in non-consensual interactions with members of the school community.
- Federal enforcement resources to help students and employees understand their constitutional rights and access immigration-related guidance. These resources may include, but are not limited to, a link to illinoisimmigrationinfo.org.

B. ICE, CBP and Other Agency Inquiries and Activity on Campus

1. Obtain Initial Information

Upon the arrival of federal agencies in an unannounced capacity at any College facility, and to remain compliant with state statute, designated College personnel should seek to obtain the following information.

Please provide me with the following information:

1. *What is your name?*
2. *What agency are you with?*
3. *Do you have proof of identification? If so, please provide it to me so that I can make a copy.*
4. *What is your badge number? (To be recorded)*
5. *What is your contact information?*
6. *What is the purpose of your visit?*
7. *Do you have a warrant issued by a judge? If so, please provide it to me so that I can make a copy.*

Pending consultation with College legal counsel, employees should not:

1. Confirm whether the student or employee is in attendance (FERPA);

2. Release student or employee information (FERPA);

2. Involve College Administration to Contact Legal Counsel

Once College personnel obtain the initial information above, they should immediately contact the Vice President of Student Services or the College President, as applicable, who will facilitate contacting legal counsel. Be prepared to share the information above and copies of any identification, subpoenas, court orders and/or warrants with legal counsel. Legal counsel may speak directly to federal officials or provide advice to College personnel.

Colleges are not required to comply with administrative warrants in the same way they are with judicial warrants or court orders unless there is a life/health/safety risk identified by College personnel. A college is not required to comply with an administrative warrant seeking information that would identify a student or lead to the identification of a student as defined by FERPA. Colleges are, however, required to comply with a judicial warrant or court order consistent with their policies on student education records. Administrators must notify students before they release their education records.

Administrative warrants are not issued by a court. They will say "Department of Homeland Security" and potentially Form I-200, Form I-203, Form I-205, or Form I-286 at the top. Judicial warrants, or court orders, will refer to a specific court at the top and will be signed by an individual judge at the bottom.

3. Consult with Campus Police Regarding Notification to College Community

College Senior Leadership, with assistance from the Director of Public Safety, will determine whether the presence of federal law enforcement on campus could adversely impact school-campus safety or operations, and determine whether notification to the College community is warranted. Communication will be issued at the Department of Public Safety's discretion. Notification may be limited to a specific campus, area of campus, or department, based upon the potential impact of the federal law enforcement activity.

4. Seek Consent from a Student or Employee

In the event that federal law enforcement officers request information about and/or to speak with a student or employee, the College will abide by federal and state statute as required. The normal process to be followed is:

1. The College will request a judicial warrant, court order, or subpoena.
2. The College will consult with College Administration and/or Legal Counsel as indicated above.
3. Unless notice is prohibited by federal or state law, a judicial warrant, court order, or subpoena, the College will attempt to contact the student/employee, notify the student/employee of the request, and provide the student/employee with a copy of the subpoena, court order, and/or warrant that was provided to the College.
4. Unless required by a judicial warrant, court order, or subpoena, the College will continue to abide by FERPA requirements and not release a student's or employee's protected information and/or allow access to the student or employee without the employee's/student's consent.

C. Inquiries from Students, Parents, Employees and Others

In the event College personnel receive inquiries not from law enforcement or other agency officials, but from students, parents of students, employees, or others, they should be directed to College administrators. College personnel should follow the designated FERPA guidelines.

For inquiries from students, parents, employees and other individuals, the following talking points may be used to generally explain the context and scope of a college's required cooperation with federal officials. Legal counsel should be consulted for more complex or specific inquiries.

- *Generally, state and federal law, in addition to college policy, prohibits colleges from disclosing student information, such as student's immigration status, that alone or in combination with other information, can identify a student, unless a student has provided written consent. Only under limited circumstances, such as when a court order is provided or if deemed necessary for the protection of health and safety, would a college be required to provide student information without prior written consent.*
- *Employee information will not be disclosed in response to an immigration inquiry unless required by federal or state statute.*

D. Recording Encounters with Federal Enforcement

Following any encounter with federal enforcement officials, the College will continue to follow the *Illinois TRUST Act (5 ILCS805/25)* to maintain a record of the encounter.

