



Frequently Asked Questions Related to Immigration Status of Students

Below are some common concerns clients have noted in response to the policy change, as well as our current recommendation based on the information we have now. This is an evolving situation, and we will revise this guidance based on any new information that becomes available.

1. Can children of undocumented immigrants enroll in school?

Yes. All children residing in the United States have the right to equal access to a public elementary or secondary schools regardless of their immigration status or the immigration status of their parent/guardian.

[Plyler v. Doe](#), 457 U.S. 202 (1982).

2. Can a school ask about a student's immigration status upon enrollment?

No. The School District cannot require that a student disclose their immigration status, their parents' immigration status, or request immigration-related documents.

3. Can the School District prevent ICE agents from being present on school property?

School District property is public property. ICE agents have the right to enter and be present on School District property that is generally open to the public. This includes entering areas where parents drop off or pick up children from school. ICE agents do not generally have authority to enter school property that is not otherwise open to the public. In Illinois, school personnel stand in loco parentis, meaning in the place of the parent, relating to children in their care. This means that school personnel can make decisions that are in the best interest of the students they serve during the school day while they are on school grounds. [105 ILCS 5/24-24](#).

4. Can ICE agents detain students or parents on school grounds?

On October 27, 2011, the U.S. Department of Homeland Security issued a [guidance document](#) restricting immigration enforcement activity in 'sensitive locations', including schools and other places where children gather. The guidance provides that ICE agents should not conduct arrests, searches, interviews or surveillance on school property, absent exigent circumstances. On January 21, 2025, the Trump administration [rescinded](#) the guidance document, stating that they will no longer recognize schools, churches, courthouses, libraries, etc., as sensitive locations for purposes of immigration enforcement activities. That said, ICE agents cannot roam the halls or freely walk around the school past the security check in area.

5. What if an ICE agent asks to interview a student on school property?

The agent must have a valid warrant signed by a judge. School Districts should not give ICE agents access to students on school property without a valid warrant. If ICE agents present a valid warrant, they should be given access to students in a manner that is discreet, private, and away from other students. Because students have a right to attend school regardless of immigration status, a student's mere attendance at school does not violate the law or create an exigent circumstance that would support ICE having access to a student (including a student's school records) without a warrant or court order signed by a judge. Corey's Law governs all interviews of Illinois schoolchildren on school grounds; see question #6 below.

6. Can a parent/guardian be present if an ICE agent interviews their child?

Yes; Corey's Law was passed by the Illinois General Assembly and signed by the Governor on August 23, 2019. [105 ILCS 5/22-88](#). It requires that before an Illinois student under the age of 18 is detained or questioned by law enforcement officials on school grounds, the student's parent/guardian must be notified and must consent to the questioning. In addition, the law allows the parent to be present during any interrogation or interview of their child.

7. If ICE agents approach a student outside of school what should school staff do?

School personnel stand in loco parentis (meaning in the place of the parent) to a child whenever the child is on school grounds, even in public areas. [105 ILCS 5/24-24](#). School staff should determine whether ICE agents have an arrest warrant that is signed by a judge to detain or arrest the student. If they do not have a warrant signed by a judge, school staff should escort the child to the school office. If they do have a warrant signed by a judge, school staff should escort the student and the ICE agent to the school office. Contact the central office to ensure legal review of the warrant prior to releasing the student to ICE agents.

8. What happens if an ICE agent requests student records?

Directory Information

Directory Information is information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed. 'Directory Information' includes the student's name, address, parents' names/address, telephone number, date and place of birth, participation in officially recognized activities and sports, and dates of attendance. ICE agents can request Directory Information if the School District has a policy allowing Directory Information to be made available to the public. Prior to giving Directory Information to an ICE agent, school staff should be sure that parent/guardian of the student has not opted out of the release. Family Educational Rights and Privacy Act (FERPA), [34 CFR § 99.3](#) and [34 CFR § 99.37](#) and the Illinois School Student Records Act (ISSRA), [105 ILCS 10/1 et. seq.](#) and [23 Ill. Adm. Code 375.80](#) (Directory Information).

Other Student Records

For any other student records request, ICE must deliver a court issued warrant or court order (signed by a judge) to obtain records. Under the Illinois School Student Records Act, a simple subpoena is not sufficient: [23 Ill. Adm. Code 375.40\(a\)\(2\)](#). Even when a proper student records request (signed by a judge) is presented to school personnel, the Illinois School Student Records Act requires that the student's parent/guardian be notified. In addition, the timeline for release of student records in Illinois is 10 school business days (not immediate release). [105 ILCS 10/5\(c\)](#).

Emergency Release

Students have a right to attend school regardless of their personal immigration status and/or the immigration status of their parent/guardian. As such, their attendance at school does not violate any state or federal law nor is it considered an exigent or emergency situation. Therefore, the emergency release of information exception contained in the Illinois School Student Records Act allowing the immediate disclosure of student records will generally not apply. [23 Ill. Adm. Code 375.50](#).

9. Can school personnel disclose the immigration status of a student to ICE agents?

If ICE agents informally ask school staff about a student's immigration status, even though the school does not collect that information, staff should not answer their questions without a warrant or court order signed by a judge. If school staff receive a warrant or court order, it should be provided to the central office prior to disclosure of records or information to ICE agents. The School District reserves the right to have staff accompanied by School District legal counsel anytime they are subpoenaed for questioning by ICE agents or law enforcement.

10. If a family asks school staff for resources related to their immigration status, what should school staff tell them?

School staff can legally refer parents or students to the district office if they are seeking resources related to their immigration status. School staff can also refer parents and students to Illinois Legal Aid, www.illinoislegalaid.org or the Greater Chicago Legal Clinic, www.gclclaw.org. The Illinois Department of Human Services maintains a list of community service agencies serving immigrants at IDHS: [List of Community Service Agencies Serving Immigrants](#).

11. In the event school staff becomes aware that a student's parents have been detained, but the student has not, what steps should be taken?

School staff should notify administration of the parents' detention to determine the student's living situation and whether to make a call to DCFS (Department of Children and Family Services). If the student has no legal guardian, DCFS must be called. If the student has a legal guardian that is not a resident of the School District, the student is considered homeless and must be allowed to stay enrolled in school for at least the remainder of the school year. DCFS need not be called in this situation.

F3 will continue to monitor this ongoing situation. If you would like assistance with or advice regarding specific situations, please reach out to legal counsel.