

Sanctuary Campuses and International Students: The Legal and Institutional Tensions of Immigration Protection in Higher Education

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Setting

In recent years, the concept of “sanctuary campuses” has gained traction as institutions of higher education navigate an increasingly complex and politicized immigration landscape. While not formally defined, in the U.S., the term “sanctuary campus” generally refers to a policy of non-cooperation with Immigration and Customs Enforcement, in order to protect undocumented students and employees from deportation.

International students in the U.S. must adhere to strict regulations, governed by the Department of Homeland Security (DHS) and enforced by U.S. Immigration and Customs Enforcement (ICE). In order to maintain their ability to enroll international students, universities have legal obligations to monitor and report on the addresses, enrollment, employment, and study of international students. Additionally, government personnel have rights to review international student records.

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At Lincoln State University (LSU), a mid-sized private institution in the northeastern United States, advocacy efforts from faculty and student groups have called on the administration to adopt a sanctuary campus designation. Their proposal seeks to protect vulnerable student populations and resist participation in federal immigration enforcement activities.

Unfortunately, there is potential for the sanctuary policies to come into conflict with international student regulations. University officials—including international education professionals, legal counsel, and risk managers—face the challenge of aligning the sanctuary policy ideals with binding federal obligations under the Student and Exchange Visitor Program (SEVP). With increased scrutiny from ICE and DHS, institutions must delicately balance legal compliance with ethical commitments to student welfare.

Case

In December 2023, LSU's Faculty Senate passed a resolution urging the university to declare itself a sanctuary campus. Provisions included:

- Denying federal agents access to campus without a judicial warrant.
- Preventing campus police from acting on behalf of ICE.
- Expanding legal and mental health services for students affected by immigration concerns.
- Refusing to voluntarily share student information with immigration authorities unless legally required.

The Faculty Senate resolution primarily focused on undocumented students. However, the language used in the resolution was unclear about how the policy would apply to international students. Concerns were quickly raised by LSU's Office of International Student Services (OISS). Dr. Caroline Mendez, Director of OISS, was acutely aware of the tension between this community expectation and LSU's legal obligation, as an SEVP-certified institution to:

- Report international student data—including enrollment and address changes—through SEVIS.
- Ensure F-1 and J-1 students meet visa conditions, such as maintaining full-time enrollment.
- Cooperate with federal authorities in cases of status violations.

Dr. Mendez consulted with General Counsel, Mr. James Holloway, and the Risk Management Office to assess the implications. Holloway noted that while domestic sanctuary policies could lawfully apply to undocumented students, international students were actively monitored by federal agencies and subject to removal proceedings for even technical noncompliance. He cautioned that shielding international students from federal enforcement could endanger LSU's SEVP certification—potentially compromising its ability to enroll any international students in the future.

Matters came to a head in early 2024, when a graduate student from Nigeria on an F-1 visa was contacted by ICE regarding an alleged status violation. Due to a departmental error, the student had dropped below the required credit load without authorization. Fearing immediate consequences, he sought refuge in student housing and requested legal assistance under LSU's sanctuary resolution.

This triggered a campus-wide dilemma:

- Shielding the student risked obstructing federal immigration enforcement.
- Reporting him would undermine the university's sanctuary stance and potentially damage community trust.

Dr. Mendez convened with the university provost, student affairs leadership, legal counsel, and faculty senate representatives to weigh options. Some proposed excluding international students from the sanctuary designation. Others called for broader protections tailored to the unique legal vulnerability of visa-holding students—such as emergency funding, academic grace periods, or expanded legal counsel.

As tensions mounted, LSU leadership faced a critical question: Could the university uphold its values while remaining in compliance with federal law? And how should it communicate these tensions transparently without alienating key stakeholders?

Discussion Questions

As you consider this case, discuss:

- What are the implications of writing distinct sanctuary policies for different student groups, including undocumented students and international students? How might such distinctions impact trust among international students and their confidence in institutional protections?
- What are the potential consequences for universities that resist cooperation with DHS mandates? How can institutions mitigate the risk of losing their ability to enroll international students?
- What alternative protections could institutions provide for international students beyond sanctuary declarations? How can faculty advocacy for international student protections align with legal realities?
- If you were Director of International Student Services, how would you communicate institutional limitations around sanctuary policies while preserving transparency, trust, and institutional credibility? How can institutions be more transparent about what they promise to international students?
- What resources should universities consider cultivating (e.g., outside immigration counsel, partnerships with local nonprofits) to ensure international students receive appropriate support during crises?
- How should university leadership respond to faculty and student advocacy efforts when legal obligations limit the scope of available actions?