

May 9, 2008

Regarding the Raleigh News and Observer inquiry to Immigration and Customs Enforcement (ICE) as to whether a public community college can enroll undocumented aliens:

It is left for the school to decide whether or not to enroll out-of-status or undocumented nonimmigrants. People without legal status are constantly at risk of being apprehended and possibly removed from the United States. In addition, these individuals are circumventing regulations and laws that have been put into place by society to ensure our protection.

Nonimmigrants who choose to enroll in school in violation of the terms of their visa status, or aliens without legal status, run the risk of being removed from the United States and possibly barred from reentry. In addition, if they apply for a change of status for a student visa, the request will be denied.

The Department of Homeland Security (DHS) does not require any school to determine a student's status (i.e., whether or not he or she is legally allowed to study). DHS also does not require any school to request immigration status information prior to enrolling students or to report to the government if they know a student is out of status, except in the case of those who came on student visas or for exchange purposes and are registered with the Student Exchange and Visitor Program.

Letter to Jim Hackenberg, Esq.  
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[www.ice.gov](http://www.ice.gov)

*Student and Exchange Visitor  
Program*

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