

# Frequently Asked Questions SB25-276

## Elimination of Affidavits

***If I already turned in an affidavit before, do I need to do anything now?***

No. If you already submitted an affidavit, you don't need to do anything else. Any affidavits collected before SB25-276 took effect must be kept private and handled under the state's data privacy rules by the Department of Higher Education or Department of Revenue.

***What should I do if a college, university or Division of Motor Vehicles (DMV) office still asks me for an immigration affidavit?***

Under SB25-276, immigration-related affidavits are no longer allowed. If asked, explain this and request a supervisor; for DMV, you may also file a complaint: <https://dmv.colorado.gov/how-was-your-service>.

The DMV can still require other affidavits not tied to immigration status. For example, when a parent/guardian assumes liability for a minor, or during exceptions processing (e.g., name changes or verifying lawful presence).

## Personal Identifying Information

***What is PII?***

PII stands for Personal Identifying Information. PII is information that includes details that can show who you are, and, in some cases, your immigration status. This includes:

- Social Security number
- Driver's license or state ID number
- Home or mailing address
- Phone number or email address
- Birth date, place of birth, or country of origin Immigration or citizenship status

***When can my personal information be shared with ICE?***

PII can only be shared with ICE in very limited circumstances: with a judicial warrant, subpoena, or court order; if you are part of a criminal investigation; or with a valid HIPAA/FERPA release signed by you or a parent/guardian for a minor.

***When can my personal information be collected?***

PII can only be collected if it is required by state or federal law, necessary for official duties, or needed to verify eligibility for a government-funded program.

***I'm being asked to provide PII but I don't know if it's required. What should I do?***

You have the right to ask why the information is needed and whether it's required by law. If it's not required for official duties or a government program, you don't have to provide it.

**CONSTITUTIONAL  
RIGHTS FOR ALL**

## Required Written Policies

### *Which public entities must have written policies on handling interactions with immigration enforcement?*

- Public child care centers
- Public schools including charter schools
- Public colleges, universities, and technical colleges and private universities that receive state funding
- Public health care facilities including hospitals and clinics
- Public libraries

This requirement applies to the entities listed above that have received state funding in the last five years. If you work for one of the above mentioned entities and are unsure whether the policy requirement applies, please consult your legal counsel.

### *Do staff policies have to be public?*

No. The policies for staff don't need to be shared publicly, but they must exist and give clear instructions for handling immigration-related requests. They must be provided to staff in the same manner that other employment policies are shared with staff.

### *What if the entity doesn't give me one policy with everything in it?*

Legally, the required policy can be spread across different policies since some entities have a policy to work with law enforcement and another policy to access private areas. You can ask the entity to show you the right sections of multiple policies if needed.

### *Does this mean ICE can't come into these locations?*

Not exactly. ICE can still come into public parts of the entities listed above but they must always present a judicial warrant, court order, or subpoena before accessing non-public areas or being given personal information. ICE can also come in if the person is part of a criminal investigation.

## Reporting Violations

### *What can I do if my rights are violated?*

If **peace officers** unlawfully collect or share your PII, or show a pattern of violating rights, it may constitute an illegal search or a privacy violation. You can [file a complaint](#) with the Attorney General or bring a private right of action.

If any other **state or local government employee** fails to follow SB 276, you may bring a private right of action.

If a **public entity** fails to adopt the written policy required under SB 276, you may bring a private right of action.

To report misconduct by an **ICE** or **immigration enforcement official**, the Colorado's AG office is planning on launching a portal. Please check their website for updates.