

# Immigration Law Briefing for Schools

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# OVERVIEW

- ✓ The Need to Reaffirm Support of Students in the Face of the New Presidential Administration
- ✓ Diversity of Population
- ✓ Constitutional Right to Public Elementary and Secondary Education, *Plyler v. Doe*, 457 U.S. 202 (1982)
- ✓ Key Privacy Protections, i.e., Family Educational Rights and Privacy Act (“FERPA”)
- ✓ Status Update: Deferred Action for Childhood Arrivals (“DACA”)
- ✓ Current Federal Immigration Enforcement Policy at Sensitive Locations and Near 100 Miles of Border

## OVERVIEW (CONTINUED)

- ✓ January 25, 2017 Executive Order regarding “Sanctuary Jurisdictions”—Threat to Federal Funding?
- ✓ February 20, 2017 Implementing Memorandum
- ✓ Actions Taken to Support Students at Federal, State, and Local Levels

# UNDERSTANDING THE DIVERSITY OF THE IMMIGRANT POPULATION

Federal immigration status may vary substantially from person to person based upon personal circumstances. The range of immigration status categories includes, but is not limited to:

- **Lawful Permanent Resident** — “Any person not a citizen of the United States who is living in the U.S. under legally recognized and lawfully recorded permanent residence as an immigrant. Also known as ‘Permanent Resident Alien,’ ‘Resident Alien Permit holder,’ and ‘Green Card holder.’” Source: USCIS.
- **Undocumented** – A foreign national residing in the United States without legal immigration status.
- **Refugee** – “Generally, any person outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution based on the person’s race, religion, nationality, membership in a particular social group, or political opinion.” Source: USCIS.
- **Asylee** – “A foreign national in the United States or at a port of entry who is unable or unwilling to return to his or her country of nationality, or to seek the protection of that country because of persecution or a well-founded fear of persecution. Persecution or the fear thereof must be based on religion, nationality, membership in a particular social group or political opinion.” Source: USCIS.

# CONSTITUTIONAL RIGHT TO PUBLIC ELEMENTARY AND SECONDARY EDUCATION

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

- Landmark U.S. Supreme Court Case: All students irrespective of immigration status have the constitutional right under the Equal Protection Clause of the 14<sup>th</sup> Amendment to receive a public elementary and secondary education.
  - Guidance on School Enrollment Procedures issued by the Office for Civil Rights (“OCR”) of the U.S. Department of Education, and the Civil Rights Division of the U.S. Department of Justice in 2011 and updated in 2014. See updated guidance here:  
<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>.
- No student, moreover, should be subject to discrimination, harassment, and/or bullying under Title VI of the Civil Rights Act or the California Education Code. See, e.g., Cal. Educ. Code §§ 220 and 234 *et seq.*
  - See Guidance on Harassment and Bullying issued by OCR on October 26, 2010 here: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>

# KEY PRIVACY PROTECTIONS AND RELATED RESTRICTIONS

- What are key student privacy protections and related restrictions on sharing information under federal and state law?
  - Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g

# FERPA

## Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g

### What is an Education Record?

- Education records are records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. They include but are not limited to grades, transcripts, class lists, student course schedules, health records (at the K-12 level), and student discipline files. The information may be recorded in any way, including, but not limited to, handwriting, print, computer media, videotape, audiotape, film, microfilm, microfiche, and e-mail.

Source: <http://familypolicy.ed.gov/faq-page>

# FERPA

## Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g

### What must a consent to disclose education records contain?

- FERPA requires that a consent for disclosure of education records be signed and dated, specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. 34 CFR § 99.30. As such, oral consent for disclosure of information from education records would not meet FERPA's consent requirements.

Source: <http://familypolicy.ed.gov/faq-page>

# FERPA

## Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g

### May schools comply with a subpoena or court order for education records without the consent of the parent or eligible student?

- Yes. FERPA permits disclosure of education records without consent in compliance with a lawfully issued subpoena or judicial order. See 34 C.F.R. § 99.31(a)(9)(i) and (ii). However, a school must generally make a reasonable effort to notify the parent or eligible student of the subpoena or judicial order before complying with it in order to allow the parent or eligible student the opportunity to seek protective action, unless certain exceptions apply.

Source: <http://familypolicy.ed.gov/faq-page>

# FERPA

## Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g

- Exceptions to the requirement of prior notification apply to: (1) a federal grand jury subpoena or other subpoena issued for a law enforcement purpose if the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; (2) an ex parte order obtained by the United States Attorney General (or designee not lower than Assistant Attorney General) concerning investigations or prosecutions of an act of terrorism or other specified offenses. See 34. C.F.R. § 99.31(a)(9)(ii).

Source: <http://familypolicy.ed.gov/faq-page>

# STATUS UPDATE ON DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

## What is DACA?

- DACA is neither law nor regulation, but rather the result of executive action taken by the President Barack Obama Administration on June 15, 2012.
- DACA provides deferred removal (deportation) action for qualifying undocumented individuals for a two-year period, subject to renewal. DACA beneficiaries are also eligible to receive work authorization.
- DACA does not provide lawful status or otherwise provide any pathway to citizenship for its beneficiaries.
- Since its announcement on June 15, 2012, an estimated 750,000 undocumented individuals have benefited nationwide from DACA.

# WHO IS ELIGIBLE FOR DACA?

- Were under the age of 31 as of June 15, 2012;
- Came to the United States before reaching 16th birthday;
- Have continuously resided in the United States since June 15, 2007, up to the present time;
- Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
- Had no lawful status on June 15, 2012;
- Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (“GED”) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Source: <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca#guidelines>

# WHAT IS THE PUBLIC POLICY RATIONALE FOR DACA?

- DACA is rooted in the U.S. Department of Homeland Security's use of prosecutorial discretion to ensure that limited enforcement resources are focused "on the removal of individuals who pose a danger to national security or a risk to public," and not, by way of example, individuals who were brought to this country as children through no fault of their own and are now key contributing members of our community seeking a higher education.

Source: *Frequently Asked Questions*, United States Citizenship and Immigration Services, <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/frequently-asked-questions>

# WHAT WILL BE THE FUTURE OF DACA?

- It is unclear. President Donald Trump had repeatedly criticized DACA as being “unconstitutional” and vowed to end it when he assumed the Office of the Presidency.
- However, no clear timeline has been provided with respect to when DACA would come to an end or whether any relief would be provided to the estimated 750,000 individuals who have benefited from DACA to date. President Trump has made statements that some relief may be provided to DACA recipients, but there is no certainty on this front.
- Unlike a federal law or regulation, President Trump can take immediate action and rescind the June 15, 2012 Department of Homeland Security memorandum on DACA.
- When questioned during his January 10, 2017 U.S. Senate confirmation hearing for U.S. Attorney General, U.S. Senator Jeff Sessions refused to respond directly about the future of the 750,000 DACA recipients.

# SHOULD ELIGIBLE INDIVIDUALS STILL APPLY FOR DACA?

- Each individual should make his/her own personal decision in consultation with his/her immigration attorney, but a growing consensus exists in support of the following recommendation:
  - Individuals should not submit first-time DACA applications because it remains unclear how the Trump Administration will use the information requested by the application for immigration enforcement purposes, i.e., residential address; also, the DACA application approval process takes an estimated three months and DACA may no longer exist by that time.

# USE OF INFORMATION SUBMITTED BY DACA FOR ENFORCEMENT PURPOSES?

- Another area of concern is whether the Trump Administration will use the information provided by DACA beneficiaries during the application process for immigration enforcement purposes.
- The policy of the Obama Administration had been not to share this information for immigration enforcement purposes unless serious criminal, fraud, or national security concerns are presented.
- However, whether or how the information submitted by DACA beneficiaries will be used by the Trump Administration for immigration enforcement purposes is pure guesswork at this time.
- On December 5, 2016, 111 members of the U.S. Congress called for the protection of the names and private information of those who applied for DACA.

# USE OF INFORMATION SUBMITTED BY DACA FOR ENFORCEMENT PURPOSES?

- On December 30, 2016, then U.S. Secretary of the Department of Homeland Security (“DHS”) Jeh Johnson responded, in part, by highlighting:
  - “Since DACA was announced in 2012, DHS has consistently made clear that information provided by applicants will be collected and considered for the primary purpose of adjudicating their DACA requests and would be safeguarded from other immigration-related purposes.”
  - “More specifically, the U.S. government represented to applicants that the personal information they provided will not later be used for immigration enforcement purposes except where it is independently determined that a case involves a national security or public safety threat, criminal activity, fraud, or limited other circumstances where issuance of a notice to appear is required.”

Source:

<https://chu.house.gov/sites/chu.house.gov/files/documents/DHS.Signed%20Response%20to%20Chu%2012.30.16.pdf>

# IMMIGRATION ENFORCEMENT AT SENSITIVE LOCATIONS, I.E., SCHOOL DISTRICTS

- Immigration enforcement at “Sensitive Locations” is guided by the *Memorandum on Enforcement Actions at or Focused on Sensitive Locations* issued on October 24, 2011 by U.S. Immigration and Customs Enforcement (“ICE”) and *Memorandum on Enforcement Actions at or Near Certain Community Locations* issued on January 18, 2013 by U.S. Customs and Border Protection (“CBP”).
- The Sensitive Location Memoranda of ICE and CBP remain in effect and provide that enforcement actions at locations such as schools “should generally be avoided,” and “require either prior approval from an appropriate supervisory official or exigent circumstances necessitating immediate action.”

Sources: *Memorandum on Enforcement Actions at or Focused on Sensitive Locations*, dated October 24, 2011, U.S. Immigration and Customs Enforcement, <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>, and *Memorandum on Enforcement Actions at or Near Certain Community Locations*, January 13, 2013, U.S. Customs and Border Protection, <https://www.ice.gov/ero/enforcement/sensitive-loc>. See also Sensitive Locations FAQ, <https://www.cbp.gov/border-security/sensitive-locations-faqs>.

# IMMIGRATION ENFORCEMENT AT SENSITIVE LOCATIONS

- The Sensitive Locations Memorandum specifies that the enforcement actions covered include: “(1) arrest; (2) interviews; (3) searches; and (4) for purposes of immigration enforcement only, surveillance.”
- However, ICE, may carry out enforcement actions under the Sensitive Locations Memorandum “when one of the following **exigent circumstances** exists:
  - the enforcement action involves a national security or terrorism matter;
  - there is an imminent risk of death, violence, or physical harm to any person or property;
  - the enforcement action involves the immediate arrest or pursuit of a dangerous felon, terrorist suspect, or any other individual(s) that present an imminent danger to public safety; or
  - there is an imminent risk of destruction of evidence material to an ongoing criminal case.”

# IMMIGRATION ENFORCEMENT AT SENSITIVE LOCATIONS

- It is important to highlight once again that, like DACA itself, the Sensitive Locations Memoranda are not governing law.
- However, the principles set forth in the Sensitive Locations Memoranda have been followed by past Democratic and Republican administrations.
- Recent statements made by the Trump administration have indicated that the Sensitive Locations Memoranda remain in effect.
- Note, however, that the Sensitive Locations Memoranda can be rescinded or amended at any time by the Trump administration.

# FEDERAL IMMIGRATION ENFORCEMENT WITHIN 100 MILES OF BORDER

- The Immigration and Nationality Act provides that a federal immigration enforcement officer is authorized to conduct **warrantless searches** under certain conditions tied to the proximity of the international border, specifically whether it occurs within a “reasonable distance” from any “external boundary” of the United States. See 8 U.S.C. § 1357(a)(3).
- Federal regulations interpret “reasonable distance” as “**within 100 air miles of any external boundary of the United States**” or shorter distances as designated by certain officials. See 8 C.F.R. § 287.1(a)(1).
- The Act does not grant unlimited warrantless access to any “vessel . . . railway car, aircraft, conveyance, or vehicle” within 100 miles of the United States’ international border—**probable cause or consent required by the Fourth Amendment** of the U.S. Constitution. See *Almeida-Sanchez v. United States*, 413 U.S. 266 (1973).

# FEDERAL IMMIGRATION ENFORCEMENT WITHIN 100 MILES OF BORDER

- However, a warrantless search can be performed without probable cause or consent **as part of a border search** or a board search's "functional equivalent," such as at a fixed station on roads extending from the border.
- *See United States v. Baca*, 368 F.Supp. 398 (S.D. Cal. 1973) (addressing constitutionality of searches at fixed locations on certain freeways in San Diego County within 100 miles of the United States-Mexico border).

# TRANSPORTING UNDOCUMENTED STUDENTS

- Section 1324 of Title 8 of the United States Code sets forth immigration offenses, including, transporting or moving an undocumented immigrant within the United States.
- Under governing law, no violation of Section 1324 will be found where the evidence does not establish that a **direct and substantial relationship exists between the transportation and the furtherance of the undocumented immigrant's presence in the United States.**
- The “mere transportation of a person known to be [an undocumented immigrant] is not sufficient to constitute a violation.” The “transportation must be ‘in furtherance of such violation of law.’” *United States v. Moreno*, 561 F.2d 1321 (9th Cir. 1977).
- In light of the *Moreno* and *Plyler* decisions and related case law, transporting undocumented students or their parents by District administrators, teachers, and others during the course and scope of employment should not be a violation of Section 1324.

# DISTRICT DEFENSE OF PERSONNEL IN CIVIL AND CRIMINAL ACTION

- **Defense of Civil Action:** “[U]pon request of an employee or former employee, a public entity shall provide for the defense of any civil action or proceeding brought against him, in his official or individual capacity or both, on account of an act or omission in the scope of his employment as an employee of the public entity.”

Cal. Gov’t Code § 995.

- **Defense of Criminal Action:** A public entity may provide for the defense of a criminal action or proceeding if the action is brought on account of an act/omission within the scope of employment or the public entity determines that such defense would be in the best interest of the agency and the employee acted in good faith and in the apparent interest of the agency.

See Cal. Gov’t Code § 995.8.

# WHAT DOES “SANCTUARY CAMPUS” OR “SAFE HAVEN” MEAN?

- What does “Sanctuary Campus” or “Safe Haven” mean?
  - The term “Sanctuary Campus” or “Safe Haven” has been used increasingly to describe efforts that have been undertaken by post-secondary and other educational institutions to support students, particularly those who are undocumented and fear being subjected to removal (deportation) from this country, or otherwise discriminated against based on religion, i.e., members of the Muslim community.

# WHAT DOES “SANCTUARY CAMPUS” OR “SAFE HAVEN” MEAN?

- Note that the term “Sanctuary Campus” or “Safe Haven” does not have a single meaning. Some educational institutions have decided to avoid the term when describing their efforts to support their undocumented students, including DACA beneficiaries, because this term is subject to multiple interpretations.
- Accordingly, to understand what is meant by the term “Sanctuary Campus” or “Safe Haven,” one needs to review, for example, a specific board resolution and/or policy adopted by a post-secondary or other educational institution to determine the scope and breadth of actions that said educational institution has decided to undertake to support its undocumented students, including DACA recipients, and other students.

# JANUARY 25<sup>TH</sup> PRESIDENTIAL EXECUTIVE ORDER RE SANCTUARY JURISDICTIONS

- On Wednesday, January 25th, President Trump signed an executive order that seeks, in part, to deny federal funding to “sanctuary jurisdictions” that “**willfully refuse to comply with 8 U.S.C. § 1373.**”
- Section 1373 prohibits state and local governmental entities from restricting communication with federal immigration enforcement authorities regarding the citizenship or immigration status of individuals.
- The executive order further provides that “appropriate enforcement action” will be taken by the U.S. Attorney General against any entity that violates Section 1373 or has a “**statute, policy, or practice that prevents or hinders the enforcement of federal law.**”
- The executive order, moreover, does not define “sanctuary.”

# JANUARY 25<sup>TH</sup> PRESIDENTIAL EXECUTIVE ORDER RE SANCTUARY JURISDICTIONS

- At minimum, the executive order signals that a governmental entity would be deemed a “Sanctuary Jurisdiction” by the Trump Administration if:
  - it fails to comply with Section 1373; or
  - has a “**statute, policy, or practice that prevents or hinders the enforcement of federal law,**” which is certainly a broad definition that could be subject to multiple interpretations.
- Under the executive order, the U.S. Secretary of the Department of Homeland Security has the discretion “to the extent permitted by law” to designate a governmental entity as a “sanctuary jurisdiction.” It is unclear what precise criteria will be used to make this designation.

# JANUARY 25<sup>TH</sup> EXECUTIVE ORDER RE SANCTUARY JURISDICTIONS

- President Trump has repeatedly described “Sanctuary Jurisdictions” as including governmental entities that refuse to honor federal detainer requests or immigration holds made of local law enforcement by federal immigration enforcement authorities, such as agents of the U.S. Immigration and Customs Enforcement (“ICE”), before an undocumented immigrant is released from custody.

# THREAT TO FEDERAL FUNDING?

- Based on the application of the 10th Amendment and related case law, a District is not likely to jeopardize its receipt of federal funding if it were to adopt a board resolution and/or related policies in support of its undocumented students.
- As a preliminary matter, undocumented students have a right to receive a basic public elementary and secondary education under the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. See *Plyler v. Doe*, 457 U.S. 202 (1982).
- Accordingly, **providing an education to undocumented immigrants cannot legally be the basis of any denial of federal funding.** The same holds true with respect to any action taken by school districts to reaffirm their commitment, for example, by adhering to federal antidiscrimination or privacy laws. The District cannot be denied federal funding for following federal law.

# THREAT TO FEDERAL FUNDING?

- The enforcement of immigration law is reserved to the federal government. School districts do not have an affirmative obligation to enforce our nation’s immigration laws.
- The “Federal Government may neither issue directives requiring the States to address particular problems, nor command the States’ officers, or those of their political subdivisions, to administer or enforce a federal regulatory program” or scheme under the Tenth Amendment, i.e., federal immigration enforcement. See, e.g., *Arizona v. United States*, 132 S. Ct. 2492, 2502 (2012).
- Conditions placed on federal grants should be related to the federal interest in a particular national program. See *South Dakota v. Dole*. 483 U.S. 203.
- Additional legal barriers exist.

# HOMELAND SECURITY IMPLEMENTATION MEMORANDUM

- On February 20, 2017, U.S. Department of Homeland Security Secretary John Kelly issued an implementation Memorandum on Enforcement of the Immigration Laws to Serve the National Interest.
- According to that Memorandum, regardless of the basis of removability, Department of Homeland Security personnel should prioritize removable aliens who fall within seven categories.

# HOMELAND SECURITY PRIORITY CATEGORIES

1. Have been convicted of any criminal offense;
2. Have been charged with any criminal offense that has not been resolved;
3. Have committed acts which constitute a chargeable criminal offense;
4. Have engaged in fraud or willful misrepresentation in connection with any official matter before a governmental agency;
5. Have abused any program related to receipt of public benefits;
6. Are subject to a final order of removal but have not complied with their legal obligation to depart the United States; or
7. In the judgment of an immigration officer, otherwise pose a risk to public safety or national security.

# HOMELAND SECURITY MEMORANDUM

## Impact on DACA Recipients?

- The Q&A re DHS Implementation of Executive Order states that the implementation memorandum does not impact DACA recipients;
- Full impact on DACA recipients to be determined.

# EXAMPLES OF FEDERAL ACTIONS TAKEN: THE BRIDGE ACT

- On January 12, 2017, U.S. Senators Lindsey Graham (R-SC) and Dick Durbin (D-IL) announced the reintroduction of bipartisan legislation focused on protecting young undocumented individuals if DACA were to be discontinued under the Trump administration. The original legislation had been introduced in the 114<sup>th</sup> Congress December 9, 2016. Companion legislation has been introduced in the House.
- Similar to DACA, the **Bar Removal of Individuals who Dream and Grow our Economy (“BRIDGE”) Act** seeks to provide temporary relief from deportation and work authorization to qualifying individuals.
- The BRIDGE Act is not law at this time and it remains unclear whether it will be passed by both houses of the U.S. Congress.

# EXAMPLE OF FEDERAL ACTIONS TAKEN: NATIONAL LETTER FOR SUPPORT

- More than 600 presidents of private and public colleges and universities across the nation signed a statement in support of DACA/undocumented students, including the California State University Chancellor, the President of the University of California, and the President of Stanford University.
  - Statement in Support of the Deferred Action for Childhood Arrivals (DACA) Program and our Undocumented Immigrant Students

<https://www.pomona.edu/news/2016/11/21-college-university-presidents-call-us-uphold-and-continue-daca>

# EXAMPLES OF STATE ACTIONS TAKEN: LEGISLATION

- **CA Legislation—Senate Bill 54 (the California Values Act)**
  - Introduced by California Senate President pro Tempore Kevin De Leon
  - Among other objectives, the California Values Act seeks to prohibit California law enforcement agencies from:
    - Using agency or department resources to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement.

# EXAMPLES OF STATE ACTIONS TAKEN:

- **CA Legislation—Senate Bill 6 (Due Process for All Act)**
  - Introduced by Senator Ben Hueso
  - Among other objectives, the Due Process for All Act seeks to:
    - “[W]ould require the [California Department of Social Services] to either contract with qualified nonprofit legal services organizations, or contract with a nonprofit agency to administer funding to nonprofit legal services organization subcontractors, to provide legal services to individuals in removal proceedings who are not otherwise entitled to legal representation under an existing local, state, or federal program.”
    - “[W]ould establish the California Universal Representation Trust Fund to accept donations from private foundations and other philanthropic entities for the purpose of expanding the number of individuals that may be provided legal services pursuant to these provisions.”

# EXAMPLES OF STATE ACTIONS TAKEN:

- **CA Legislation—Senate Bill 31 (the California Religious Freedom Act)**
  - Introduced by Senator Ricardo Lara
  - Among other objectives, the California Religious Freedom Act seeks to prohibit a state or local agency or public employee from:
    - “Provid[ing] or disclos[ing] to federal government authorities personal information regarding the religious beliefs, practices, or affiliation of any individual for the purpose of compiling a list, registry, or database of individuals based on religious affiliation, national origin, or ethnicity.”
    - “Us[ing] agency money, facilities, property, equipment, or personnel to assist in creation, implementation, or enforcement of any government program compiling a list, registry, or database of personal information about individuals based on religious belief, practice, or affiliation, or national origin or ethnicity, for law enforcement or immigration purposes.”

# EXAMPLES OF STATE ACTIONS TAKEN: ISSUANCE OF PRINCIPLES/STATEMENTS

- **Issuance of Principles/Statements:** Principles in Support of Undocumented Students, including DACA Recipients, and/or Against Registry Have Been Issued by:
  - **The California Community Colleges Chancellor’s Office;**  
<http://californiacommunitycolleges.cccco.edu/Portals/0/DocDownloads/PressReleases/DEC2016/PR-Principles-12-5-16-FINAL.pdf>
  - **The University of California (“UC”) system, and**  
<https://www.universityofcalifornia.edu/sites/default/files/Statement-of-Principles-in-Support-of-Undocumented-Members-of-UC.pdf>; and
  - **The California State University (“CSU”) system.**  
<http://www.csusm.edu/president/documents/2016/COmemo111716.pdf>

# EXAMPLES OF ADDITIONAL STATE ACTIONS

## TAKEN:

- On November 29, 2016, the Chancellor's Office of California Community Colleges and the UC and CSU systems issued a joint letter to President-elect Trump in support of DACA  
<http://californiacommunitycolleges.cccco.edu/Portals/0/DocDownloads/PressReleases/NOV2016/UC-CSU-CCC-DACA-Letter-FINAL-11-29-16.pdf>
- The Community College League of California Reaffirmed its Commitment to Educational Opportunity for All Post-Election  
[http://www.ccleague.org/files/public/GovtRel/PostElection\\_Board%20Statement.pdf](http://www.ccleague.org/files/public/GovtRel/PostElection_Board%20Statement.pdf)
- California Governor Jerry Brown has vowed to defend California.
- California Attorney General Xavier Becerra has similarly vowed to defend California.
- The California State Legislature recently hired former U.S. Attorney General Eric Holder to “to advise on potential legal challenges with the incoming Trump administration.”

# EXAMPLES OF LOCAL ACTIONS TAKEN:

- Municipalities, postsecondary education institutions, school districts, charter schools, and other entities are demonstrating their support for undocumented immigrants, including DACA recipients, in different ways, including the adoption of board resolutions and/or policies.
- San Diego County Office of Education Approved a Board Resolution

# WHAT ARE OTHER CAMPUSES DOING?

## Examples:

- Reaffirming to faculty, staff, students and families in your community, your college district's values of diversity and inclusion and make clear that unlawful discrimination against students will not be tolerated;
- Distributing resources to students, educating them about their right to a safe and inclusive educational environment;
- Establishing protocols if ICE were to visit campus or request information—immediately refer to Superintendent who will consult with counsel;
- Reminding faculty, staff, and campus security that student information is private and not to be shared except in specific legally defined circumstances and pursuant to established protocols involving consultation with legal counsel;

# WHAT ARE OTHER CAMPUSES DOING?

## Examples:

- Establishing a space where District personnel and students can receive updated educational/informational resources about issues affecting undocumented students .
- Developing partnerships with community stakeholders and low-cost/pro bono legal service providers.
- Cautioning students and their families about the potential dangers of using immigration consultants and notarios—who are not attorneys—to handle their immigration-related matters.

Question & Answer  
Session

# Thank You

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