



CHAPMAN
UNIVERSITY

SUPPORTING UNDOCUMENTED STUDENTS

A Public and Private Perspective

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UCI DREAM Center

SONALI'S STORY

The Impact of Effective Student Support



TERMINOLOGY

The terms driving the debate



TERMINOLOGY

- Undocumented
- DACA
- Dreamer
- Monarch Butterfly
- UndocuQueer, UndocuBlack
- AB540
- CA Dream Act
- Sanctuary City/State/Campus

HOW DID WE GET HERE?

Brief history of the undocumented immigrant youth movement



- 1994 California Proposition 187
- 2001 California AB540 Enacted
- 2001 First introduction of Federal DREAM Act
- 2010 National May Day Immigrant Youth Protests
- 2011 CA DREAM Act Enacted
- 2012 DACA Issued
- 2014 Expansion of DACA and Creation of DAPA
- 2016 Legal Challenge to DACA+ and DAPA led by Texas, split decision by SCOTUS affirms lower court denial
- 2017 Trump Administration rescinds DACA, bowing to pressure from coalition of states led by Texas
- 2018 Current federal litigation regarding the future of DACA as well as legislative attempts to replace program
- 3.6 million undocumented youth and 700,000+ DACA recipients wait in limbo

DACA PROTECTIONS

What is at stake



DACA PROTECTIONS

1. Protection from Deportation

2. Employment Authorization & Social Security Number

3. Advanced Parole Travel Opportunities

“Have continuously resided in the United States since June 15, 2007, up to the present time”

One way or another, we are living in a post-DACA world.

NON-DACA YOUTH

83% of undocumented youth in the country are non-DACA

Non-DACA youth lack:

- Protection against deportation
- The ability to lawfully work
- A federally recognized driver's license
- Easy access to banking, loans, and credit cards
- Student aid
- The goodwill and attention received by DACA recipients



THE FUTURE OF DACA

What we know and do not know

CURRENT COURT CASES

Regents of the University of California, et al. v. Department of Homeland Security, et al.

On January 9, 2018, Judge William Alsup of the U.S. District Court for the Northern District of California issued a preliminary injunction requiring the federal government to maintain the Deferred Action for Childhood Arrivals, or DACA, program on a nationwide basis by allowing individuals to submit applications to renew their enrollment in DACA, subject to a few exceptions. The parties have already briefed their arguments, and the Ninth Circuit will hear oral arguments on May 15, 2018, in Pasadena, Calif.

Batalla Vidal, et al. v. Nielsen, et al., and State of New York, et al. v. Trump, et al.

On Feb. 13, 2018, a U.S. district court in Brooklyn, New York, issued a second preliminary injunction requiring USCIS to accept DACA applications from people who have had DACA previously.[13] The preliminary injunction was the same in scope as the order from the U.S. district court in California. The court in New York held that there was a substantial likelihood that the plaintiffs would prevail on their claim that the Trump administration ended DACA in a way that was arbitrary and capricious, and therefore unlawful.

CURRENT COURT CASES

CASA de Maryland, et al. v. Dept. of Homeland Security, et al.

On March 5, 2018, the U.S. District Court for the District of Maryland issued an opinion in *CASA de Maryland v. Trump* dismissing most of the plaintiffs' claims in that case, including the claim that the DACA termination was unlawful. However, the court did grant a nationwide preliminary injunction to DACA recipients on their claim regarding the sharing and usage of the information DACA recipients have provided to the government when applying for DACA.

NAACP v. Trump, et al., and Trustees of Princeton, et al. v. United States of America, et al.

On April 24, 2018, Judge John Bates of the U.S. District Court for the District of Columbia issued a final judgment that (a) grants, in part, summary judgment in favor of Deferred Action for Childhood Arrivals (DACA) recipients and organizations that sued to reverse the Trump administration's termination of the DACA program and (b) orders that the memorandum terminating the program be vacated. The order was issued in *NAACP v. Trump* and *Princeton v. Trump*, two cases that the court related to each other such that the order applies to both. Critically, the court also stayed (or paused) its own order for 90 days to allow the government to come up with a better explanation than the one it presented to the court for why it ended DACA.

PENDING LEGISLATION TO REPLACE DACA

- BRIDGE Act (H.R. 496)²
- Recognizing America's Children (RAC) Act (H.R. 1468)³
- 2017 Dream Act (S. 1615 & H.R. 3440)⁴
- Hope Act (H.R. 3591)⁵
- SUCCEED Act (S. 1852)⁶

SUPPORTING & SERVING STUDENTS

From both a public and private perspective



WHAT UNIVERSITIES CANNOT DO

- Promise complete protection from immigration enforcement
- Violate federal labor law
- Violate federal privacy laws
- Violate federal or state laws regarding student aid and funding

WHAT UNIVERSITIES CAN DO

- Understand and connect with their undocumented student population
- Identify resources on campus that are available regardless of immigration status and streamline access
- Identify resources on campus that are restricted by immigration status and examine alternatives
- Create opportunities for community building amongst undocumented students
- Develop in-house capacity or outside relationships to provide students with legal assistance
- Have a protocol in place for institutional response to immigration enforcement actions
- Do not reinvent the wheel, partner with others

PRIVATE UNIVERSITIES

In private institutions, DACA recipients are largely reliant on unrestricted institutional aid, private loans, or scholarship programs that use private funds—aid sources that will not be affected if DACA was to end. Higher-education leaders at many private universities have been reminding their students of these options; in a letter to the Harvard community after Trump’s announcement on ending the program, for example, President Drew Faust wrote that “the University will maintain its existing financial aid policies, which provide funding to students without reference to immigration status.”

PUBLIC UNIVERSITIES

Public institutions are bound by state laws and policies regarding tuition rates and access to student aid. Public institutions are also subject to state laws regarding actions of state employees and entities vis-à-vis federal immigration enforcement actions.

In California the most important laws impacting public institutions are:

- AB540
- CA DREAM Act
- CA DREAM Loan Program, SB1210
- CA Values Act, SB54

EXISTING RESOURCES TO LOOK TO

- Emergency financial grants
- Experiential learning opportunities that come with a scholarship or stipend
- Affordable on-campus housing options or programs
- Food security assistance
- Book loan programs
- No-cost tutoring programs
- Departmental scholarships and grants
- Career development office
- Entrepreneurship programs and Grad School preparation programs
- Social workers and academic counselors
- First-gen support programs
- Faith leaders on campus
- Mental health and wellbeing services
- Law clinics or law student volunteer programs
- Domestic “study abroad” opportunities
- University advancement

ENFORCEMENT ACTIONS

Know your rights



KNOW YOUR RIGHTS

What do immigrants and others impacted need to know? Everyone has basic rights, regardless of status.

- You have the right to remain silent. You may refuse to speak to immigration officers.
- You have the right to speak with a lawyer. Before you sign anything, talk to a lawyer.
- Carry a know-your-rights card and any valid U.S. immigration document you have.
- Do not open your door to immigration officers unless they show you a warrant signed by a judge. If the officers say they have a warrant, ask them to slip it under the door or to place it against a window so you can verify its accuracy.
- If you have lawfully present or U.S.-citizen children or relatives, health problems, or other factors that may cause you or your family to suffer if you are detained, tell this to the immigration officer if it appears that they're going to detain you.
- Learn more about your rights, visit the websites of the National Immigration Law Center (NILC) and the Immigrant Legal Resource Center (ILRC)
- Report and document raids and arrests. Call United We Dream's hotline to report a raid:1-844-363-1423.



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