

To: The Miami University Community, via the Miami University Board of Trustees,
President Greg Crawford and Provost Phyllis Callahan

From: The Sanctuary Petition Working Group:
Kenya Ash, Director of the Office of Equity and Equal Opportunity
Mike Curme, Associate Vice President for Student Affairs and Dean of Students
Pete Haverkos, Senior Assistant Dean- Regional Campuses
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As you know, on November 30, 2016, Miami received a petition signed by approximately 350 faculty, staff, students and alumni requesting that we declare the University a “sanctuary” campus, and take additional steps to support undocumented students and students who hold Deferred Action for Childhood Arrivals (DACA) status. Miami is one of over 200 college and universities to receive such a petition since the election.¹ Specifically, the petition asked Miami University to:

1. *Declare our campus a sanctuary for undocumented and Deferred Action for Childhood Arrivals (DACA) students, staff and their family members who face imminent deportation.*
2. *Develop a protocol to “instate itself as a sanctuary campus.”*
3. *Specific requests:*
 - *Guarantee student privacy by refusing to release information regarding the immigration status of our students and community members. Refuse to comply with immigration authorities regarding deportations or raids.*
 - *Assign a specific office and specific administrators who will assist our DACA students and other students who lack the privilege of citizenship on a strictly confidential basis.*
 - *Guarantee that this same office shall be charged with pursuing funding for all students who lack citizenship.*
 - *Guarantee in-state tuition to students previously awarded DACA recipients.*
 - *Assure that all students receive a campus, classroom, and community experience free of hostilities, aggressions, and bullying.*

Dr. Ron Scott provided the University’s initial response to the petition. Dr. Scott’s response was:

Miami University is committed to the development, growth and success of all of our students, without regard to national origin, race, ethnicity or any other characteristic that makes them unique.

DACA is a federal program that permits persons who came to the United States as children to remain in the country. For those who meet the requirements, DACA provides an opportunity for

¹ https://docs.google.com/spreadsheets/d/1fHOHRFxzo_Pp85rR_58ug4rMv9WODPDmRLK0dP2FT-k/edit#gid=0

them to pursue success through determination, hard work and study. Colleges and universities, like Miami, have always provided refuge through education for immigrants and others seeking to better themselves.

REVIEW OF INFORMATION

In developing our report, the Working Group gathered the following information and materials:

DACA

DACA is a federal program that permits persons who were brought into the United States illegally as children (under 16) and have lived in the US for at least five years to obtain deferred action status.² This order permits persons to provide documentation and pay a fee that will enable them to work or go to school. DACA status protects holders from being placed in deportation proceedings. Approximately 750,000 persons have been granted DACA temporary status.

Miami University has long supported DACA. Former President Hodge sent a letter in June of 2013 to Senator Sherrod Brown urging support and expansion of the DREAM Act. President Crawford recently joined with other presidents of Ohio's public universities in a letter to U.S. Senators Brown and Portman urging continued support for DACA. DACA students are eligible for in-state tuition via a 2013 memorandum from the Ohio Board of Regents (now known as Ohio Department of Higher Education).³

Because DACA was created by order of Homeland Security, there have been concerns the new Trump administration will overturn or rescind the order. On Capitol Hill, a bipartisan group of senators, Lindsey Graham (R-SC), Dick Durbin (D-IL), Lisa Murkowski (R-AK), Dianne Feinstein (D-CA), Jeff Flake (R-AZ), and Chuck Schumer (D-NY) introduced legislation that would essentially extend the DACA program for three years. The BRIDGE Act, S. 3542, would provide for temporary relief of deportation and work authorization as provided by DACA presently. The APLU (of which Miami is a member) released a [statement](#) of support for the legislation and is working closely with the sponsors to support passage. Paul Ryan, Speaker of the House, affirmed support for DACA during a town hall meeting on January 12, 2017, and promised there will be no mass deportation of those who hold DACA status.

Sanctuary Campuses

Sanctuary petitions seeking various outcomes have been circulated at hundreds of college and university campuses across the country. A list can be found [here](#):

There is no legal definition of or status for a sanctuary campus. Such a declaration does not provide any substantive protections for DACA students, undocumented students or their families. As of today, most campuses have not responded to sanctuary petitions; many are reportedly taking a wait-and-see approach. Of those who have responded, the vast majority have declined to declare their campuses a sanctuary campus. Reasons include concerns over the fact that such a declaration may offer a false sense of security.

Law professor Michael Olivas, who is currently serving as Interim President of the University of Houston, has written that the notion of declaring a university a sanctuary campus is misguided. The term 'sanctuary' he said in an interview is "completely devoid of legal significance." He argues that those who want to help DACA students should direct them toward organizations that have worked to support them and should push Congress to take up election reform.⁴ According to press reports, the vast majority of universities that have received sanctuary petitions have affirmed their support of DACA students but only

² <https://obamawhitehouse.archives.gov/blog/2012/08/15/deferred-action-childhood-arrivals-who-can-be-considered>

³ July 31, 2013 Memorandum from Michelle Chevanne, Assistant General Counsel, Ohio Board of Regents

⁴ Uncharted Waters for Higher Education in the Trump Era, The Chronicle of Higher Education, January 17, 2017

a small minority have adopted the sanctuary declaration.⁵ At least one state, Georgia, is considering legislation to ban sanctuary polices or rules prohibiting colleges and universities from cooperating with law enforcement offices on immigration matters.⁶

SEVIS and Other Immigration Assistance

The Student and Exchange Visitor Program (SEVP) is the Department of Homeland Security (DHS) program that administers the Student and Exchange Visitor Information System (SEVIS). Miami University participates in SEVIS in order to bring thousands of international students to campus each year. SEVIS ensures that government agencies have essential data related to nonimmigrant students and exchange visitors to preserve national security. SEVP provides approval and oversight to schools authorizing them to enroll nonimmigrant students and gives guidance to both schools and students about the requirements for maintaining their status. Students must be enrolled full-time (12 hours at the undergraduate level and 9 hours for graduate students). If a student falls out of status (e.g. drops below full-time), they are subject to deportation. SEVP also allows international students to work full-time following graduation on OPT or OPT-STEM.

The Office of International Students and Scholar Services supports our international students and visitors ensuring appropriate immigration status is maintained. The Office of General Counsel provides employment related immigration services for hundreds of faculty and staff members.

The USCIS Fraud Detection and National Security (FDNS) officers routinely conduct unannounced site visits to follow up on information provided in H-1B petitions. Under the Administrative Site Visit and Verification Program (ASVVP), officers randomly select petitioners to visit after USCIS has approved their H-1B petitions. Site visits may occur at the beneficiary's work or the petitioner's headquarters, as indicated on the I-129. The site inspector will typically verify that the petitioning organization exists, verify the information provided in the petition, take photographs, review documents, and interview the beneficiary, supervisors, and other personnel within the petitioning organization. The site inspector will document findings in a Compliance Review Report and submit it to USCIS for evaluation. If the inspector suspects fraud, USCIS may conduct further investigations, issue a Notice of Intent to Revoke the H-1B petition, or refer the case to the Department of Labor (DOL) or to Immigration and Customs Enforcement.

Lastly, all employees must complete a federal I-9 form within three days of beginning employment to establish legal authority to work in the United States. Cooperation with federal immigration authorities during an I-9 audit can substantially mitigate any potential fines associated with I-9 violations.

Immigration Enforcement

In October 2011, the US Immigration and Customs Enforcement (ICE) issued a directive to its field agents restricting them (generally) from conducting enforcement actions at or focused on sensitive locations, which includes colleges and universities. The memo states in part that:

*The enforcement actions covered by this policy are (1) arrests; (2) interviews; (3) searches; and (4) for purposes of immigration enforcement only, surveillance. Actions not covered by this policy include actions such as obtaining records, documents and similar materials from officials or employees, providing notice to officials or employees, serving subpoenas, engaging in Student and Exchange Visitor Program (SEVP) compliance and certification visits, or participating in official functions or community meetings.*⁷

⁵ <https://www.yahoo.com/news/while-undocumented-students-fight-create-164816718.html>

⁶ <http://www.ajc.com/news/state--regional-govt--politics/georgia-lawmaker-seeks-ban-sanctuary-policies-private-colleges/7cH6bAVO2q6nw9n08ArzJI/>

⁷ <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>

There has never been large-scale immigration enforcement on U.S. campuses," Stephen Yale-Loehr, Professor of Immigration Practice at Cornell University told *Mashable*, citing a yet-to-be-published article he wrote with Dan Berger. "There have been individual actions. Therefore, it is not clear what form such action might take, and what kind of court challenges would be successful."⁸

Law Enforcement and Applicable Laws

Several law enforcement agencies have jurisdiction to enforce the law on Miami's public campuses. These include, but are not limited to the State Highway Patrol, Butler County Sheriff, Oxford City Police and the Miami University Police Department. Miami University Police do not question individuals about their immigration status and do not detain someone solely because they cannot provide proof of legal residency. The University has no authority or control over other law enforcement agencies.

It is important to note two significant federal immigration laws. Harboring an illegal alien is a federal crime that carries a term of imprisonment and fines (See 8 U.S.C.1324). Perhaps more significantly, federal law (8 U.S.C. 1373) prohibits the University from restricting any person from communicating or exchanging information with the Immigration and Naturalization Service (now United States Citizenship and Immigration Services-USCIS).

In addition, federal law enforcement agencies have jurisdiction throughout the United States. The Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) have broad law enforcement authority. There are many immigration actions that ICE pursues that have significant value including pursuing those who have committed human rights abuses such as torture and human trafficking. ICE trains and employs injured veterans in its HERO program to help track and prosecute child predators and child pornographers.

As a practical matter, the University does not have the legal authority to bar ICE officials from coming onto University property.

Based on our review, the Sanctuary Petition Working Group:

1. Affirms Miami's commitment to the success of all of our students without regard to citizenship, national origin, race, ethnicity or other characteristic that makes them unique.
2. Affirms the University's values of diversity and inclusive excellence and our commitment to those principles through personal conduct and in our policies and procedures. Each of us has the right to feel safe, to be respected, and to be able to learn and grow as an individual irrespective of race, religion, gender, national origin or other protected characteristic.
3. Affirms the University's continuing support of DACA and supports The BRIDGE Act, S. 3542, which would provide for temporary relief of deportation and work authorization as provided by DACA presently.
4. Affirms the University's continuing support of DACA students and undocumented students and reaffirms their entitlement to all of the rights and privileges of students at Miami University.
5. Affirms the University's commitment to making Miami University financial aid available to students regardless of national origin or citizenship status. The Office of Student Financial Assistance has designated Ms. Beth Johnson to support DACA and undocumented students.

⁸ <http://mashable.com/2016/12/13/sanctuary-campus-movement-struggling/#r08674p|Aiq3>

6. Affirms the University's practice of classifying qualifying Ohio DACA students as Ohio residents for in-state tuition and record keeping purposes.
7. Affirms the University's practice of not identifying or tracking DACA or undocumented students.
8. Affirms the University's commitment to taking the privacy rights of our students seriously, including requiring a warrant or valid court order before confidential student information is released to external law enforcement agencies. The University does not release confidential student information except as permitted by law (FERPA).
9. Affirms that Miami University Police are not responsible for enforcing federal laws including federal immigration laws and MUPD's longstanding practice of not questioning individuals about their immigration status and not detaining persons solely because they cannot provide proof of legal residency.

In addition, the Working Group plans to:

- Organize an information session on DACA with local immigration attorneys on the Regional Campuses;
- Create a Q & A for undocumented and DACA students;
- Ensure the Office of Multicultural Services on the Regional Campuses and the Office of Diversity Affairs on the Oxford campus have the appropriate informational resources to support undocumented students including undergoing UndocuAlly training (see e.g., <http://www.usf.edu/student-affairs/multicultural-affairs/programs/undocually.aspx>);
- Direct students who may need free or low-cost immigration legal assistance to www.ImmigrationLawHelp.org; and
- Continue to engage with others universities as the discussions of these important issues evolve and move forward.

We appreciate the opportunity to gather and review materials and information to report about these important issues.