



The State University
of New York

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To: Presidents, State-operated campuses
From: Joseph B. Porter *JBP*
Senior Vice Chancellor for Legal Affairs and General Counsel
Date: November 23, 2016
Re: Immigration Law and Sanctuary Campus Questions

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In the recent weeks, there have been calls for SUNY campuses to declare themselves “sanctuaries” in response to concerns about potential future federal action in the area of immigration. To date, it is unclear how federal immigration law and enforcement may change, if at all. While the concept of a “sanctuary campus” has not been defined, some believe that one could include the following elements:

- That the campus will not enforce federal immigration laws;
- That the campus will not facilitate nor consent to immigration enforcement activities on campus property;
- That the campus will not assist Immigration and Customs Enforcement in the investigation of the immigration status of its students, faculty, or staff;
- That the campus will not share student information, such as immigration status, with the federal government;
- That the university police will not assist with the deportation of students based purely on their immigration status; and
- That the campus will not discriminate in admission on the basis of immigration status.

While we are monitoring this issue, it is important to emphasize that the current status of federal immigration law and enforcement activities¹ has not changed. The University is aware of proposed but unspecified changes in a new administration, but there is not yet a concrete proposal by the President-elect for a different federal approach to documented and undocumented immigrants. While the University continues to support the Deferred Action for Childhood Arrivals (DACA) program which temporarily protects undocumented students with no criminal history from deportation, it is premature to make any definitive statements in response to future unspecified statutory or regulatory changes. In the event a concrete proposal for change emerges in the new administration, the SUNY Board of Trustees will

¹ A 2011 memo from U.S. Immigration and Customs Enforcement designates college campuses as “sensitive locations,” meaning that enforcement actions (*i.e.* arrests, searches, interviews, and surveillance) cannot occur or be focused on college campuses unless: (a) exigent circumstances exist; (b) other law enforcement actions have led officers to campus; or (c) prior approval is obtained. The memo is available at <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>.

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carefully evaluate the proposal in anticipation of a System-wide approach to addressing the matter at that time.

There have been a number of inquiries as to what actions, if any, Presidents may take in response to campus concerns about this issue. While Presidents do not have the independent legal authority to declare their campuses “sanctuaries,” they may certainly take this opportunity to reinforce SUNY’s strong commitment to the values of diversity, equity, and inclusion.

Presidents may also direct staff to remind students of the resources and services available on their particular campuses. Students may be encouraged to consult with their campus international student and scholar services (ISSS) representative if they have questions about travel or other concerns relating to this issue.

Also, U.S. Citizenship and Immigration Services (USCIS), a bureau of the Department of Homeland Security (DHS), offers two sites to help individuals find free or low-cost legal representation:

- **USCIS Find Help in your Community** Webpage: <http://www.uscis.gov/citizenship/learners/find-help-your-community>
- **USCIS Find Legal Services** Webpage: <http://www.uscis.gov/avoid-scams/find-legal-services>
- The Board of Immigration Appeals (BIA) provides a listing of attorneys who provide immigration services either free or for little cost: <http://www.justice.gov/eoir/probono/states.htm>
- The American Immigration Lawyers Association (AILA) offers an online Immigration Lawyer Referral Service that can help a student find an immigration lawyer: <http://www.ailalawyer.org/>
- The American Bar Association provides information on finding legal services by state: <http://apps.americanbar.org/legalservices/findlegalhelp/home.cfm>

Please contact your campus counsel with specific questions. All media inquiries should be referred to Holly Liapis (518-320-1311, Holly.Liapis@suny.edu).

CC: Chancellor Nancy L. Zimpher
Chancellor’s Cabinet
Government Relations
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