

UNIVERSITY OF CONNECTICUT

SUPPORTING UNDOCUMENTED STUDENTS AT UCONN

Information current as of December 2016

- Speculation about potential widespread deportation of undocumented immigrants, including those brought here as children by their families, has prompted questions among undocumented UConn students and others on campus.
 - Students, faculty and staff have asked the University to take specific measures to ensure that UConn remains a safe and secure environment for all of our students, including those who are undocumented.
 - The University has studied the issues and President Herbst shared its findings [in a university-wide message](#) on December 6, 2016, and will continue to keep abreast of developments that may affect UConn and its students, faculty and staff.
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Questions and Answers

Q: What support does UConn offer to undocumented students?

A: UConn admits academically qualified students regardless of their immigration status and will continue to do so.

UConn students receive access to all campus services regardless of immigration status, including a One Card for photographic identification purposes; participation in programs at the Cultural Centers and other units; confidential counseling through Counseling & Mental Health Services; academic support through the Center for Excellence in Teaching and Learning and our regional campus Academic Centers; and all other University programs and services. Individualized needs and assistance are assessed on a case-by-case basis.

Many other offices within the Division of Student Affairs, including Residential Life and the Dean of Students Office, also offer support services in the context of the student experience. UConn's Cultural Centers and student institutes such as El Instituto actively engage on the complexity of issues faced by underrepresented students, including undocumented students.

UConn has and continues to classify qualifying undocumented students who live in the state of Connecticut as in-state students for tuition purposes as permitted under Connecticut state law. Out-of-state students, regardless of their immigration status, are charged out-of-state rates.

UConn continues to advocate in support of state legislation that would provide institutionally funded financial aid to qualifying undocumented students.

Connecticut Students for a Dream has provided training to several UConn student services offices to help our administrators and staff understand and support the unique needs of undocumented students. UConn will expand the offices that receive training.

Affected students are encouraged to reach out to Joelle Murchison, our Associate Vice President and Chief Diversity Officer, as a first-level contact to assist in navigating individual student questions and circumstances.

Joelle A. Murchison
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Q: What is DACA?

A: Deferred Action for Childhood Arrivals (DACA) is an executive order issued by President Barack Obama in 2012 that provides administrative relief from federal deportation laws and employment authorization to certain qualifying undocumented individuals who came to the United States as children before June 15, 2007. Because it is an executive order rather than a federal law or regulation, DACA can be revoked, modified or phased out at any time by the new presidential administration.

Q: I am a DACA student. What changes can I expect?

A: It is important that DACA students work closely with personal immigration counsel to take all reasonable precautions as related to their personal circumstances. For resources to help find immigration legal assistance, please see <https://www.immigrationlawhelp.org> and <http://www.ct4adream.org/>.

In general, and in accordance with the information currently available, DACA students should not expect any aspect of their engagement with UConn to change. UConn will update this response if and when new information becomes available.

If you are a DACA student in an academic program that requires employment authorization to complete elements of your program, such as a paid internship or residency training, you should monitor developments related to your employment authorization closely.

In the event that DACA students lose employment authorization, UConn will take reasonable steps to accommodate affected students in the completion of their studies or explore alternate requirements or courses of study as appropriate. If DACA graduate students were to lose their employment authorization, they could not continue to hold paid Graduate Assistantship positions with UConn.

Q: I am a DACA student. Can I study or travel abroad?

A: Under DACA, some students have hopes of obtaining advance parole documentation that will enable them to travel abroad and even participate in Education Abroad programs or other sports and student activities programming abroad. With the change of presidential administration, UConn is not recommending that any DACA student depart the United States, even for participation in an approved Education Abroad program, because any change to the executive order that enacted DACA could impact the student's ability to return to the United States. In general, any DACA student traveling abroad should plan to return to the United States before January 20, 2017.

Q: I am a UConn faculty or staff member. What should I do if an immigration enforcement agent contacts me requesting information about a student?

A: All UConn faculty and staff members are reminded to adhere to all applicable laws and university policies, including the [Family Educational Rights and Privacy Act](#) (FERPA). Pursuant to FERPA, the education records of all students, regardless of immigration status, are protected from disclosure to outside parties. This includes students' addresses, class schedules, information on their family members, information on immigration status, and similar information.

Pursuant to UConn's [FERPA Policy](#), the University cannot release information from student education records to outside parties, including federal agents, without permission from the student, a judicial warrant, a subpoena, a court order or as otherwise permitted by law.

It is important to remember, however, that there are many reasons why federal agents may contact UConn or be on campus, including routine compliance matters connected to UConn's normal operations. The Department of Homeland Security and its enforcement agency, Immigration and Customs Enforcement (ICE), have broad authority, and UConn routinely cooperates with them on issues unconnected with undocumented students. For example, federal immigration officials may contact UConn staff or come to campus in connection with UConn's international student visa sponsorship and not for purposes of locating or detaining an undocumented student.

If a federal official approaches UConn personnel, those employees are directed to adhere to FERPA, and to contact the Office of the General Counsel for further guidance.

Residential Life is not required to provide immigration agents with access to dorms unless they have a valid criminal warrant issued by a court.

Q: What is the UConn Police Department's protocol concerning questioning and apprehending individuals based upon immigration status?

A: As articulated in the UConn Police Department's [Standard Operating Procedures](#) on Disclosure of Citizenship Status issued on December 2, 2016, UConn Police do not inquire about a person's immigration status. This includes crime victims, witnesses, or others who call or approach the police seeking assistance.

UConn Police do not detain any individual solely on the belief that he or she is not present legally in the United States, or that he or she has committed a civil immigration violation. UConn Police do not contact U.S. Immigration and Customs Enforcement (ICE) regarding any person, unless that person is arrested on a criminal charge as required by law. UConn Police do not detain persons pursuant to an ICE detainer or make arrests based on administrative ICE warrants absent an exigent public safety emergency.

These Standard Operating Procedures are new, but the practice is not. The UConn Police Department made the decision, in light of current immigration enforcement concerns, to formalize in writing its longstanding departmental practice regarding the inquiry and disclosure of immigration status.

In the event of an arrest or detention, the UConn Police may ask an individual if he or she is a U.S. citizen or a non-U.S. citizen for purposes of informing the individual's home country consulate. Some foreign consulates require state and local police to notify the consulate of the arrest of its nationals to permit foreign consular officials to assist its nationals in navigating the criminal charges. This occurs regardless of immigration status, documented or otherwise.

Understanding that identification of citizenship is distinct from identification of immigration status, UConn Police do not further inquire as to the status of the individual. Rather, the inquiry is limited to whether the individual is a U.S. citizen or a citizen of another country.

The UConn Police Department believes that this is good police and practice. UConn Police want all individuals to feel comfortable reporting a crime, cooperating with police or reaching out to the police for assistance. If undocumented individuals believe that reporting a crime, sharing information with the police or seeking help from the police could negatively impact them because of their immigration status, they are less likely to do so. That is not in the best interest of their safety or public safety generally, and it makes police officers' jobs more difficult.

The Standard Operating Procedures note that it is the responsibility of the federal government to enforce federal immigration law, not local police departments.

These Standard Operating Procedures apply to officers within the UConn Police Department at all UConn campuses. UConn Police do not extend to surrounding towns or resident state troopers assigned to the Town of Mansfield, or to officers for the cities and towns in which UConn's regional campuses are located.

Q: What is the difference between an ICE detainer and an arrest warrant?

A: In simplified terms, ICE officials issue administrative warrants for the arrest and/or removal of a non-U.S. national by ICE if the individual is suspected of violating immigration laws. ICE officials may then issue a civil immigration detainer, or "ICE detainer," for the individual. An ICE detainer serves to advise another law enforcement agency that ICE seeks custody of an individual for the purpose of further investigation or for actual removal of that person from the United States. An ICE detainer is a request from ICE and is not a court order.

State and local law enforcement are not obligated to enforce ICE detainers. In fact, Connecticut law, specifically General Statutes § 54-192h, prohibits state and local police from detaining individuals solely pursuant to an ICE detainer absent exigent circumstances.

In contrast, an arrest warrant is a legal order issued by a federal or state judge or magistrate that authorizes the arrest and detention of an individual after a determination that there is probable cause to believe that the person has committed a criminal offense. As required by law, UConn Police Department officers will serve, or assist in the service of, valid criminal arrest warrants.

Q: Should undocumented students fear being apprehended by Immigration and Customs Enforcement while on campus?

A: A 2011 ICE policy memorandum designated schools, including university campuses, as "sensitive locations" that should not be the focus of enforcement actions, including surveillance as well as interviews, searches and arrests, absent extraordinary or exigent circumstances. This policy was issued under the Obama presidential administration.

The University will advocate that this ICE policy continue under the new presidential administration, but such matters are beyond the University's control. UConn's public spaces are open to the general population, and the University does not have the ability to bar federal enforcement officials from the University's public spaces.

Residential spaces such as on-campus dorm rooms are considered private, and federal enforcement officials are not permitted in such spaces absent a valid criminal warrant or consent

from the resident. An administrative warrant alone does not permit ICE officials to enter private, residential spaces absent consent.

Q: Does the UConn Police Department have a cooperative agreement with the U.S. Immigration and Customs Enforcement or other federal agency to identify or assist in the enforcement of immigration laws?

A: No.

Q: Does the UConn Police Department assist victims of domestic violence with filing “U” visas for Victims of Criminal Activity?

A: Yes. Since 2013, the UConn Police Department has had Standard Operating Procedures for investigations of family violence involving persons with questionable immigration status. They include procedures for assisting a qualifying victim in filing paperwork in support of obtaining “U” non-immigrant status as a victim of criminal activity.

Q: What if an undocumented student is subject to an order of removal from the United States?

A: UConn has no legal ability to intervene in immigration court proceedings if a member of our community is detained or subject to an order of removal. Immigration court proceedings are federal administrative hearings.

UConn may write letters and conduct other advocacy in support of the student if the student is otherwise in good standing, to be submitted to the immigration judge for consideration during the removal hearing in the immigration court.

In the unfortunate event that a UConn student were to be subject to removal from the United States, UConn will take all reasonable steps within its power to ease the student’s transition.

Such steps and support will depend upon the individual student, his or her academic program and progress, and resources abroad, and will be evaluated on a case-by-case basis. Such support may include, but is not limited to, providing expedited readmission if the student can return to UConn; helping place the student with a foreign institution, including one of UConn’s global partner institutions; and guiding the student in continuing his or her studies through distance learning when available in the program of study. UConn administrators and academic advisors will work with an affected student individually to assess practical options and the best path forward.

Q: What more can I do?

A: Anyone who wishes to express a viewpoint on any state or federal policy or action may contact their elected representatives.

You may find your state representative, state senator, and members of Congress by searching at this site:

<https://www.cga.ct.gov/asp/menu/cgafindleg.asp>

For the Storrs campus, our state representative, state senator and Congressional representations are:

State Sen. Mae Flexer, D-Danielson

Legislative Office Building, Room 1800

Hartford, CT 06106-1591

Phone: 860-240-8634, or

Toll-free: 1-800-842-1420

To send an email: Flexer@senatedems.ct.gov

State Rep. Gregg Haddad, D-Mansfield

Legislative Office Building, Room 4027

Hartford, CT 06106-1591

Phone: 860-240-8585, or

Toll-free: 1-800-842-8267

To send an email: gregory.haddad@cga.ct.gov

U.S. Rep. Joe Courtney, D-Conn.

Norwich Office

55 Main Street, Suite 250

Norwich, CT 06360

Phone: (860) 886-0139

Fax: (860) 886-2974

To send an email: <https://courtney.house.gov/contact>

U.S. Sen. Richard Blumenthal, D-Conn.

Hartford Office

90 State House Square, 10th Floor

Hartford, CT 06103

Phone: (860) 258-6940

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To send an email: <https://www.blumenthal.senate.gov/contact>

U.S. Sen. Chris Murphy, D-Conn.

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120 Huyshope Avenue, Suite 401

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