

ASSOCIATED STUDENTS OF THE UNIVERSITY OF HAWAI‘I AT MĀNOA
2465 Campus Road, Campus Center 211A
Honolulu HI 96822

In the Senate
July 15, 2020

Senate Resolution 02-21
For First Reading

A RESOLUTION

Calling for the Declaration of the University of Hawai‘i Campuses as Sanctuary Campuses

BE IT ENACTED BY THE UNDERGRADUATE SENATE:

- WHEREAS,* the Associated Students of the University of Hawai‘i at Mānoa Senate is the elected body representing approximately 10,000 full-time classified undergraduate students; and,
- WHEREAS,* there are approximately 1,147 international students at the University of Hawai‘i at Mānoa, of which 800 are undergraduate students¹; and there are approximately 1,999 international students at University of Hawai‘i System campuses (the UH System)²; and,
- WHEREAS,* the University of Hawai‘i system hosts over 2,000 students with international or unknown residency statuses³; and
- WHEREAS,* on December 26th, 2016, President Lassner affirmed that the UH system “will afford our undocumented students protections under all applicable laws,” and that undocumented students “will continue to be extended all the rights, privileges and services available to our students, from application through graduation ”⁴; and
- WHEREAS,* the UHM Division of Student Affairs’ mission is to “foster the developmental, educational and career goals of students in a student-centered environment that encourages diversity and global awareness [...],” thus, the declaration of a Sanctuary System ensures that students can learn, grow, thrive, feel safe, and be supported in completing their education in the aforementioned environment that encourages diversity and global awareness⁵; and

¹ <https://manoa.hawaii.edu/about/>

² <http://manoa.hawaii.edu/miro/quick-facts/>

³ <https://www.hawaii.edu/about-uh/>

⁴ <https://www.hawaii.edu/news/2016/12/29/uh-affirms-commitments-to-undocumented-and-all-students/>

⁵ <http://studentaffairs.manoa.hawaii.edu/about/mission.php>

WHEREAS, a Sanctuary System is especially important for immigrants who are most vulnerable to enforcement actions, based on the current political climate including undocumented students, DACA students, families with mixed family status households, Muslims and other immigrant groups that vary based on geographic location; and

WHEREAS, the Tenth Amendment of the U.S. Constitution states that the powers not delegated to the United States by the Constitution are reserved to the States or to the people. Thus, the federal government cannot force states and localities to enforce federal immigration law⁶; and

WHEREAS, the U.S. Immigrations & Customs Enforcement’s (ICE) longstanding policy is to strongly discourage immigration enforcement actions – arrests, interviews, searches, and surveillance – from taking place in “sensitive locations,” including hospitals, places of worship, and educational institutions without pressing concerns or judicial warrant⁷; and

WHEREAS, on July 6th, 2020, the U.S. Immigration and Customs Enforcement (ICE)’s Student Exchange and Visitor Program (SEVP) announced modifications to temporary exemptions for nonimmigrant students taking online classes due to the coronavirus pandemic for the fall 2020 semester⁸; and,

WHEREAS, the ICE Directive mandated all international students enrolled in universities operating entirely online or those taking a completely online course load to voluntarily leave the United States or face immigration consequences including, but not limited to, losing their visa and deportation²; and,

WHEREAS, on July 14th, 2020, the Trump administration rescinded the aforementioned policy, reinstating the status quo that took effect in March which offered a reprieve to student visa holders, who are

⁶ https://en.wikipedia.org/wiki/Tenth_Amendment_to_the_United_States_Constitution

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

⁸

<https://www.ice.gov/news/releases/sevp-modifies-temporary-exemptions-nonimmigrant-students-taking-online-courses-during>

normally required to attend in-person classes to remain in the country⁹; and

WHEREAS,

on July 24th, 2020, the Student and Exchange Visitor Program (SEVP) issued a statement reaffirming March guidance, stating that SEVP will continue the flexibility it allowed in Spring and Summer 2020 for international students to enroll in either hybrid and online study; this flexibility exceeds the limit normally permitted by F-1 regulations of one online class per semester, however, new or initial students cannot enter the U.S. to begin a program that is 100 percent online¹⁰; and

WHEREAS,

on July 9th, 2020, President David Lassner condemned the ICE Directive in an email: “We view the new guidelines as unfair, harmful and inappropriate in the unpredictable situation we all face during this COVID-19 pandemic crisis. The federal government’s new guidance has created unnecessary fear and uncertainty for international students on our UH campuses and across the nation,”¹¹ but did not affirm that the UH system would not comply with ICE; and

WHEREAS,

in a 2016 statement declaring the protection of undocumented students, UH affirmed its commitment to not maintain lists of students by immigration status or national origin in accordance with FERPA, that the UH Department of Public Safety will not enforce immigration laws, and to not voluntarily support efforts to deport students based solely on their immigration status¹²; and

WHEREAS,

the rescission of the aforementioned policy was partly a result of a Harvard-MIT lawsuit calling for a permanent injunction against the administration’s new policy, followed by support from California’s public colleges and a coalition of 17 states¹³; and,

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<https://thehill.com/homenews/administration/507293-trump-administration-rescinds-policy-to-strip-visas-from-foreign>

¹⁰ <https://www.ice.gov/news/releases/ice-continues-march-guidance-fall-school-term>

¹¹

http://www.manoanow.org/kaleo/news/uh-president-david-lassner-responds-to-new-guidelines-for-international-students/article_6eb59f78-c292-11ea-a927-0b394f2a0c4e.html

¹² <https://www.hawaii.edu/news/2016/12/29/uh-affirms-commitments-to-undocumented-and-all-students/>

¹³ <https://www.cnbc.com/2020/07/14/fight-heats-up-over-foreign-student-ban-as-more-than-200-schools-join-in.html>

WHEREAS, eight American colleges and universities, including two public universities, have declared themselves Sanctuary Campuses, and other colleges and universities have affirmed or reaffirmed protective policies for undocumented and immigrant students¹⁴; and,

WHEREAS, on July 16th, 2020, the Graduate Student Organization of UH Mānoa released a resolution calling on the UH System “to become a Sanctuary System to protect our international, immigrant, and undocumented students, workers, and community members”¹⁵; now therefore

BE IT RESOLVED, the ASUH condemns the now rescinded xenophobic and discriminatory policies announced by the Immigration and Customs Enforcement; and,

BE IT RESOLVED, the ASUH recognizes that international, immigrant, and undocumented students play vital roles as contributors to the wellbeing and development of our UH communities and beyond; and

BE IT RESOLVED, the ASUH is committed to protecting the rights of international, immigrant, and undocumented students to live, learn, and work without fear and prejudice; and

BE IT RESOLVED, the ASUH recognizes that while the rescission of the policy brings about relief, the safety of international, immigrant, and undocumented students is not guaranteed until a system-wide designation is put in place to protect them from the erratic and xenophobic nature of ICE and the current administration; and

BE IT RESOLVED, the ASUH believes that declaring sanctuary status would make more concrete our commitment to keeping UH an open university to the world and would send an important symbolic message of support to our students, staff and community members; and

BE IT RESOLVED, the ASUH recognizes that a Sanctuary System benefits the entire UH community by making an institutional declaration that the University will stand by a set of common values that will not be debased by any state of exception, and that establishing UH as a Sanctuary System also assists those specially targeted for exceptional treatment by providing resources, succor, and legal assistance; and

¹⁴ https://en.wikipedia.org/wiki/Sanctuary_campus

¹⁵ https://docs.google.com/document/d/191w_O1DFRDmFqBPAw9JPOKYsD1FGfLzpUQ_vgTyW21s/edit

BE IT RESOLVED,

the ASUH believes that the designation of the University of Hawai‘i campuses as Sanctuary Campuses is the only robust way to ensure the protection of all international, immigrant, and undocumented students from threats to their safety and wellbeing; and

BE IT RESOLVED,

the ASUH firmly supports the petition started by members of the UH community which calls for the declaration of the University of Hawai‘i as a Sanctuary System¹⁶; and

BE IT RESOLVED,

the ASUH is committed to supporting grassroots organizing efforts that drove the effort to push for the rescission of ICE’s policies and that continue to protect international, immigrant, and undocumented students; and

BE IT RESOLVED,

the ASUH recognizes that the adoption of a sanctuary policy in the UH system would not guarantee blanket protections from DHS or ICE enforcement activities, and that schools cannot completely bar ICE activities from their property, however, educational institutions could ensure that they will do everything in their power to protect students and ensure that ICE agents aren’t entering school grounds without a valid judicial warrant; and,

BE IT RESOLVED,

The NYU Sanctuary Coalition outlines the possible concrete protections of declaring a Sanctuary Campuses as including, but not limited to, the following guidelines¹⁷; the ASUH recognizes that this definition of Sanctuary Campuses is external and not written by ASUH, but we affirm our support of it:

- refusing to share any information with Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), or other federal agencies to the fullest extent possible under the law
- refusing to allow ICE physical access to any buildings or land owned or controlled by the university to the fullest extent possible under the law;
- training campus security staff to respond to federal agents seeking access and instructing security staff to refuse to participate in the actions of any agency that deals with immigration regulation;

¹⁶ <http://chnng.it/GWTf5SKJy6>

¹⁷ <http://www.nyusanctuary.org/faq/>

[Report by Harvard Immigration Initiative & Cosecha Movement on how federal grants will NOT be affected by being a sanctuary campus](#)

- prohibiting campus security from inquiring about or recording any information regarding an individual's immigration status;
- distancing the System's investments from anti-immigrant measures by divesting from companies or funds that stand to profit from these measures, such as private prisons;
- prohibiting all housing discrimination based on immigration status or religious affiliation, and providing emergency housing for noncitizen students who cannot go home during academic breaks;
- providing access to competent and expanded legal support for noncitizen, Muslim, and LGBTQ students and staff, those with undocumented family members, and others rendered vulnerable by federal, state, or city orders that contravene the System's commitment to diversity, freedom, and equality;
- reaffirming current admission, tuition, and employment policies regarding international students, immigrant students, and undocumented students; and ensuring that any financial awards or employment given to these students are not withdrawn due to visa, immigration, or citizenship status complications; and,

BE IT FURTHER RESOLVED, the ASUH calls on the University of Hawai'i to hold itself accountable to its responsibilities of providing equitable education by protecting the rights and safety of international, immigrant, and undocumented students; and,

BE IT FURTHER RESOLVED, the ASUH does not speak on behalf of student governments of the other UH campuses but urge them to consider adopting a similar stance in support of the declaration of Sanctuary Campuses; and

BE IT FURTHER RESOLVED, the ASUH strongly urges the University of Hawai'i administration and President Lassner to designate the University of Hawai'i System as a Sanctuary System; and,

NOW, THEREFORE, BE IT FINALLY RESOLVED, that copies of this resolution shall be sent to: the University of Hawai'i Board of Regents Chair Benjamin Kudo and Members, President David Lassner, Provost Michael Bruno, Interim Vice Chancellor for Students Lori Ideta, the Graduate Student Organization, Ka Leo O Hawai'i, ASUH West O'ahu, ASUH Hawai'i Community College, ASUH Honolulu Community College, ASUH Kapi'olani Community College, ASUH Kaua'i Community College, ASUH Leeward Community College, ASUH Maui College, ASUH Windward Community College, and ASUH Hilo.

APPROVED AND ADOPTED BY THE 108TH SENATE ON THE 12TH OF AUGUST 2020