



DATE: March 28, 2019
FROM: Veena Prabhu, Academic Senate Chair
TO: Academic Senate
CC: Academic Senate Executive Committee
SUBJECT: ASCSU Resolution – Border Issues and Separation of Families: Impact on Students, Faculty and Staff in the CSU

The Academic Senate Executive Committee recommends that the Cal State LA Academic Senate endorse the overall ASCSU resolution titled “*Border Issues and Separation for Families: Impact on Students, Faculty, and Staff in the CSU*” and specifically strongly support the following “resolve” pertaining to DACA.

RESOLVED: That the ASCSU urge the CO and California Legislature to support the restoration of DACA with the pathway to Legal Permanent Resident status and streamlining of Advance Parole for undocumented students (<http://www.advanceparole.org/>);

Attached: ASCSU Resolution (AS-3362-19)

Note: Copies of this endorsement will be distributed to CSU Chancellor White, President Covino, Provost and Vice-President for Academic Affairs Mahoney, ASI President, CSSA, and to all CSU Campus Senate Chairs.

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-3362-19/AA/FA (Rev)
January 17-18, 2019

**BORDER ISSUES AND SEPARATION OF FAMILIES: IMPACT ON STUDENTS,
FACULTY AND STAFF IN THE CSU**

- RESOLVED: That the Academic Senate of the California State University (ASCSU) acknowledge that criminalizing immigration (crimmigration) continues to be a serious problem in California and the U.S., which creates a hostile cultural environment that undermines the capacity for teaching and learning of our immigrant students, faculty, staff and their families; and be it further
- RESOLVED: That the ASCSU recognize that the California State University has a moral and economic imperative to protect students and other campus constituents within the CSU; and be it further
- RESOLVED: That the ASCSU commend CSU Chancellor Timothy White's February 26, 2018 statement on the Supreme Court ruling supporting the decision to require a full appeal of the legal challenge to Deferred Action for Childhood Arrivals (DACA), as well as his letter to CSU faculty, staff and students on November 17, 2016 that stated that the CSU will not enter into agreements with law enforcement agencies, and that CSU university police departments will not honor immigration hold requests, or contact, detain, question or arrest individuals on the basis of lacking documentation; and be it further
- RESOLVED: That the ASCSU acknowledge the U.S. Immigration and Enforcement Policy Memorandum by John Morton, Director on "Enforcement Actions at or Focused on Sensitive Locations" (October 24, 2011) that states that colleges are a sensitive location (<https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>); and be it further
- RESOLVED: That the ASCSU request that the Chancellor's Office (CO) collaborate with campuses, California State Student Association (CSSA), the CFA and staff unions to track the impact of crimmigration on students, faculty and staff by disaggregating variables related to crimmigration in previous campus climate studies and adding variables to future studies in order to examine the effects of crimmigration on the mental health, well-being and academic performance of immigrant students, faculty and staff; and be it further
- RESOLVED: That the ASCSU request that the CO commit to providing and strengthening student support services that are adequate to meet the needs of members of immigrant communities, including mental health services, undocumented student services and ally trainings, and legal assistance/guidance, and gather a database of these resources to support immigrant students, faculty and staff

who are negatively impacted by issues related to crimmigration, and help these resources provide a network of support; and be it further

RESOLVED: That the ASCSU urge the CO and California Legislature to support the restoration of DACA with the pathway to Legal Permanent Resident status and streamlining of Advance Parole for undocumented students (<http://www.advanceparole.org/>); and be it further

RESOLVED: That the ASCSU distribute this resolution to the CSU Board of Trustees, CSU Chancellor, CSU campus Presidents, CSU campus Senate Chairs, CSU campus Senate Executive Committees, CSU Provosts/Vice Presidents of Academic Affairs, CSU Vice Presidents of Student Affairs, California Faculty Association (CFA), California State Student Association (CSSA), Undocumented student campus support centers, Emeritus and Retired Faculty and Staff Association (ERFSA), President of the United States, Governor of California, and Legislative Leadership.

RATIONALE: *The establishment of the Department of Homeland Security in 2001 shifted the U.S. toward crimmigration (Stumpf, 2006): the detention and prosecution of immigrants through immigration detention centers and the criminal justice system. Crimmigration criminalizes undocumented and unauthorized immigrants, and immigrant communities as a whole. The government's approach to charging these entry-related offenses imposes heavy costs on migrants, legally immigrated people and the federal government. With high conviction rates for these federal offenses, many migrants are subjected to mandatory incarceration in federal prisons for extended periods of times— months or longer. These convictions can impede their current and future attempts to migrate lawfully or obtain asylum. For the government, these prosecutions are an extremely costly use of law-enforcement resources and have no demonstrated deterrent effect on future migration (<https://www.gao.gov/assets/690/682074.pdf>).*

The current U.S. Presidential Administration has further criminalized immigration policies and practices and escalated law enforcement tactics that are causing great cruelty, including the separation of families and deaths of young children. These policies include the rescission of DACA, EO 13767 Border Security and Immigration Enforcement Improvements, EO 13768 Enhancing Public Safety in the Interior of the United States and EO 13769 Muslim Ban and Zero Tolerance Policies, all of which have deleterious effects on asylum seekers. In fact, thousands more children were separated from their families than the 3,000 originally reported by the Federal Government because the separation practice began before the Zero Tolerance Policy was announced and the required accounting began (<https://www.nytimes.com/2019/01/17/us/family-separation-trump-administration-migrants.html>).

These policies are harsher than those established since the Department of Homeland Security was established because (a) prosecutorial discretion was eliminated, (b) the growth of private for-profit prisons are now being used to incarcerate undocumented people, (c) ICE

enforcements prior to 2014 were directed toward individuals with aggravated felonies, significant misdemeanors and gang-related convictions; now ICE enforcements deport anyone who initially entered the country without permission, anyone with a final removal, anyone charged with any criminal offense where such charge has not been resolved, anyone who commits acts that constitute a chargeable offense, (d) despite the fact that we are currently dealing with a 45-year low in the number of unauthorized crossing at the southern U.S. border (<http://www.pewhispanic.org/2018/11/27/u-s-unauthorized-immigrant-total-dips-to-lowest-level-in-a-decade/>), the current administration is making false claims and outright deception to falsely inform the country that there is a surge in unauthorized crossings.

Despite clear evidence that immigrants are less likely to cause crime, the myth that all immigrants are all criminals persists. The vast majority of those removed as “criminal aliens” are removed for non-violent offenses; the crime rate in the U.S. have been declining, and unauthorized immigration rates from Latin American countries have been declining https://scholarship.law.uc.edu/cgi/viewcontent.cgi?article=1256&context=fac_pubs.

Crimmigration as a field of scholarship and law, analyzes the merging of criminal and immigration norms that have marked various legal regimes worldwide during the last few decades. In the U.S., crimmigration law consists of three areas: 1) Expanded number of crimes that can lead to immigration problems. 2) Increasing amount of migration-related activity that can and does lead to criminal prosecution. 3) there are uniquely harsh methods of regulating the lives of migrants that cannot realistically be described as criminal law enforcement or civil immigration law enforcement techniques as have been traditionally understood in those categories.

Sources:

Bialik, K. (January 8, 2019). Border apprehensions increased in 2018—especially for immigrant families. Pew Research Center. <http://www.pewresearch.org/fact-tank/2019/01/16/border-apprehensions-of-migrant-families-have-risen-substantially-so-far-in-2018/>

Garmlich, J. (January 16, 2019). How Americans see illegal immigration, the border wall and political compromise, Pew Research Center. <http://www.pewresearch.org/fact-tank/2019/01/16/how-americans-see-illegal-immigration-the-border-wall-and-political-compromise/>

Jordan, M. (January 17, 2019). Family Separation May Have Hit Thousands More Migrant Children Than Reported.

<https://www.nytimes.com/2019/01/17/us/family-separation-trump-administration-migrants.html>

Passel, J.S. & Cohn, D. (November 27, 2018). U.S. Unauthorized Immigrant Total Dips to Lowest Level in a Decade. <http://www.pewhispanic.org/2018/11/27/u-s-unauthorized-immigrant-total-dips-to-lowest-level-in-a-decade/>

*Stumpf, J. (2006). The Crimmigration Crisis: Immigrants, Crime, and Sovereign Power, American University Law Review, 6(2).
<https://digitalcommons.wcl.american.edu/aulr/vol56/iss2/3/>*

*Advocates, Directly Impacted Communities Organize National Week of Action to End Southeast Asian Deportations, Southeast Asia Resource Action Center (SEARAC):
<https://www.searac.org/our-voices/press-room/advocates-directly-impacted-communities-organize-national-week-of-action-to-end-southeast-asian-deportations/>*

Source: Elena Macias, Ph.D., MSW, Emeritus Professor, CSU Dominguez Hills.

*César Cuauhtémoc García Hernández defines crimmigration:
<http://crimmigration.com/2015/09/17/defining-crimmigration-law-part-1/>.*

February 26, 2018 Chancellor White Statement: <https://www2.calstate.edu/csu-system/news/Pages/Chancellor-White-Statement-on-DACA-February-26-2018.aspx>.

The State of Black Immigrants in California: Black Alliance for Just Immigration (BAJI) <http://stateofblackimmigrants.com/>

*Top 10 Migration Issues of 2018, Migration Policy Institute,
<https://www.migrationpolicy.org/programs/migration-information-source/top-10-migration-issues-2018>*

Approved Unanimously – March 14-15, 2019

<i>Total AB540 Student Enrollment by Campus and Residence Fee Status - Fall 2018</i>		<i>Total AB540 Undocumented Student Enrollment by Campus and Citizenship - Fall 2018</i>	
Campus	Residence Fee Status	Campus	Citizenship
	D (AB540)		N (Non-U.S. citizen, undetermined status or no visa required because not entering U.S.)
Bakersfield	318	Bakersfield	225
CalstateTEACH	0	Channel Islands	116
Channel Islands	134	Chico	185
Chico	395	Dominguez Hills	520
Dominguez Hills	619	Fresno	327
Fresno	761	Fullerton	1,019
Fullerton	1,067	East Bay	323
East Bay	387	Humboldt	55
Humboldt	84	Long Beach	841
International Programs	0	Los Angeles	1,262
Long Beach	949	Maritime Academy	-
Los Angeles	1,357	Monterey Bay	185
Maritime Academy	4	Northridge	637
Monterey Bay	213	Pomona	722
Northridge	1,423	Sacramento	620
Pomona	775	San Bernardino	312
Sacramento	743	San Diego	245
San Bernardino	728	San Francisco	593
San Diego	359	San Jose	340
San Francisco	762	San Luis Obispo	160
San Jose	690	San Marcos	337
San Luis Obispo	190	Sonoma	207
San Marcos	337	Stanislaus	307
Sonoma	243	Total (AB540 - Undocumented)	9,538
Stanislaus	326		
Total (AB540)	12,864		

AB 540 waiver is available to all students (i.e., US citizens, permanent residents and undocumented individuals).
The Total AB540 (12,864) is inclusive of the Total AB540 - Undocumented (9,538).