What Does it Mean for PSU to be a Sanctuary Campus?

On November 18, 2016, President Wiewel joined a growing number of University leaders across the country in declaring our campus to be a sanctuary campus for our students. In doing so President Wiewel reiterated that Portland State University is dedicated to the principles of equity, diversity and safety. In his announcement, President Wiewel focused on three areas in particular:

- PSU Campus Public Safety does not enforce federal immigration law;
- PSU will not consent to immigration enforcement actions on campus or facilitate any such actions; and
- PSU protects the confidentiality of student records as required by law.

The Faculty Senate subsequently approved a resolution supporting the President’s actions.

What does it mean to be a “sanctuary campus”?

A “sanctuary” is traditionally thought of as a place of refuge and safety. There is no established legal definition of sanctuary in the context of a “sanctuary campus.” At PSU, it is a commitment to take whatever steps we can to protect all of our students regardless of immigration status. This declaration means that the University will not voluntarily participate in or facilitate immigration enforcement actions. It is not the University’s role to enforce immigration law. It is the federal government’s role. Although the University cannot hinder or prevent federal enforcement activities, we will not assist or provide information to aid such actions unless required in specific instances by court order or an emergency health or safety situation. If asked to participate or facilitate in immigration enforcement activities, we would decline to do so.

What about campus police?

As President Wiewel made clear in November, Portland State University Campus Public Safety does not and will not enforce federal immigration law. Campus Public Safety works for the University. They support the mission and work under the direction of the University. Campus Public Safety policy prohibits campus police from inquiring about a person’s immigration status or enforcing immigration law.

In fact, Oregon is already a sanctuary state in that all Oregon law enforcement agencies (such as the PSU Campus Public Safety office, the Portland Police Bureau and the Oregon State Police) are already prohibited by state law from using public resources to detect or apprehend persons whose only violation of law is that they are foreign citizens present in the U.S. in violation of federal immigration law. This state law serves the important public policy purpose of enabling all Oregonians, regardless of immigration status, to contact law enforcement during an emergency without worrying about jeopardizing themselves because of their immigration status.
This is particularly important on a university campus in light of our obligations under Title IX and other laws to provide a safe campus to all students.

Does the University share students’ immigration information with the federal government?

We comply with the Family Education Rights and Privacy Act, commonly known as FERPA, which protects the confidentiality of most types of student information. Under FERPA, the University generally cannot release non-directory information from student records (such as immigration status or national origin) without a student’s consent. There are exceptions in cases involving a health or safety emergency or when the University is compelled by a lawfully issued court order. We will continue to construe such exceptions narrowly. Therefore, consistent with these laws, the University does not share immigration information with the federal government (except as required for international students as discussed below).

What about information regarding international students?

The university has different reporting requirements when it comes to international students (those on an F or J visa). Information about international students is routinely shared with the federal government as part of the regulations put forth by the Student and Visitor Program (SEVP). PSU’s Office of International Student and Scholar Services staff make regular reports to the federal government through the Student and Exchange Visitor Information System (SEVIS). SEVIS is the web-based system used to administer these visa programs. Use of SEVIS and regular reporting are necessary both for the University to participate in these student visa programs and for an international student to receive the documents necessary to apply for a student visa to study in the U.S. Recent events have not changed this.

What information does PSU collect regarding a students’ immigration status?

PSU does not automatically require immigration status information from students. There are limited circumstances when PSU is required by law to ask for immigration status information, such as when hiring student employees or if students choose to seek federal or state student financial aid that requires PSU to ask for this information. For example, an undocumented student may choose to seek in-state tuition under the Oregon Tuition Equity, ORS 352.287, and submit information that the student meets the requirements of the program. PSU would not voluntarily release student Oregon Tuition Equity information to the federal government.

What if the University receives a subpoena, warrant, court order or other federal directive to provide immigration information regarding students?

If any University office receives a subpoena, warrant, court order or other directive, it must be provided immediately to the Office of General Counsel. No other University office is authorized to respond. The University is committed to protecting our students to the greatest degree possible. We would review any such directive carefully, consult with outside legal counsel if necessary, and pursue all viable legal options to oppose federal overreach. The Faculty Senate, in supporting the declaration of PSU as a sanctuary campus, expressed its view that the faculty
should be consulted if the University is ever confronted with such a situation and we would endeavor to do so if possible.

**What if immigration or other law enforcement officials show up in a University office demanding information about students?**

We think such action is unlikely. However, if it did occur, University employees should immediately call the Office of General Counsel and refer such individuals to the Office of General Counsel. No University employee should release student information without first consulting with the Office of General Counsel. The U.S. Constitution includes protections regarding search and seizure and the University is within its rights to assure and confirm the validity and legality of such actions before responding.

**Does the declaration of PSU as a sanctuary campus endanger federal funding?**

It should not. We are committed to protecting our students while also complying with the law. State law prohibits Campus Public Safety from enforcing federal immigration law and other federal laws protect the confidentiality of student information. We are within our legal rights to oppose federal policies that we consider to be harmful to our students and we will continue to speak out against such policies. In addition, any effort to force state employees to enforce federal immigration laws is likely to be challenged in court by the states (including state entities like PSU) under the 10th Amendment to the U.S. Constitution. The 10th Amendment protects states’ rights.

Nonetheless, President Trump’s executive order targeting sanctuary jurisdictions (in particular cities and counties) is concerning. We would oppose any action by federal agencies to alter grants or contracts to penalize campuses that seek to protect their students or that would endanger Title IV financial aid. We believe any such action would likely result in significant nationwide backlash.

**Are we working with other colleges and universities?**

Yes. As part of our commitment to stand up for all students, we are also standing together with other colleges and universities in Oregon and across the country. We will continue to join coalitions of other universities through APLU (Association Public and Land Grant Universities) and other organizations to better effect change. For example, President Wiewel signed the Statement in Support of the Deferred Action for Childhood Arrivals (DACA) Program and our Undocumented Immigrant Students, which has been signed by over 600 university presidents: https://www.pomona.edu/news/2016/11/21-college-university-presidents-call-us-uphold-and-continue-daca. We’ve been in touch with Oregon’s congressional delegation (i.e., https://www.pdx.edu/president/sites/www.pdx.edu.president/files/Immigration%20Ban%20and%20DACA%20letter%202017.pdf). And we’ve shared information with faculty, staff and students to assist them in voicing their support for continuing DACA through the Bridge Act: http://www.capwiz.com/friendsofrutgers/issues/alert/?alertid=74828626. We will continue with these efforts and work with like-minded institutions to amplify our voice in Washington.
How can students get legal assistance?

Students with legal questions are encouraged to promptly seek professional advice for their specific personal and family circumstances. Students who entered the United States on a student visa should first confer with the advising team in PSU’s Office of International Student and Scholar Services. Other students are encouraged to seek free legal advice through PSU’s Student Legal Services (SLS) office (503-725-4556 or https://www.pdx.edu/sls/). SLS contracts with two local, private immigration attorneys who provide confidential immigration consultations to eligible fee-paying students and their immediate family members (which includes parents, children, and significant others). A student using SLS services has an attorney-client privilege with the attorney that she or he works with.

In addition, two local organizations provide free or low cost immigration legal services for low income individuals. They are Immigration Counseling Service (503-221-1689 or http://www.ics-law.org) and Catholic Charities of Portland - Immigration Legal Services at (503-542-2855 or http://www.catholiccharitiesoregon.org/services_legal_services.asp)

Finally, anybody can seek assistance from Oregon State Bar Lawyer Referral Service and receive an initial 30 minute consultation for $35 with a member of the Oregon State Bar (800-452-7636 or http://www.osbar.org/public/ris/) and the American Immigration Lawyers Association Immigration Lawyer Referral Service provides referrals to immigration attorneys across the U.S. (http://www.ailalawyer.com/).