



# Senate of the Associated Students of the University of Nevada

*88<sup>th</sup> Session, 2020-2021*

## **A RESOLUTION IN SUPPORT OF LEGAL IMMIGRATION AID FOR UNDOCUMENTED, DACA, AND IMMIGRANT STUDENTS**

Resolution Number: 107

Authored By: Senator Ribeiro on behalf of Commissioner Bennetts and Thomas Hassen

Sponsored By: The Committee on Diversity, Equity, and Inclusion

*Whereas*, according to a report published by the President's Alliance on Higher Education and Immigration, "More than 450,000 (approximately 2% of all students) undocumented students are enrolled in higher education;"<sup>1</sup>

*Whereas*, according to that same report, 82% of undocumented students "are enrolled in two- and four-year public colleges and universities;"<sup>2</sup>

*Whereas*, Additionally that report continues on, "Undocumented students are a diverse population in higher education, with Hispanics accounting for 46% of undocumented students, compared to 25% for Asian students, and 15% for Black students;"<sup>3</sup>

*Whereas*, Since 94% of DACA recipients have Latin American origins and people of Hispanic origin make up the majority of the undocumented student population<sup>4</sup>, specialized immigration legal aid will further the University of Nevada, Reno's goal in the "No Walls 2025" initiative, of becoming a Hispanic Serving Institution;<sup>4</sup>

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<sup>1</sup> Feldblum, Miriam, et al., "Undocumented Students in Higher Education: How Many Students are in U.S. Colleges and Universities, and Who Are They?" Presidents' Alliance on Higher Education and Immigration and New American Economy, Apr. 2020, p.1

<sup>2</sup> Feldblum, Miriam, et al., "Undocumented Students in Higher Education: How Many Students are in U.S. Colleges and Universities, and Who Are They?" Presidents' Alliance on Higher Education and Immigration and New American Economy, Apr. 2020, p.4

<sup>3</sup> Feldblum, Miriam, et al., "Undocumented Students in Higher Education: How Many Students are in U.S. Colleges and Universities, and Who Are They?" Presidents' Alliance on Higher Education and Immigration and New American Economy, Apr. 2020, p.5

<sup>4</sup> "Diversity and Inclusion: Democratic Civic Engagement." University of Nevada, Reno, retrieved from <https://www.unr.edu/diversity/initiatives/nshe-initiatives>

*Whereas*, one study revealed that, “students with DACA or who are eligible for DACA constitute a subset of approximately 216,000 students or one percent of all students in higher education;<sup>5</sup>

*Whereas*, DACA refers to the Deferred Action for Childhood Arrivals program established by the Obama Administration in June 2012;

*Whereas*, The DACA program provides protection from deportation and eligibility for work authorization to eligible, undocumented youth brought to the United States as children;

*Whereas*, DACA currently protects 700,000 young adults and teenagers, 120,000 of which are enrolled in post-secondary education and over 12,000 residing in the state of Nevada;<sup>6</sup>

*Whereas*, in September 2017, the Trump administration ordered the Department of Homeland Security (DHS) to terminate the Deferred Action for Childhood Arrivals (DACA) program;<sup>7</sup>

*Whereas*, in response to the Trump administration’s announcement, the Regents of the University of California filed a lawsuit challenging the termination of the program, which the Supreme Court of the United States agreed to hear in June 2019 as the consolidated case of *Department of Homeland Security, et al. v. Regents of the University of California, et al.*;<sup>8</sup>

*Whereas*, the Supreme Court heard oral arguments for the case in November 2019;<sup>9</sup>

*Whereas*, the Supreme Court announced their decision on June 18, 2020 in support of the Regents of the University of California on the grounds that the Trump Administration did not follow the legally binding APA procedures prior to announcing the rescission;<sup>10</sup>

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<sup>5</sup> Feldblum, Miriam, et al., "Undocumented Students in Higher Education: How Many Students are in U.S. Colleges and Universities, and Who Are They?" Presidents' Alliance on Higher Education and Immigration and New American Economy, Apr. 2020, p.1

<sup>6</sup> "Immigrants in Nevada." American Immigration Council, Aug. 6, 2020, retrieved from <https://www.americanimmigrationcouncil.org/research/immigrants-in-nevada>

<sup>7</sup> "DACA Litigation Timeline." National Immigration Law Center, Jan. 14, 2018, retrieved from <https://www.nilc.org/issues/daca/daca-litigation-timeline/>

<sup>8</sup> *Department of Homeland Security, et al. v. Regents of the University of California, et al.*, United States Supreme Court, No. 18-587, retrieved from [https://www.supremecourt.gov/opinions/19pdf/18-587\\_5ifl.pdf](https://www.supremecourt.gov/opinions/19pdf/18-587_5ifl.pdf)

<sup>9</sup> Manna, Melissa. "Supreme Court Hears Oral Argument on Ending DACA." National Law Review, vol. X, no. 314, Nov. 15, 2019, retrieved from <https://www.natlawreview.com/article/supreme-court-hears-oral-argument-ending-daca>

<sup>10</sup> *Department of Homeland Security, et al. v. Regents of the University of California, et al.*, United States Supreme Court, No. 18-587, retrieved from [https://www.supremecourt.gov/opinions/19pdf/18-587\\_5ifl.pdf](https://www.supremecourt.gov/opinions/19pdf/18-587_5ifl.pdf)

*Whereas*, following the Supreme Court decision, the Department of Homeland Security released a memorandum announcing that new DACA applications will not be accepted until further notice and that renewals will face a one year limit instead of two;<sup>11</sup>

*Whereas*, the Trump Administration has since made several announcements detailing their intentions to attempt to rescind the DACA program again;<sup>12</sup>

*Whereas*, future Administrations could pursue similar, threatening initiatives and policies towards the DACA program;

*Whereas*, in a survey of over 1,100 DACA-protected students, 93% reported they were able to pursue educational opportunities because of DACA that they previously could not, with another study indicating that DACA made it easier for 78% of recipients to pay for school;<sup>13</sup>

*Whereas*, the security of the DACA program is always subject to the current Executive Administration and it is crucial that the Association proactively act on behalf of our DACA students by seeking to establish an accessible and affordable mode of specialized legal aid;

*Whereas*, while DACA recipients account for 1% of all students in higher education, the President's Alliance on Higher Education and Immigration also found that "most undocumented students pursuing postsecondary education in the U.S. do not have DACA;"<sup>14</sup>

*Whereas*, a 2014 survey found that over 14% of unauthorized immigrants applying for the DACA program "were also eligible for a more permanent form of immigration relief" and that "over 3% of unauthorized immigrants seeking legal assistance were already citizens, or were eligible for citizenship through a U.S. citizen family member;"<sup>15</sup>

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<sup>11</sup> Reconsideration of the June 15, 2012 Memorandum Entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children." Department of Homeland Security, Jul. 28, 2020

<sup>12</sup> Cochrane, Emily, and Shear, Michael D. "Trump Says Administration Will Try Again to End 'Dreamers' Program." The New York Times, Jun. 19, 2020

<sup>13</sup> Tom K. Wong et al., DACA Recipients' Livelihoods, Families, and Sense of Security Are at Stake This November, CTR. FOR AMERICAN PROGRESS (Sept. 19, 2019), <https://www.americanprogress.org/issues/immigration/news/2019/09/19/474636/daca-recipientslivelihoods-families-sense-security-stake-November>

<sup>14</sup> Feldblum, Miriam, et al., "Undocumented Students in Higher Education: How Many Students are in U.S. Colleges and Universities, and Who Are They?" Presidents' Alliance on Higher Education and Immigration and New American Economy, Apr. 2020, p.1

<sup>15</sup> 6 Frost, Amanda. "The Overlooked Pathways to Legal Status." The Atlantic, Jun. 19, 2016, retrieved from <https://www.theatlantic.com/politics/archive/2016/06/the-overlooked-pathways-to-legal-status/487682/>

*Whereas*, a specialized and accessible form of legal aid provided by the University of Nevada, Reno will allow for students to inquire about their eligibility safely and actively “for a more permanent form of immigration relief;”

*Whereas*, according to a study conducted by the UCLA School of Law, “individuals in removal proceedings who obtained legal representation were 15 times more likely to apply for relief from removal than those without lawyers, and five-and-a-half times more likely to be granted some sort of legal status that permitted them to stay in the United States;”<sup>16</sup>

*Whereas*, unauthorized immigrants don’t have a constitutional right to a government-funded lawyer;<sup>17</sup>

*Whereas*, the UCLA study also found that, “only 37 percent of all immigrants, and 14 percent of detained immigrants, are represented by lawyers;”<sup>18</sup>

*Whereas*, undocumented immigrants are not allowed the necessary resources to defend themselves and their citizenship status via government-funded institutions, making it incumbent upon all bodies who are able to provide those resources, in any capacity, to do so;

*Whereas*, the United States Department of Justice acknowledged the lack of legal aid and knowledge provided to undocumented people when they established the Legal Orientation Program;<sup>19</sup>

*Whereas*, the Legal Orientation Program consists of representatives from nonprofit organizations who “provide comprehensive explanations about immigration court procedures along with other basic legal information to large groups of detained individuals;”

*Whereas*, Congress appropriated \$1 million in funding to the Legal Orientation Program in 2002, inherently validating and acknowledging the necessity in educating undocumented people about their legal rights;

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<sup>16</sup> Eagly, Ingrid Esq., and Shafer, Steven Esq. "Access to Counsel in Immigration Court." American Immigration Council, Sept. 28, 2016, retrieved from <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>

<sup>17</sup> Frost, Amanda. "The Overlooked Pathways to Legal Status." The Atlantic, Jun. 19, 2016, retrieved from <https://www.theatlantic.com/politics/archive/2016/06/the-overlooked-pathways-to-legal-status/487682/>

<sup>18</sup> Eagly, Ingrid Esq., and Shafer, Steven Esq. "Access to Counsel in Immigration Court." American Immigration Council, Sept. 28, 2016, retrieved from <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>

<sup>19</sup> Legal Orientation Program. The United States Department of Justice, <https://www.justice.gov/eoir/legal-orientation-program>

*Whereas*, many higher education institutions have also acknowledged this necessity by providing specialized legal aid resources for students with immigration cases;

*Whereas*, institutions such as the University of California<sup>20</sup> and the University of Nevada, Las Vegas<sup>21</sup> have utilized their Law School resources to establish centers and clinics which provide free and/or partially funded legal aid services for undocumented students and community members;

*Whereas*, the stated goal of the UC Immigrant Legal Services Center is “to remove barriers by providing immigration legal services so UC students can achieve their full potential in their educational pursuits;”<sup>22</sup>

*Whereas*, there is a Legal Services program hosted by the Associated Students of the University of Nevada, Reno but it is not adequate in its abilities to meaningfully aid complex immigration cases;

*Whereas*, the attorney associated with the ASUN Legal Services is not practiced in Immigration Law and the service as a whole is limited “to an act of informational nature only;”<sup>23</sup>

*Whereas*, institutions surrounding the University of Nevada, Reno have acknowledged the need for immigration-specific legal aid, assessed their capacity to do so, identified sources of funding and established those necessary services;

*Whereas*, the University of Nevada, Reno hosts a population of undocumented and DACA- supported students with no established or adequate legal aid resource provided to that population;

*Whereas*, possibilities for the structuring of the Legal Aid Service may look like:

1. Partnering with a local law firm
2. Partnering with the University of Nevada, Las Vegas Immigration Clinic
3. Incorporating a single attorney who specializes in immigration into the ASUN preexisting Legal Services
4. Hiring someone who is BIA (Board of Immigration Appeals) accredited and can therefore represent clients;

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<sup>20</sup> 1 University of California, <https://www.universityofcalifornia.edu/press-room/legal-services-program-undocumented-students>

<sup>21</sup> UNLV Immigration Clinic, <https://law.unlv.edu/clinics/immigration>

<sup>22</sup> University of California, <https://www.universityofcalifornia.edu/press-room/legal-services-program-undocumented-students>

<sup>23</sup> Nevada ASUN, <http://www.nevadaasun.com/programs-and-services/legal-services/>

*Whereas*, possible funding options include:

1. Crowdsourcing – collaborations with local, Northern Nevada organizations and institutions
2. Allocation of a portion of the ASUN budget and/or collaboration with UNR administration departments
3. The creation of a grant or scholarship that is accessible to students in need via application;

*Whereas*, Chancellor Thom Reilly stated on behalf of NSHE that it “stands united in wanting a welcoming, supportive, and inclusive environment for all our students,” and that, “we are steadfastly united to support our immigrant, undocumented, and international students;”<sup>24</sup>

*Whereas*, under the SAS, Chapter 206, Section 02, it is the mission and duty of the ASUN Department of Diversity and Inclusion to “track University, local, state, and federal policy to ensure that under-represented students are represented fairly;

*Whereas*, under Chapter 002, Section 02 of the SAS, it is the mission of the Association to “maximize the educational experience of every student of the University of Nevada;” making it the inherent responsibility of the Association to support policies, initiatives, and services that will protect our undocumented students and, by default, promote their continued and successful education here at the University of Nevada, Reno;

*Whereas*, it is incumbent upon this body, comprising the representatives of the Associated Students of the University of Nevada, to clearly establish it is in favor of protecting and supporting all those who currently are, have been, or will be, a part of the Association;

*Be it resolved that*, the Association acknowledges the lack of adequate legal aid provided to undocumented students and supports the pursuit of an immigration-specific legal aid service that is accessible to all undocumented/DACA students by way of cost and privacy;

*Be it further resolved that*, the University of Nevada, Reno administration reviews the funding and structuring options provided in this resolution and collaborates with the Association to produce an actionable

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<sup>24</sup> "NSHE Supports DACA Program in Supreme Court Case." Nevada System of Higher Education, Sept. 26, 2019.

plan to establish an immigration-specific legal aid service that is accessible to all undocumented/DACA students by way of cost and privacy;

*Be it further resolved that,* a copy of this resolution be sent to

- President, Brian Sandoval
- Vice President, Kevin Carman
- Social Services Coordinator, Jahahi Mazariego
- University Diversity and Inclusion Officer, Eloisa Gordon-Mora
- Director of the Center for Student Engagement, Sandra Rodriguez
- Faculty Senate Chair, Amy Pason
- ASUN President, Dominique Hall
- ASUN Vice President, Austin Brown
- ASUN Director of Legislative Affairs, Alexa Rangel

Adopted in Senate on November 18<sup>th</sup>, 2020

Attest:

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Hope Cronan, Senate Secretary

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Keegan Murphy, Speaker of the Senate