

Toni Otokunrin, "Sanctuary Campus", *AmeriQuests* 13.1 (2017)

'Sanctuary Campus', originally coined in reference to sanctuary cities, is a term that is becoming an increasingly difficult to define. Sanctuary cities are cities that have made a commitment not to cooperate with federal immigration authorities unless compelled by court order or state law.¹ Since both terms have yet to receive a single official legal definition, it is difficult to state what responsibilities being a sanctuary campus creates. Under the lightest definition, being a Sanctuary could mean a commitment to "actively refuse to comply with immigration authorities, including denying the ability to perform raids and refusing to voluntarily provide any information to the fullest extent of the law."² While this definition may seem like an important success at first glance, when the larger legal context is considered it becomes obvious that it does almost nothing in the first case because of FERPA institutions are already obligated to protect students' personal information.³ As such, authorities would likely already be required to obtain a warrant in order to obtain student information, so this definition does little to provide protection. Second, many students that are under DACA were already required to provide their information to the federal government, so there may be little need to even ask institutions for information.⁴ Furthermore, even if institutions required warrants in order for immigration officers to enter campus, there's nothing necessarily illegal or groundbreaking about that.⁵ Finally, this definition only promises action 'to the fullest extent of the law,' which not that strong of a statement.⁶ That could mean simply requiring a warrant, which doesn't necessarily give much protection. The term sanctuary campus has engendered a lot of hope, but under this definition it appears that they provide very little protection.

In contrast to this definition, others have suggested that campuses that use this term should go as far as "refuse ICE access, prohibit campus security from collaborating with ICE," "continue to provide DACA students with in-state tuition, regardless of whether it's repealed", and even provide physical sanctuary.⁷ This definition would provide much greater protection for immigrant students. While it doesn't suggest any more protection for information, it does provide much more physical protection. While it is interesting to debate which of these definitions is closer to the truth, the lack of clarity creates some important issues. For campuses that have chosen to take on the term, which definition are they referencing?⁸ Each definition promises very different levels of protection for immigrant students, and in the increasingly hostile environment it is important that students can at least understand how much they can rely on their institutions. The term even has important implications on institutions that have purposely decided not to take on the label. What definition are they seeking to avoid? Is it the more extreme promise of physical protection? Or are they suggesting they won't even protect personal information and would go as far as to ignore the obligations created by FERPA?

¹"While Undocumented Students Fight to Create Sanctuary Campuses, Many Colleges Still Refuse" *Yahoo News*, 13 Dec. 2016.

²"Editorial: Denying Sanctuary Campus Status is Not Just Black and White." *UWIRE Text*, 2 Feb. 2017, p. 1. *Academic OneFile*,

³"Here's where the sanctuary campus movement stands" USA College Today, 19 Dec. 2016; "Editorial: Denying Sanctuary Campus Status is Not Just Black and White." *UWIRE Text*, 2 Feb. 2017, p. 1. *Academic OneFile*,

⁴"While Undocumented Students Fight to Create Sanctuary Campuses, Many Colleges Still Refuse" *Yahoo News*, 13 Dec. 2016.

⁵"Here's where the sanctuary campus movement stands" USA College Today, 19 Dec. 2016.

⁶"While Undocumented Students Fight to Create Sanctuary Campuses, Many Colleges Still Refuse" *Yahoo News*, 13 Dec. 2016.

⁷"While Undocumented Students Fight to Create Sanctuary Campuses, Many Colleges Still Refuse" *Yahoo News*, 13 Dec. 2016.

⁸"Here's where the sanctuary campus movement stands" USA College Today, 19 Dec. 2016.

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The rise in Sanctuary Campuses brings up an important question of sincerity. Which institutions are sincerely promising to protect immigrant students, and which ones are just slapping on the label in order to appease liberal students? Students at over 100 schools across the country have created petitions asking institutions to become sanctuary campuses.⁹ Although only 28 campuses have adopted the term, it is unclear how many of them follow the tenets of the sanctuary movement.¹⁰ How many have just picked up the label but will only do as much as federal law already requires them to protect immigrant students? Once again, sanctuary campus is not a legal term so it comes with no real duties. Could taking on the term just be a simple way of quieting liberal students, while secretly letting members of the board know that the label means little? There is even some suggestion that this label is actually more detrimental to immigrant students. The term may lead students to believe that institutions will do more than they are actually able to.¹¹ This type of reliance could lead students to neglect making backup plans, which could prove to be crucial.

Perhaps it is actually better to promise students nothing in order to prevent raising false hope. Institutions like NYU and the University of Maryland have chosen not to adopt the term and instead respond to new laws as they see fit.¹² Although this does not provide immigrant students with much assurance, it also prevents unreasonable expectations of protection. On the other hand, this term could be an important symbolic label.¹³ Even if institutions may not be able to do much to protect students it may be an important statement showing students that they care and support them.¹⁴ If sanctuary campuses actually end up in a confrontation with the federal government, considering the actions of the current administration this is far from unlikely, the institutions that choose to fight for their students, regardless of how long they are able to maintain this fight, may serve as an important symbol.

Sanctuary Campuses currently rest in legal limbo. To date, there has been no litigation discussing the implications of a campus refusing to allow immigration officers onto campus.¹⁵ Some institutions have promised not to allow campus security to help ICE officers.¹⁶ However, does this stop ICE officers from simply coming onto campus? Does campus security have any

⁹ "While Undocumented Students Fight to Create Sanctuary Campuses, Many Colleges Still Refuse" *Yahoo News*, 13 Dec. 2016.

¹⁰ "Here's where the sanctuary campus movement stands" USA College Today, 19 Dec. 2016; "Editorial: Denying Sanctuary Campus Status is Not Just Black and White." *UWIRE Text*, 2 Feb. 2017, p. 1. *Academic OneFile* ("Sure it feels nice and warm and cozy, but when the hammer comes down it does absolutely nothing to truly protect you").

¹¹ "Here's where the sanctuary campus movement stands" USA College Today, 19 Dec. 2016 (Harvard's President has stated that the sanctuary campus label provides "false and misleading assurance."); "While Undocumented Students Fight to Create Sanctuary Campuses, Many Colleges Still Refuse" *Yahoo News*, 13 Dec. 2016.

¹² "NYU Still Not a Sanctuary Campus." *UWIRE Text*, 30 Jan. 2017, p. 1. *Academic OneFile*; Silverman, Ellie. "U-Md. president calls sanctuary campus designation 'unnecessary.'" *Washington Post*, 27 Jan. 2017. *Academic OneFile*.

¹³ "While Undocumented Students Fight to Create Sanctuary Campuses, Many Colleges Still Refuse" *Yahoo News*, 13 Dec. 2016 ("The sanctuary campus label may only end up being a symbol of dissent, but it still holds power and value — a bulwark of defense against an administration seemingly intent on destroying it")

¹⁴ "NYU Still Not a Sanctuary Campus." *UWIRE Text*, 30 Jan. 2017, p. 1. *Academic OneFile*, (In an open letter to NYU's President students explained that making NYU a sanctuary campus would serve as an important commitment to upholding NYU's values and protecting students).

¹⁵ "Here's where the sanctuary campus movement stands" USA College Today, 19 Dec. 2016; "While Undocumented Students Fight to Create Sanctuary Campuses, Many Colleges Still Refuse" *Yahoo News*, 13 Dec. 2016.

¹⁶ "UW-Madison Police: We will not assist in enforcement of immigration law on campus." *UWIRE Text*, 20 Dec. 2016, p. 1. *Academic OneFile*.

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authority to repel them? Does it matter if it is a public or private institution? ICE officers are only allowed to arrest in public places, does any area of a public institution qualify as public?¹⁷ Does this mean that immigrants at private institutions are safer? Unfortunately, the answers to these and many of these issues are unknown. Sanctuary campuses also bring up important funding issues. There have already been threats to cut funding to sanctuary campuses, and while it is unclear how serious those threats are, using this label could put funding under threat.¹⁸ Technically, the implementation of something like this should take quite a long time. In order to correctly implement this rule, exact standards defining what is expected of institutions should be defined and review boards that give institutions a chance appeal decisions should be created.¹⁹ However, the current administration's past decisions to sloppily implement decisions does not inspire much faith that a carefully thought out process will be created. It is very possible that federal funding could be suddenly ripped away from institutions that call themselves sanctuary campuses.²⁰

For students hoping that sanctuary campuses could save them, this all presents a number of issues. Although sanctuary campuses appear to be a nice gesture against an administration that is blatantly hostile against immigrant students, they are little more than that. For students that are at institutions that proclaim themselves to be sanctuary campuses, they should investigate and find out how much protection they are actually being promised. For students that are on campuses that refuse to adopt the label, they should investigate what rights their institutions will actually protect. Regardless of whether a campus has chosen to take on the label students should do what they can to investigate other options that could protect them. Although sanctuary campuses appear to send a hopeful message to students, it is likely that they are still vulnerable in many ways. Unfortunately, it appears someone has cursed this generation to live in truly interesting times.

¹⁷ "While Undocumented Students Fight to Create Sanctuary Campuses, Many Colleges Still Refuse" *Yahoo News*, 13 Dec. 2016

¹⁸ "Texas Gov. Greg Abbott vows to cut funding to sanctuary universities." *UPI News Current*, 2 Dec. 2016. *General OneFile* (in response to student and faculty driven petitions for Texas institutions to adopt sanctuary status Governor Greg Abbott has stated that funding will be cut to any institution that chooses to do so); "Sanctuary Campuses' Invite Federal Standoff." *The Standard*, 30 Nov. 2016; "Here's where the sanctuary campus movement stands" *USA College Today*, 19 Dec. 2016 (several legislators have expressed support for defunding sanctuary campuses).

¹⁹ "Sanctuary Campuses' Invite Federal Standoff." *The Standard*, 30 Nov. 2016.

²⁰ "Sanctuary Campuses' Invite Federal Standoff." *The Standard*, 30 Nov. 2016.