



## UC President Janet Napolitano Tells Campus Police Not to Cooperate With Immigration Agencies

University of California President Janet Napolitano (shown) announced on November 30 that her office will direct campus police departments throughout the 10-campus system not to cooperate with government agencies attempting to enforce federal immigration law.



In her statement, Napolitano said her office will “vigorously protect the privacy and civil rights of the undocumented members of the UC community and will direct its police departments not to undertake joint efforts with any government agencies to enforce federal immigration law.”

Napolitano’s office said that there are about 2,500 “undocumented” (i.e., in this country illegally) students enrolled across the UC system.

Concurrent with Napolitano’s announcement, UC released a statement of “principles in support of UC community members” affirming its intention to refuse to cooperate with any efforts by the incoming Trump administration to enforce our nation’s immigration laws.

The statement listed a detailed list of how its “principles” are to be implemented at all UC campuses and medical facilities, including, in part:

The University will continue to admit students consistent with its nondiscrimination policies so that undocumented students will be considered for admission under the same criteria as U.S. citizens or permanent residents.

No confidential student records will be released without a judicial warrant, subpoena or court order, unless authorized by the student or required by law.

No UC campus police department will undertake joint efforts with local, state or federal law enforcement agencies to investigate, detain or arrest individuals for violation of federal immigration law.

Campus police officers will not contact, detain, question or arrest any individual solely on the basis of (suspected) undocumented immigration status.

Napolitano also wrote an opinion piece published by the *New York Times* on November 30, headlined, “The Truth About Young Immigrants and DACA.” As she noted in the article, the acronym DACA in the headline refers to the Deferred Action for Childhood Arrivals program. She went on to write that as secretary of the Department of Homeland Security, she signed the June 15, 2012, directive that began, “I am setting forth how, in the exercise of our prosecutorial discretion, the Department of Homeland Security (D.H.S.) should enforce the nation’s immigration laws against certain young people who were brought to this country as children and know only this country as home.”



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On the same day, she recalled, President Obama announced the creation of DACA.

Napolitano's entire article was essentially a defense of DACA, which she describes as "an initiative that has given temporary haven and work authorization to more than 700,000 undocumented minors, the so-called Dreamers."

As we wrote in [our article last August](#), the term DREAMer comes from the name of a piece of failed legislation, the Development, Relief, and Education for Alien Minors Act (DREAM Act). DREAM was first introduced in the Senate in 2001 and reintroduced in the 107th through 111th Congresses. It never passed both houses, but President Obama was determined to implement it anyway. So on June 15, 2012, he announced that his administration would stop deporting young illegal immigrants who met certain criteria previously proposed under the DREAM Act.

As Napolitano noted in her *Times* article, the DACA program was formally initiated by a policy memorandum she sent on June 15, 2012, to the heads of U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), and U.S. Immigration and Customs Enforcement (ICE), ordering them to practice "prosecutorial discretion" toward some individuals who were brought to this country before their 16th birthday.

Homeland Security Secretary Jeh Johnson expanded DACA when on November 20, 2014 he sent an executive action memorandum to the heads of CBP, USCIS, and ICE that removed its age cap and extended work authorization to three years. Johnson's order also expanded "deferred action" (another name for amnesty) by directing USCIS to establish a process, similar to DACA, for exercising prosecutorial discretion through the use of deferred action, on a case-by-case basis, to those individuals who have a son or daughter who is a U.S. citizen or lawful permanent resident, have continuously resided in the United States since before January 1, 2010, and were physically present in the United States on the date of his memorandum, and at the time of making a request for consideration of deferred action with USCIS.

In response to that expansion of DACA, Texas and a number of other states sued the federal government. In the case of *United States v. Texas*, U.S. District Judge Andrew Hanen of the U.S. District Court in Brownsville, Texas, issued an injunction on February 16, 2015, blocking the executive action, which granted amnesty to four million illegal aliens.

The Obama administration appealed the injunction, which went all the way to the Supreme Court. The high court's vote on June 23 was a 4-4 tie. Since the death of Justice Antonin Scalia, the court is evenly divided. That tied vote lets the original decision issued by Judge Hanen and upheld by the Fifth Circuit Court of Appeals stand.

Despite that defeat of the expansion of DACA, Napolitano is continuing to defend the rejected program. Furthermore, she and many cities across the United States that have proclaimed themselves as "sanctuary cities" have said they will not cooperate with federal agencies in the apprehension of illegal aliens.

Given Trump's repeated statement that he intends to more vigorously enforce federal immigration law and deport more illegal aliens, a standoff between the Trump administration and UC (which effectively has proclaimed each campus to be a "mini-sanctuary city") and the sanctuary cities is sure to ensue.

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