
Sanctuary Campus Working Group Report

Spring 2017



2016-2017 Working Group Members

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Executive Summary

The Swarthmore College Sanctuary Working Group was created in response to the December 2 statement from the President and the Board of Managers establishing Swarthmore College as a sanctuary campus. The group's charge included advising President Smith and staff by recommending resources, policies, and services to support undocumented and DACA students at Swarthmore College.

The working group consulted with students, faculty, and staff members to learn more about the college's existing policies and resources relevant to our sanctuary campus status. The main findings were:

- The college has largely addressed the points raised in the student petition and the faculty resolution, and our recommendations (see below) identify gaps in support services and resources.
- The college is creating a referral list of legal support options for students; we recommend further development in this area.
- DACA and undocumented students can receive financial support from the college through the Dean's Discretionary Fund, as well as other support such as possible housing when classes are not in session.
- The Office of International Student Services provides additional advice, services, and programming for DACA and undocumented students.
- We provide guidelines for students interacting with both Swarthmore College Public Safety and Swarthmore Borough Police; we also highlight important aspects of the college's relationship with local law enforcement.
- After examining current practices with respect to data sharing and privacy, we are confident that the college is not exposing students to undue risk.

Additionally, the working group collected *10 primary recommendations* for future implementation:

1. Form a uniform policy regarding requests for information and access to campus facilities or individuals and present it clearly to all community members.
2. Provide DACA and undocumented students with names of qualified attorneys willing to provide assistance and legal representation in both routine and urgent circumstances; furthermore, urge DACA and undocumented students to build a relationship with a qualified attorney well before their services are needed.
3. Build relationships with legislators and other local/regional government officials.

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4. Continue updating the college website to reflect our most current understanding of legal/political issues, and to ensure current and prospective students know the resources available to them.
 5. Coordinate approaches to background checks and clearances across the college.
 6. Establish procedures for advance parole recipients to study abroad.
 7. Develop alternatives to both student employment and research assistantships for students who are ineligible to work as paid employees of the college.
 8. Connect DACA students with potential employers willing to sponsor green cards.
 9. Work towards establishing post-graduation pathways for citizenship.
 10. Educate stakeholders across the college to better understand issues relevant to DACA and undocumented students.

Of these main recommendations, numbers 6, 7, and 9 may require additional financial resources. Furthermore, 2, 3, 8, and 9 require conversations with experts and allies beyond the college, potentially including alumni and/or board members.

Background

At noon on on November 16, 2016, three hundred students, faculty, and staff gathered in support of the designation of Swarthmore College as a sanctuary campus. On December 2, President Valerie Smith and the Board of Managers of Swarthmore College issued a [statement](#) officially making that declaration, and defining what that designation means for Swarthmore College. The statement was followed closely by a unanimous resolution endorsing the College's Sanctuary Status passed by the faculty in their December 9 meeting.

The announcement from President Smith and the Board called for the creation of a sanctuary campus working group [charged](#) to “respond to the evolving needs of undocumented members of our community and others and address, in greater detail, the additional recommendations that students and faculty have already presented.”

This report presents the findings of the working group.

History and significance of sanctuary

The concept of sanctuary is both [ancient and deeply rooted in religious traditions](#). The biblical concept of sanctuary – places of worship serving as shelters from punishment at the hands of secular rulers – became codified into Anglo-Saxon law, and has retained both symbolic and practical importance through to the present day, even as it shed its legal status.

In the US, sanctuary was first invoked to shelter runaway slaves on the Underground Railroad in places of worship during the 1800's. In the 20th century, sanctuary was also used to protect men who refused to go to war in Vietnam during the late 1960's and early 1970's, providing shelter in churches and temples in cities such as Berkeley, San Francisco, and Boston.

The contemporary association in the United States between sanctuary and immigration began in the late 1980's and early 1990's, when the US received a flood of migrants fleeing violence in Central America. Beginning along the border with Mexico, and later extending throughout the US, a network of meeting houses, churches, and other religious communities became like a modern-day Underground Railroad transporting refugees across the country.

The sanctuary movement of the 1980's and 1990's did not escape the attention of immigration enforcement officials. It weathered infiltration and raids by federal agents, and eventually saw the settlement of a lawsuit seeking to stop the arrest of sanctuary workers and deportation of refugees in favor of the sanctuary movement plaintiffs. Although US law provides no formal recognition of the concept of sanctuary, the movement nonetheless decisively demonstrated the power of moral communities of private citizens to oppose unfair government policies – in this case, the refusal to grant legal status to refugees facing deportation.

In recent years, the New Sanctuary Movement has formed in response to the latest rounds of immigration enforcement raids, which resumed with renewed vigor during the Obama administration. As with 30 years ago, the raids have resulted in deportations of refugees, and in separations of families. While religious communities still form the backbone of the New Sanctuary Movement, the present-day conception of sanctuary has acquired a more secular connotation than it previously had, with many US cities and municipalities ([including the city of Philadelphia](#)) declaring themselves sanctuary cities.

Like the concept of sanctuary itself, the sanctuary city designation has no single, precise legal definition. In practice, there are two main ways in which cities may act as sanctuaries: declining to collect and/or share information with the federal government related to immigration status, and declining to assist the federal government in detaining and deporting immigrants who lack legal status. Whereas ecclesiastical sanctuaries delineate both corporeal and spiritual boundaries to immigration enforcement, sanctuary cities instead take a principled stance about the separation of powers between the federal government and municipalities. Although their approach may be less direct, by declining to perform the work of immigration enforcement on behalf of the federal government, sanctuary cities can nevertheless send a strong message of welcoming and belonging to their residents.

In 2016, a [grassroots movement took shape](#) to call on higher education institutions to declare themselves sanctuary campuses. As large institutions that receive funding from a variety of state and federal sources, and due to a variety of regulatory compliance obligations, colleges' and universities' definition of sanctuary will much more closely resemble the sanctuary offered by cities, rather than that offered by religious institutions. As with sanctuary cities, it is also up to each sanctuary campus to decide exactly how to put the sanctuary designation into practice.

Swarthmore College as sanctuary campus

The president and the board have already pledged, to the fullest extent of the law, not to voluntarily share information with immigration enforcement officials or voluntarily grant them access to college property. The working group members furthermore interpret the spirit of the sanctuary campus designation as one of welcoming and belonging. *Sanctuary campus* should mean more than merely declining to voluntarily assist the federal government in immigration policy enforcement. It should also mean working to ensure that every student admitted to the college is allowed the same opportunities to learn, live, and enjoy full membership in the college community.

Just as the Quakers played a strong role in the sanctuary movement of the 1980's and 1990's, we believe that the Quaker heritage of the college, along with its mission of helping its students "realize their full intellectual and personal potential combined with a deep sense of ethical and social concern" both provide a solid foundation upon which to build a strong working definition of sanctuary campus.

Evaluation and Response to Swarthmore Student Petition and Faculty Resolution

The first step of the Sanctuary Working Group was to assess the College's current resources and offerings in response to the student petitions and the faculty resolution for Swarthmore to become a Sanctuary Campus. We have summarized the legal, financial, and student support resources in the following sections. In addition we have addressed each point of the student petition and faculty resolution in [Table 1](#).

Legal

One of the most immediate needs for DACA and undocumented students is legal resources. As a result the Offices of International Student Services and General Counsel have prioritized this by working to compile a referral list of lawyers (who are experienced in DACA, undocumented and immigration legal issues) that DACA and undocumented students can access for various reasons. Those reasons include, but are not limited to, student's education about their rights, understanding legal processes, managing advance parole processes, and identifying resources to help support students who are assisting family members who are contending with immigration issues.

In addition to the referral list of lawyers, the Dean's Discretionary Fund has been expanded to increase the financial support available to undocumented, first-generation, and underrepresented students who may need assistance during the academic year due to an urgent financial shortfall during the academic year, and to insure that all students can fully benefit from all Swarthmore has to offer. There has been a small budget increase for the Office of International Student Services to assist DACA and undocumented students with filing fees or legal processes they may undergo in relation to their status.

The Office of International Student Services and other areas of the College offered additional opportunities and educational sessions this term to promote awareness of working with and supporting DACA and undocumented students at Swarthmore College. A few examples of these educational opportunities this year include:

- Three DACA students attended a conference at Pomona College, covering issues related to undocumented/DACA students.
- David Nachman held a workshop at the end of February. http://visaserve.com/lawyer/David-H.-Nachman,-Esq._cp14185.htm. This is his third year holding this workshop on campus.
- John Vandenberg met with undocumented and DACA students for an educational workshop about their rights on March 21, 2017

Financial

The College provides DACA and undocumented students with the following financial resources to assist in emergencies. Currently the Office of International Student Services can help DACA and undocumented students with resources concerning:

- Various legal and filing processes – requests for fee support would be referred to the Dean’s Discretionary Fund
- Summer Housing
- Financial Emergencies

In the result of a change of status for DACA students the college should provide replacement of work wages for work aided students. In addition, the College should replace financial aid funds for DACA students if their package needs to be adjusted due to a difference in status. As stated previously, to support DACA and undocumented students in the case of unexpected emergencies, requests should be made to the Dean’s Discretionary Fund.

The Student petition for a Sanctuary Campus also called for Swarthmore College’s commitment to help students without US citizenship find paid summer research opportunities. In addition, it asked for the college to work with Career Services to provide advice on employers that sponsor their employees for citizenship. Currently Career services does provide this advice on employers, and so does the Office of International Student Services. Unfortunately the college cannot legally provide paid summer research opportunities to undocumented students, but it can and does provide these opportunities for DACA students. Should the status of DACA students change, the College would have to reevaluate the student’s’ employment at that time within the current legal context and parameters.

Student Support

Office of International Student Services

The primary source of Student Support for DACA and undocumented students is housed within the Office of International Student Services in the Dean’s Division. The resources provided to DACA and undocumented students are outlined in detail on the [Office of International Student Services Website](#). The services include but are not limited to:

- Assistance for DACA Renewal Process
- DACA student Study Abroad Process
- Assistance with Paperwork
- Referrals to Legal Resources
- Educational Workshops to Manage Legal Processes

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- DACA Summer Internship Referrals
 - Student Organization Support
 - Emergency Funding
 - Distribution of Migration is Beautiful stickers to faculty, staff, and students to show support for undocumented/DACA students (Please see appendix)
 - Distribution of know your rights red card
 - An orientation will be provided for undocumented/ DACA students during the campus wide orientation
 - Ally training for faculty, staff and students (Please see Appendix)

Dean's Office

The Dean's Office will support DACA and undocumented students through the Dean's Discretionary Fund for financial emergencies that may occur due to legal fees, housing, medical fees, and additional challenges they may face. In addition, the Dean's Office will work closely with the Offices of Student Engagement and Office of International Student Services to identify resources and prioritize summer room and board needs of DACA and undocumented students.

Public Safety

A subset of the Sanctuary Working Group met with Swarthmore Public Safety to establish best practices when working with law enforcement on supporting DACA and undocumented students, and to determine Swarthmore Public Safety's working relationship with local, state, and federal law enforcement. Public Safety provided information for students on what information they should share with law enforcement or emergency medical personnel. They also provided information on the current memorandum of understanding and working relationship with Swarthmore police and ways that they currently share student data with local, state and federal law enforcement agencies. The following is the summarized overview of the two-part conversation:

Guidelines for student interactions with public safety and law enforcement

According to Swarthmore public safety, students should share the following information with public safety and law enforcement when requested:

- Swarthmore College Identification (One Card)
- Information available in public records (name, address, phone)
- Date Of Birth (DOB), address, and phone number – students *should not* provide SSN
- Students can use 500 College Ave., Swarthmore, PA 19081 as their address of record

It is important that students understand that most areas of the college are accessible to the public, and even some areas behind card access (such as common areas of residence halls) may be subject to search by law enforcement officers without a warrant. The only spaces on campus where students have a reasonable expectation of privacy are their dorm rooms.

Students should also understand that the Borough of Swarthmore is not currently a sanctuary community. Although there is no historical precedent to suggest that local law

enforcement would do so, there is no agreement or policy in place that would prevent Swarthmore Borough police from sharing information such as immigration status, if known, with federal immigration enforcement agencies.

Finally, it is important for students to understand the interplay between their communications and the college's policies on adjudication. The college has fairly strict guidelines which restrict the distribution of private information regarding students who participate in the college's adjudication process; however, students may inadvertently disclose status information themselves and/or commit it to an electronic record. Students should therefore be thoughtful about whether to make status disclosures during college judicial proceedings.

Swarthmore Public Safety's working relationship with local, state and federal law enforcement

Swarthmore Public Safety currently has a monthly meeting with the mayor of Swarthmore Borough, the chief of police, two Sergeants, and two representatives from the borough public safety committee. The Borough and the Borough Police are committed to working with and supporting the college. The Borough Police Chief has explained that his take on student's citizenship status is that the only way they'll ask for info about our students' status is if it's pursuant to another crime. There are many crimes that students could engage in that would put them at risk, and drug possession and distribution will definitely heighten that risk. The Chief further explained that aside from criminal activity resulting in arrest there is no reason to inquire about anyone's citizenship status. As aside the Chief made it clear that Swarthmore police could conceivably accompany another law enforcement agency that would inquire about citizenship, but this is something that has never occurred to his knowledge.

Public safety also cooperates with government agencies regarding background checks that are accompanied with release forms that have been signed by the student for whom the background check will be processed. Upon receipt of the request and required release forms, Swarthmore Public Safety checks the student records for the public safety held information requested on the face of the student-signed release, and consults with the Swarthmore College Office of General Counsel before release of the information to the agency.

Data sharing/privacy

One of the primary concerns of the SCWG was the issue of how the college shares data and how our practices for sharing data could leave DACA and undocumented students in vulnerable positions. As a result of this concern we worked to identify where we were actually reporting student data and if we were over-sharing data. We identified the following areas as places where sensitive and private data is shared regularly by the Registrar's Office, the National Student Clearinghouse Data that is shared by our Institutional Research Office, the admissions process (including financial aid), the Office of International student Services and the student adjudication process. The various ways the College shares information through various entities is summarized in the following section:

Registrar's Office

The registrar reports the name and social security numbers of DACA students for the National Student Clearinghouse for the NSLDS (National Student Loan Direct Servicing). These entities get all the student data and enrollment information even though only around 31% of our students have loans. We currently report to the NSLDS monthly.

The registrar also report to the IRS 1098T information. This is the tuition payment statement an individual would get for their taxes. Everyone who has social security number reports this information. Swarthmore reports this information annually. As far as the registrar's office knows no DACA student information is recorded in Swarthmore's Banner System.

National Student Clearinghouse (NSC)

We inquired with Robin Shores (Institutional Research or IR) to better understand how the data the college shares with the NSC is used. Although we initially wondered whether it might be prudent to limit data sharing with the NSC, we decided against recommending this, as the data seems to be of critical importance for a number of stakeholders. Here are the ways, according to Robin Shores, that the data is used:

Students: The Clearinghouse is now a primary way employers verify the degrees that job applicants claim they have earned, and I think it would be a problem if our international students were excluded from the records.

Swarthmore: We use NSC data increasingly for many purposes, including determining the educational outcomes of our students post-Swarthmore. For example, Kathy Siwicki's presentation on the impact of HHMI grants included findings about the graduate degrees earned by students who had participated in HHMI programs. This came from NSC data. IR also uses this data more generally to provide feedback to each department about its grads, and similar purposes.

Also, our federal reporting now includes a component asking us to report on numbers of students who have left our institution and subsequently enrolled at other institutions, and we use NSC for this.

Higher Education Community: The NSC data is increasingly being used by researchers to study and draw conclusions about higher ed in general. See the National Study of Learning, Voting, and Engagement (NSLVE) project <http://activecitizen.tufts.edu/research/nslve/> and the National College Access Network (NCAN) http://www.collegeaccess.org/Benchmarking_and_Data_Use for just a few examples.

Additional things to consider: on the research side SSN's are not used at all, and all the matching is done by names and dates of attendance.

The NSC has a lot of information on their website about privacy, and it would be hard to imagine they haven't considered the understandable concerns about reporting of undocumented students.

Admissions Process

The Sanctuary Working Group wanted to explore the information that could be accessed through the Common Application about students DACA or undocumented status. After consulting the Admissions Office we learned that the Common Application data is only as good as the information provided by students. Here is what we learned from the Admissions Office regarding the common app:

Applicants who are currently in the DACA Status (Deferred Action for Childhood Arrivals) will need to select “Other (Non-US)” for citizenship status. Then answer “No” for “Do you currently hold a valid U.S. Visa?” Since deferred action does not provide an individual with lawful status, no other fields will be required.

If students write in their essays about their DACA and undocumented status that data is in the system as well.

Swarthmore’s Student Conduct Process

Swarthmore’s General Counsel clarified that Swarthmore’s student conduct process would not ordinarily seek a student’s citizenship status. DACA and undocumented students who have been expelled or suspended due to a finding of a student code of conduct violation may no longer be eligible to use college resources as a result of the disciplinary sanction.

The college participates in the Student Exchange and Visitor program of the U.S. Immigration and Customs Enforcement, which allows international nonimmigrant students to obtain visas to enroll at the college. As a result, the college will share information regarding international nonimmigrant and exchange students who have traveled to the US under a valid-issued visa. Specifically, certain student conduct sanctions (i.e., suspension and expulsion) issued to these international students may impact their enrollment status, which may therefore impact their visa status. Under the program, the college is required to report changes in enrollment status that impact visa status.

Opportunities

Based on these conversations, the Sanctuary Working Group is satisfied that the College appropriately shares (and does not over-share) data. We do believe there could be additional opportunities to educate students about what they do and do not have to share. Also, the college should provide additional opportunities to show students how they can enhance privacy measures by opting out of sharing specific data when the choice to do so is available.

Recommendations

The working group discussed many issues and potential plans. The ten highlighted below were considered the highest priorities for immediate action, but should not be understood to be a complete list of all possible activities for the college to undertake.

Each recommendation is followed by a brief discussion of its rationale and suggestions about how it could be specifically implemented.

1. Form a uniform policy regarding requests for information and access to campus facilities or individuals and present it clearly to all community members.

Although Swarthmore College has not historically drawn the attention of immigration enforcement officials, the college should take reasonable preparations in light of recent increases in their activities. In March, ICE [detained an outspoken student activist and DACA recipient](#) immediately after she gave a speech criticizing immigration enforcement policy. Since January, ICE arrests of immigrants without criminal records have [doubled](#), and it appears that ICE [deported a DACA recipient](#) in February.

In the hypothetical event of immigration enforcement officers visiting Swarthmore College, we might hope that they would officially identify themselves to appropriate representatives of the college. However, it is not sufficient to assume they would take such a straightforward approach. Indeed, recent reports have documented instances of ICE agents [posing as local law enforcement officers](#) and going [door-to-door asking for ID and proof of residency](#).

It is therefore critical that all college community members, from faculty to staff to students, understand how best to interact with individuals outside the college requesting information or access. In consultation with advisory team members Sharmaine Lamar (General Counsel), Nancy Nicely (Communications), and Mike Hill (Public Safety), we have drafted the following statement to share with members of the college community:

The college has recently updated its protocols regarding requests for information and access to campus facilities or community members received from outside individuals.

Public Safety is the first point of contact for all such requests made by law enforcement and immigration officials.

Requests for all other types of information received from process servers, attorneys, or government officials should be directed to the Office of General Counsel, as described here:

<http://www.swarthmore.edu/office-general-counsel/requests-information-receipt-legal-documents-and-contact-attorneys>

If you see suspicious activity on campus by persons unknown to you, please report it to public safety.

The next steps that we urge the college to take are to broadly share the statement with all members of the college community, (including those staff members with limited access to email/internet, as well as student Resident Assistants), and to update the college website (including the General Counsel and Public Safety pages) to fully reflect the current policy stated above.

We also spoke with Sharmaine LaMar (General Counsel) and Mike Hill (Director of Public Safety) about the distinction between judicial and ICE administrative removal warrants. *Judicial warrants* are legally binding documents signed by a judicial officer that compel specific forms of cooperation with government agents in the administration of justice. For instance, a judicial warrant might give permission for law enforcement officers to enter a specific student's dormitory room. The college is legally required to comply with a judicial warrant, but only to the degree specified by the document. To continue the example above, the college would not be required to admit officers into any other areas of the building or campus aside from the areas specifically listed on the judicial warrant.

ICE Administrative removal warrants, on the other hand, are issued directly by an ICE official, and authorize their officers to detain and take into custody individuals suspected of violating immigration laws. Although immigration enforcement officials may choose to present these documents to members of the public, these ICE-issued removal warrants would not authorize an immigration official to enter a place where the individual would have a reasonable expectation of privacy, without consent.

The December 2 statement says that "to the fullest extent of the law," the college will not voluntarily grant access or information to immigration enforcement officials. Hence, although the college is legally required to fully comply with a judicial warrant, the college is not legally required to grant access to immigration enforcement officials with a administrative removal warrant for an individual in a private campus location (i.e., dorm rooms). However, ICE officials, without seeking college permission, may be able to remove the sought individual from a location, whether on or off campus, where there is no reasonable expectation of privacy.

Sharmaine LaMar has partnered with Mike Hill to share this understanding of the distinction between these types of warrants with his staff. We recommend that the distinction is also shared with relevant members of senior staff, and to other community members as part of the broader educational efforts surrounding our sanctuary campus status.

2. Provide DACA and undocumented students with names of qualified attorneys willing to provide assistance and legal representation in both routine and urgent circumstances; furthermore, urge DACA and undocumented students to build a relationship with a qualified attorney well before their services are needed.

DACA and undocumented students may have a diverse array of needs for legal advice and/or representation, including help with routine tasks such as DACA renewals or advance parole, or in more urgent circumstances, such as if a student's family is facing deportation.

The Office of General Counsel and the Office of International Student Services have committed to creating a referral list of immigration law attorneys and non-profit organizations that are willing to offer Swarthmore College DACA and undocumented students legal representation, including some free consultations and/or reduced rate

representation. While several attorneys and non-profit organizations have indicated to Sharmaine and Jennifer that they do on occasion accept clients on a pro bono basis, they indicate that they do so sparingly and in the most dire of circumstances. As such, pro bono representation must be determined by the lawyer or organization of the student's choosing on a case by case basis. The referral list will include brief summaries of each attorney's professional qualifications and/or each organization's mission and purpose, and is projected to be available later this summer.

DACA and undocumented students who do not yet have counsel will be encouraged to consult with an attorney, and given the referral list. The attorney-client relationship exists between the individual student and the attorney they select, and the college is not a party to that relationship. Individual students are strongly encouraged to investigate the qualifications of any attorney before selecting one to represent them in any legal matter. As a result, the College does not designate an attorney to provide legal counsel to students, but can instead offer referrals for attorneys to substantially aid students in independently identifying qualified legal counsel. The college will provide referrals to students for their informational purposes, and cannot make any specific endorsements of the services or qualifications of any attorney.

We recommend that the Office of General Counsel and the Office of International Students Services office work together to bring as many of these attorneys to campus as possible to deliver general information and know-your-rights type sessions. Such sessions (or events scheduled around them) could also present opportunities for students to get to know the attorneys in order to make informed decisions about where to seek legal advice.

The committee strongly recommends that the college advise DACA and undocumented students to begin a relationship with a qualified attorney *before* their services are needed. These students should be urged to carry the contact information for an attorney with them at all times, both on their phone and in their wallet.

For DACA and undocumented students, any interaction with law or immigration enforcement officers can quickly become an urgent situation. Such encounters carry risks of charges that could jeopardize immigration/residency status, of prolonged detention, or even deportation. Accordingly, in the event that a student is questioned and/or detained, they should already know the name and contact information of a lawyer who has agreed to be contacted in such circumstances.

The strong consensus of the working group is that DACA and undocumented students should not be burdened by financing their own legal representation, nor should they be discouraged from reaching out to attorneys out of concerns about an inability to pay for their services. We furthermore urge the college to view legal representation as a necessity for these students every bit as essential as their room and board, a view which reflects a broad definition of sanctuary campus which is rooted in the college's mission of social responsibility.

3. Build relationships with legislators and other local/regional government officials.

US Congress members are empowered to assist with visa and immigration issues for their constituents. We therefore recommend that the college build relationships with our senators and/or representatives in the event that we may one day want to call upon them for such assistance.

The current US Representative for Pennsylvania Congressional District 1, the district containing Swarthmore College, is Congressman Robert Brady. One potential early opportunity to reach out to Rep. Brady would be to encourage him to list Swarthmore College among the colleges and universities in his district [on the relevant page of his website](#). We note that Brady was among the many members of congress who [signed an amicus brief](#) opposing the executive order attempting to establish a travel and immigration ban earlier this year. Of Pennsylvania's two US Senators, the one more sympathetic to just treatment of immigrants is Bob Casey. Like Rep. Brady, Sen. Casey [vociferously opposed the travel ban](#).

The state senator for Swarthmore is Thomas J. McGarrigle, a Republican serving since 2014. Our current representative in the PA house is Leanne Krueger-Braneky, a Democrat serving since 2015. Our state officials may be of particular interest as PA Senate Bill 273 and the similar House Bill 15 – both targeted at eliminating state funding for sanctuary campus schools – [near votes in the state legislature](#).

4. Continue updating the college website to reflect our most current understanding of legal/political issues, and to ensure current and prospective students know the resources available to them.

The legal and political landscape for undocumented and DACA students is uncertain, and has been changing rapidly since the presidential election. It is therefore essential that the information presented to students is centralized, timely, and as accurate as possible.

There are many college staff members whose work touches upon issues related to our Sanctuary Campus designation, or issues of interest to DACA and undocumented students. Nevertheless, we recommend that any official publications of the college which bear on these topics be centrally coordinated by the Office of International Student Services and the Office of Communications. In this changing climate, information can become stale quickly, and without such centralized coordination, it might be difficult to track down outdated or inaccurate passages.

Rather than maintaining an encyclopedic list of resources and considerations, we recommend that the college present a useful overview of fundamentals, with guidance to contacts on campus to obtain more information. For example, instead of providing a full list of qualified immigration attorneys on the college website, we instead recommend that the website informs students that such a list is available and can be obtained by making an appointment with the International Student Services office.

Aside from timeliness, there are other legitimate reasons not to document all of the resources and accommodations available to undocumented students online; however, we recommend that these considerations be balanced against the interests of prospective and

admitted students who may not be able to consult with staff members, and whose decisions about whether to attend Swarthmore may hinge in part upon their understanding of the support offered by the college to DACA and undocumented students.

This spring, Jennifer Marks-Gold has been working with the Office of Communications to prepare a Frequently Asked Questions (FAQ) page for DACA and undocumented students, which is planned for publication to the college website this summer. We believe it will address many of the concerns listed above.

5. Coordinate approaches to background checks and clearances across the college.

Students in the Educational Studies department who wish to perform field work, as well as other students participating in activities such as volunteering with the Chester Children's Chorus or the Lang Center are routinely required to undergo clearance processes and/or background checks. We recommend that the faculty and staff requesting these background checks follow the practices established by the Educational Studies department in approaching clearances for students who have special concerns about the process. In particular, we recommend that all departments:

- As early as possible, consult with Human Resources or Public Safety to determine which clearances/background checks will be required for the activity under consideration;
- Inform students in advance about the information that will be requested of them;
- Ensure that students having direct contact with a child or having responsibility for the welfare of a child obtain the required clearances/background checks.

We furthermore recommend that there be a centralized location on the college website that discusses these issues and refers students to a staff member if they have questions.

6. Establish procedures for advance parole recipients to study abroad.

Under current regulations, DACA recipients and certain other individuals may apply for advance parole (USCIS form I-512), to permit them to re-enter the US after traveling abroad. Although this is currently the only legal mechanism allowing these individuals to travel outside the US and re-enter the country, the shifting legal and political landscape presents the risk that even with advance parole, a student may not be allowed back into the country (for example, due to a policy change while they are abroad).

For this reason, the college has advised students eligible for advance parole to remain in the US at this time. Nevertheless, and cognizant of the risks, some students who are potentially eligible for advance parole are still interested in pursuing opportunities to study abroad. In fact, we received a proposal from such a student via Diane Anderson (Associate Dean for Academic Affairs). The student in question wants to study abroad during the fall of their senior year, and proposed several measures the college could take to support them if they are not allowed back into the US for their final senior spring semester, including:

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- Legal support and advice in order to re-enter the US.
 - Allowing the student to continue enrolling in classes at the same off-campus institution, or at a site located in a country the student can more easily travel to.
 - Distance learning and/or mentoring at Swarthmore through Skype, Google Hangouts, or other similar technology.

We recommend that the college not only support this student, but other potential advance parole recipients who want to study abroad. We further recommend that this student's decision to time their study abroad for senior fall (as opposed to the more standard junior year) be the recommended time frame for this type of off-campus study – in the worst case, the student would only have to make up a semester of time away from the college, instead of a year or more.

As stated in the introduction to this report, one of our working group's guiding principles is to ensure that DACA and undocumented students enjoy the same opportunities as their Swarthmore peers, to the greatest extent possible. In light of this principle, a policy prohibiting advance parole recipients from studying abroad would unfairly penalize them for engaging in activities for which they have taken the initiative to secure legal permission.

Any student applying for advance parole and seeking to study abroad must understand the inherent risks, as well as the limits to the college's ability to enable their re-entry to the US. They must also understand that the college would re-evaluate its commitment to the measures of support listed above in the event of legal or disciplinary issues while abroad.

Since each student is operating under unique constraints, the college can't create a "one size fits all" approach to this type of off-campus study. We therefore recommend that the student take the initiative to perform necessary due diligence and contingency planning ahead of time, including:

- Apply for advance parole well in advance of their intended departure.
- Work with the Off-campus Study office to identify "contingency institutions" where they could finish their coursework. Ideally, this would be the same institution they began their study abroad at, but it might be necessary to consider other institutions due to visa issues.
- Work with the Off-campus Study office to plan extending their visa in the host country if necessary.
- Work with the Office of International Student Services to plan a budget and housing if necessary.
- Work with the Office of Academic Affairs to ensure they will be able to satisfy their graduation requirements. The Associate Dean for Academic Affairs can assist the student in consulting with their major department to explore alternative ways to

satisfy departmental capstone requirements for majors (possibly through distance learning/mentoring, or possibly in the second half of their junior year or the summer before they travel abroad).

Swarthmore's [graduation requirements](#) stipulate that students must study at Swarthmore College for their final two semesters; however, there is an exception "that seniors during the first semester of their senior year, with the approval of the chair(s) of their major department(s), may participate in the Swarthmore Semester/Year Abroad Program." We recommend that this be amended to include students denied re-entry to the US, or that these students be granted waivers by the Committee on Academic Requirements, [who are empowered to grant them](#).

We additionally recommend that the college investigate opportunities to partner with academic institutions in Mexico and Canada (ideally, existing off-campus study sites if possible) so that we may recommend them to students as contingency institutions if necessary.

7. Envision alternatives to both student employment and research assistantships for students who are ineligible to work as paid employees of the college.

Under our current understanding of the law, the college is not permitted to employ undocumented students as workers. Furthermore, the college is also prohibited from awarding these students summer stipends to work as research assistants.

Participation in student employment and research assistantships confers a number of benefits to students beyond merely financial ones, including:

- Accumulation of professional and/or academic experience outside the classroom
- Learning how to collaborate with diverse colleagues besides one's peers
- Social opportunities to interact with a variety of college community members

We recommend that administrative staff coordinate to envision alternative opportunities that would allow these students to gain similar non-financial benefits, to whatever extent possible.

8. Connect DACA students with potential employers willing to sponsor green cards.

We recommend that the Career Services Office begin building a database of employers who are willing to sponsor DACA recipients for green cards. Because even among DACA recipients, individuals' eligibility for adjusting their status varies, we furthermore encourage Career Services to work with the International Student Services office to establish guidelines for when such sponsorships are likely to be fruitful, in order to advise DACA students most effectively.

9. Work towards establishing post-graduation pathways for citizenship.

The vast majority of the measures taken to put our status as a sanctuary campus into practice are, by definition, protective and reactive. We recommend that the college also consider plans which are more proactive.

One of the reasons that the new administration may have decided not to reverse DACA is that there is generally [significant public support for it](#). It may furthermore be possible to build support for an academic pathway to citizenship: the notion that if a student grows up in the US and completes a four-year bachelor's degree, they are poised to contribute to the national economy, and should therefore be recognized as a full member of society.

There are several concrete measures the college could take to begin addressing this plan, including:

- Conducting workshops or seminars along with other sanctuary campus schools and like-minded institutions to brainstorm methods to achieve this goal.
- Sponsoring fellowships for local or visiting scholars to research legal theory and precedent for new pathways to citizenship.
- Cultivating relationships with elected and appointed officials who might support such pathways. This would also ensure these officials have heard and hopefully understand the College's interests.
- Working with advocacy groups who might support this cause. If an academic pathway is established, it could be the "skinny end of the wedge" to open up other pathways as well.
- Engaging students – especially DACA and undocumented students – in all of the aforementioned activities, as they will be the among best advocates for their own cause.

As the alma mater of [myriad notable judges, legal scholars, political activists, and politicians](#), and in light of the college's [Quaker heritage](#), we have both the alumni network and the historical background to enable us to take the lead in this work. In doing so, we would show that being a sanctuary campus means more than supporting students while they are at the college; it also means ensuring a legitimately recognized role for them after graduation. Pursuing this goal, the college would take leading role to encourage scholarship and advocacy aimed at ending injustices against immigrants regardless of immigration status.

10. Educate stakeholders across the college to better understand issues relevant to DACA and undocumented students.

All members of the campus community, including faculty, staff, and students, will benefit from further awareness of issues related to our Sanctuary Campus designation, and we see a range of opportunities to provide education on these topics.

Although the aforementioned additions to the college website will provide useful information to all of these groups, we also recommend that the college produce documents similar to the [“best practices” documents for faculty and staff produced at the University of Irvine](#) that spell out how best to support DACA and undocumented students. An initial adaptation of these documents is included in the Appendices of this report.

We also envision opportunities for targeted education to various groups of college community members:

Opportunities for faculty

From time to time in the past, Jennifer Marks-Gold has given presentations to the faculty about issues relevant to international students. We recommend that she be invited to a regular meeting of the faculty early in the Fall 2017 semester to give such a presentation. Possible topics for presentation could include:

- Common issues that complicate the undergraduate academic experience for DACA and undocumented students, from application, to off-campus study, to post-graduation.
- Current and expected future proportions of DACA and undocumented students at Swarthmore.
- Helping students find alternatives to NSF REUs and other academic opportunities which typically require US Citizenship or permanent residency.

We have already filed a request with the Committee on Faculty Procedures (COFP) to put such a presentation on a faculty meeting agenda next fall.

Opportunities for staff

We recommend that relevant staff members be educated on how best to support DACA and undocumented students while upholding college policy as required. Issues of particular interest include:

- Awareness of college policies regarding data collection and retention
- Communicating to students what information they are and are not required to disclose to the college, and under what circumstances
- Important distinctions between DACA and undocumented students for the purposes of campus employment; intersections with other categories like work study

Opportunities for DACA and undocumented students

In many situations, DACA and undocumented students face risks and challenges that, under equivalent circumstances, their peers do not. One sector in which this disparity becomes especially salient is in interactions with law enforcement. Swarthmore students wind up in

contact with the law from time to time, and, though not a frequent occurrence, DACA and undocumented students are no exception. However, for these students – as discussed earlier – encounters with law enforcement officers can be particularly fraught due to the risks of charges jeopardizing immigration status, prolonged detention, or possible deportation.

We therefore recommend that DACA and undocumented students be strongly cautioned to consider their conduct carefully, especially off-campus. Obviously none of our students should engage in illegal behaviors regardless of their immigration status, and may face consequences for doing so; however, we believe that it is especially crucial for DACA and undocumented students to understand that:

1. Due to their immigration status, they risk disparate consequences for the same types of poorly-advised behaviors that other students may engage in.
2. The college has substantially less power to support them if they get into trouble off campus.
3. If they choose to engage in these behaviors, they risk creating additional difficulties for themselves beyond the substantial number they already face.

We also foresee opportunities to educate DACA and undocumented students about important distinctions between Swarthmore Public Safety employees and law enforcement officers, best practices for interacting with law and/or immigration enforcement officers, as well as ways to protect their own privacy. For example, at times the college is required to share home addresses of students with outside agencies; students should be aware they are allowed to file their home address with the college as 500 College Avenue (the institution's own address).

Also, as mentioned above, we recommend that the college underscore to all DACA and undocumented students the importance of forming a relationship with a qualified attorney in case of emergencies or other urgent situations.

Opportunities for all students

Recent events have also presented opportunities to educate even well-meaning allies of DACA and undocumented students. For example, despite the fact that most students generally understand that another student's immigration status is not to be disclosed without their permission, they may be unaware that one of the biggest potential sources of such disclosure is inadvertent behavior by classmates and friends.

On a related note, all students should fully understand the amnesty policy with respect to drug and alcohol reporting: if a student calls for help on behalf of a peer under the influence of drugs or alcohol, both the reporting student and the one receiving care will be granted amnesty against citations; however, *no other students aside from these two* should expect to receive amnesty. Furthermore, it is generally prudent for the reporting student to clear the premises as soon as the first responder arrives.

Finally, we recommend that the college make the memorandum of understanding between Swarthmore College Public Safety and Swarthmore Borough Police available to students (possibly online, accessible to on-campus IP addresses only), so they can see for themselves the formal relationship between Public Safety and local law enforcement.

We recommend that the Dean's office consider effective strategies to disseminate some of these lessons to students, whether as part of first-year advising, through residential advisors, or by other means.

Further questions and final thoughts

In pursuing our work, we frequently encountered issues which ran up against the scope of our working group's charge. For example, if DACA and undocumented students are provided with a referral list of attorneys willing to provide legal assistance, why not provide a similar resource to all low-income, minority students, who also face heightened risks in interactions with law enforcement officers?

The working group recognizes that the college must be sensitive to the needs of DACA and undocumented students whose families are threatened with deportation, and make available emergency funds for travel and other support if such circumstances arise. However, we realize that there may be a far larger population of community members who, despite being citizens or legal permanent residents of the US, may nonetheless have family members facing those same threats. We further note that this larger group may well include faculty and staff, not just students.

The executive order briefly establishing a travel and immigration ban raised further considerations about larger populations of Swarthmore College community members including international students, staff, and faculty. Fortunately, the executive order was nullified and retracted nearly as suddenly as it was issued. Nevertheless, the lesson to the working group is that the institution must be nimble in adapting quickly to changing circumstances.

Finally, we conclude by observing that although our working group's charge focuses primarily on how the school can support DACA and undocumented students, no student is simply described or characterized by any single designation. DACA and undocumented students can also be students of color, first generation students, and queer students. They include students who are high achievers at Swarthmore and students who struggle academically. They are STEM majors, social scientists, and humanists who expect to participate in the full spectrum of activities and experiences at the college.

Whatever it means to be a sanctuary campus, it must mean recognizing all of the intersectional factors influencing our DACA and undocumented students, and supporting their ability to be full members of the college community, to the greatest extent we are able.

Appendices

Appendix A: Communication Plan Implementation

Final Report

The preliminary communication plan for dissemination for the final Sanctuary Working Group Report is:

1. Share final report with President Smith
2. After President Smith's review and approval we will share the report and/or the executive summary with official listservs (official students and official faculty-staff), and promote it through a possible news story and/or Q & A (Our timing should allow for both the final report and Val's response to the report.)
3. It is our goal to have the report, and possibly Val's response to it, out by Summer 2017 Semester (May/June 2017).

Campus-wide Policies for Information Seekers

The Sanctuary Working Committee in consultation with the Office of General Counsel, and the Office of Communications will be leveraging the websites of the Offices of General Counsel, Communications, Public Safety, Registrar and International Student Services to promote the following policy:

The college has recently updated its protocols regarding requests for information and access to campus facilities or community members received from outside individuals.

Public Safety is the first point of contact for all such requests made by law enforcement and immigration officials.

Requests for all other types of information received from process servers, attorneys, or government officials should be directed to the Office of General Counsel, as described here: <http://www.swarthmore.edu/office-general-counsel/receipt-legal-documents-and-contact-at-torneys>

If you see suspicious activity on campus by persons unknown to you, please report it to public safety.

The Sanctuary Working Group believes the College should continue to identify opportunities to reinforce and promote this policy to the campus community. Opportunities could include new faculty and staff orientation, All Staff Meetings, Faculty Meetings, SGO Meetings and continuing education for student residential and non residential staff.

Promoting Resources for Students

Jennifer Marks-Gold, Director of the Office of International Student Services, will continue to give presentations on issues concerning our international students, including DACA and undocumented students. The presentation includes guidelines for advising, information about the specific challenges these students can face, what resources the college can and cannot provide, and also pointers to other sources of information. In addition, the Office of International Student Services will be updating the office website to include [FAQs](#) for DACA and Undocumented Students.

- March 2017 presented to the Dean of Students Division and Key Stakeholders
- September 2017 presentation to the regular meeting of the faculty

Appendix B: Timelines for Policies, Resources and Services Implementation

Policy, Resource, or Service	Implementation Date	Responsible Party (ies)
Uniform policy regarding requests for information and access	Summer 2017	Office of Communications, Office of General Counsel Department of Public Safety
Qualified attorneys willing to provide pro bono assistance and legal representation	May 2017	Office of General Counsel and Office of International Student Services
Build relationships with legislators and other local/regional government officials.	Ongoing	President's Office and Dean's Office
Update the college DACA website	Summer 2017	Office of International Student Services, General

		Counsel, and Office of Communications
Uniform background check and clearance processes	AY 17-18/Ongoing	Various Campus Depts/Centers (Lang Center, Educational Studies, General Counsel, Public Safety)
Establish procedures for advance parole recipients to study abroad	Summer 2017	Office of International Student Services, Office of Off Campus Study, Dean's Office
Establish post-graduation pathways for citizenship	AY 17-18/Ongoing	Another Working Group/Self Study Action Committee
Educate stakeholders across the college to better understand issues relevant to DACA and undocumented students	Ongoing	Office of International Student Services

Appendix C: Opportunities for Feedback from Faculty, Staff and Students

- [Focus Group for DACA and undocumented Students, November 21, 2016](#)
- Discussion of this report in the regular faculty meeting: September-October
- Dean's Division Meeting, March 16, 2017
- Community Roundtable, March 17, 2017
 - Sanctuary Workgroup Update was given
- Committee on Faculty Procedures (COFP), September 2017

Appendix D: DACA and Undocumented Students Ally Training

The Office of International Student Services will be providing an ally training that will be available to students, faculty and staff. Also, the office currently promotes and supports the UndocuAllies Migration is Beautiful Ally initiative. This initiative provides opportunities for Swarthmore students, faculty and staff who are interested in becoming an Ally for undocumented students by agreeing and adhering to the following guidelines:

An Ally of undocumented students is a person who:

- Acknowledges that undocumented students have a right to be enrolled at Swarthmore College
- Believes that children and youth ought not to be targets of anti-immigrant discrimination; i.e., children should be left out of the immigration “wars”
- Knows that because of negative attitudes toward illegal immigration and the lack of legal rights accorded to children and youth who are undocumented, that a person who has legal status has more power in initiating institutional support and can advocate against prejudice and discrimination
- Listens openly, yet does not interrogate the student on their immigration status
- Does not share information, without the student’s permission
- Does not encourage students to act on matters that may compromise them when they have the opportunity to adjust their status
- Creates a climate of trust that allows the student to reveal their situation at their own pace
- Handles student’s emotions with reserve, empathy, and support, and refers to appropriate professional campus staff as needed
- Is clear about his or her own personal motivation in becoming an Ally
- Is committed to maintaining confidentiality and respecting the privacy of people who are undocumented
- Contacts Jennifer Marks-Gold , Director of International Services with any questions or concerns

After agreeing to become an Ally, students, faculty, or staff may elect to display a symbol of support on their door or in their office space. The symbol displays a butterfly, signifying that migration is beautiful and was designed to indicate support for undocumented students. The purpose of initiating this resource is to provide safe, supportive, and inclusive environment for Swarthmore’s undocumented students.

Appendix E: DACA and Undocumented Students Focus Group

On November 21, 2016 The Office of International Student Services and the Intercultural Center hosted a focus group to gather perspectives, insights and experiences of DACA and undocumented at Swarthmore. The [report](#) produced from this focus group has helped to inform the work of the Sanctuary Working Group and is a recommended read for individuals trying to prioritize and meet the needs of DACA and undocumented students on Swarthmore's campus.