

**The Graduate Student Assembly
The University of Texas at Austin**

Authors: Gillian Grindstaff, Representative, Graduate Student Assembly
Samantha Fuchs, Representative, Graduate Student Assembly

Resolution: G.R. 17 (S) 4 – General Resolution Against Sanctions for Sanctuary Cities and Campuses

WHEREAS (1): On February 8th, 2017, the Texas Senate voted to move forward with Senate Bill 4, which describes sanctions to remove funding for local and state entities, including college campuses, if they do not cooperate with federal Immigration and Customs Enforcement requests to detain individuals for investigation and possible deportation;¹ and,

WHEREAS (2): Governor Greg Abbott immediately cut state funding to Travis County in response to the Travis County Sheriff’s Office Policy on Cooperation with U.S. Immigration and Customs Enforcement (ICE), which states that, effective February 1st, 2017, absent a warrant or court order, county resources are not to be spent on investigation of immigration status, communication with ICE, detainment of individuals past the appropriate time as designated by judicial court, or “sweeps intended solely to locate and detain undocumented immigrants”;² and,

WHEREAS (3): Federal circuit and appeals courts have ruled that complying with ICE detainer requests is voluntary,³ that counties can be held responsible for unlawfully detaining individuals without due process,⁴ and that holding an individual beyond their release date constitutes an arrest, which violates the Fourth Amendment in the absence of due process;^{5,6} and,

WHEREAS (4): Being in the U.S. without proper documentation is often a civil, not criminal, offense,⁷ and,

WHEREAS (5): A recent study by the Center for American Progress on the effects of sanctuary policies in cities suggests that “when local law enforcement focuses on keeping communities safe, rather than becoming entangled in federal immigration enforcement

¹<https://legiscan.com/TX/text/SB4/2017>

²https://www.tcsheriff.org/images/ICE_Policy.pdf

³Galarza v. Szalczyk, 3rd Circuit Court 2013

⁴Miranda-Olivares v. Clackamas County, U.S. District Court 2014

⁵Morales v. Chadbourne, 1st Circuit Court 2015

⁶Moreno v. Napolitano, U.S. District Court 2016

⁷Criminalizing Undocumented Immigrants Issue Brief, ACLU

efforts, communities are safer and community members stay more engaged in the local economy”;⁸ and,

WHEREAS (6): The city of Austin, with the election of Sally Hernandez as County Sheriff on a platform of legal non-cooperation with federal ICE requests in November 2016, expressed its desire to prevent unnecessary deportation of members of the Travis County community; and,

WHEREAS (7): Senate Bill 4 has moved on to the Texas House of Representatives to be voted on at an unknown date;⁹ now,

THEREFORE BE IT RESOLVED THAT (1): The Graduate Student Assembly at The University of Texas at Austin opposes Senate Bill 4 which would punish local and state groups for placing local community safety and trust ahead of federal policy on immigration enforcement, and prevent The University of Texas at Austin from making its own decisions regarding sanctuary campus policies; and,

THEREFORE BE IT FURTHER RESOLVED THAT (2): The Graduate Student Assembly at The University of Texas at Austin supports the Sheriff’s department policy of noncompliance with ICE detainees, given their questionable legal and moral basis; and,

THEREFORE BE IT FURTHER RESOLVED THAT (3): That copies of this resolution be delivered to the Board of Regents, the Office of the Chancellor, the Office of the President, the Office of Executive Vice President and Provost, the Vice President of Student Affairs, the Department of Diversity and Community Engagement, the Office of the Dean of Students, the Office of Admissions, the Office of the Vice President of Legal Affairs, *The Austin American-Statesman*, *The Texas Tribune*, and *The Daily Texan*.

⁸Thomas Wong, USC: <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>

⁹ <http://www.cnn.com/2017/02/07/us/texas-sanctuary-city-fight/>