

September 5, 2017

Dear Students, Staff, and Faculty,

This morning the Trump Administration announced its intent to terminate the Deferred Action for Childhood Arrivals (DACA) program in six months. The six-month “grace” period before the termination appears to be intended to allow Congress sufficient time to enact legislation to extend the DACA program or to reshape it in some fashion.

Last March, the Board of Trustees of the Rancho Santiago Community College District voted unanimously to pass a resolution in support of the DACA program and DACA students (please refer to the attached resolution). The District and its two colleges, Santa Ana College and Santiago Canyon College, reaffirm the commitment expressed in that resolution to support and protect our DACA students to the extent possible. Specifically, the District will not: (1) allow Federal immigration officials on campus; (2) act on behalf of Federal agencies to enforce immigration laws or aid in deportation; (3) share student records containing immigration or citizenship status with immigration officials; (4) allow District police to detain, question, or arrest anyone on the basis of suspected undocumented immigration status or participate in any voluntary program of immigration enforcement; and (5) cooperate with any efforts to create a registry of individuals based on any protected characteristics such as religion, national origin, race, or sexual orientation.

Per a legal update from the California Community College Chancellor’s Office (which is attached), the students currently enrolled in DACA will be allowed to continue working until their work permits expire. The DACA students whose work permits expire by March 5, 2018 will be allowed to apply for a two-year renewal of their work permits provided that they apply for renewal prior to October 5, 2017. Further, the action today by the Federal government does not affect state regulations, particularly the ability of AB 540 (the California Dream Act) students from attending a public community college in California, qualifying for an exemption from non-resident tuition fees, or applying for financial aid from the state.

The Rancho Santiago Community College District, Santa Ana College, and Santiago Canyon College remain deeply committed to each and every one of our students and to creating a safe and secure educational environment. Our message to students who may be DACA students or otherwise undocumented students is for them to *stay enrolled in school*. We intend to stand by their side and we will make every effort to lobby Congress to pass legislation to save DACA or to create a viable alternative.

Raúl Rodríguez, Ph.D.
Chancellor

Linda D. Rose, Ed.D.
President, Santa Ana College

John C. Hernandez, Ph.D.
President, Santiago Canyon College



**RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES**

Resolution No. 17-06 relating to Deferred Action for Childhood Arrivals (DACA)

Resolution No. 17-06

WHEREAS, the Rancho Santiago Community College District (the “District”) is committed to serving all students who can benefit from a post-secondary education, without regard to race, ethnicity, heritage, religion, national origin, immigration status, age, language, socio-economic status, gender, gender identity, sexual orientation, medical condition or disability; and

WHEREAS, the District believes that all people should have the opportunity to reach their full educational potential in a climate of respect and inclusion and in an educational environment that protects students from pressures and intrusive actions that would disrupt or impair their education; and

WHEREAS, the District is proud to serve its richly diverse community and is committed to following the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. § 99.1 et seq., and the California Education Code, § 49076, that govern the privacy of student records, AB 540 that exempts undocumented students from non-resident tuition, and the California Dream Act which allows undocumented students to apply for and receive state based financial aid and institutional scholarships; and

WHEREAS, great uncertainty exists amongst students about what specific immigration policies will be pursued by the federal government, and immigrants and other populations within the Rancho Santiago Community College District community are fearful of policies that may result in deportation or forced registration based on immigration status, religion or beliefs; and

WHEREAS, the District desires to reassure students that our campuses will remain safe and welcoming places for students of all backgrounds and inform them that state law grants qualified undocumented students the right to admissions and financial aid; and

WHEREAS, the District desires to join the Board of Governors of the California Community Colleges, the California Community Colleges Chancellor’s Office, the University of California and the California State University to: 1) reassure its students that the campuses will remain safe and welcoming places to learn for students of all backgrounds, whether documented or undocumented; 2) call on President Donald Trump to preserve DACA; and 3) defend the right of all students to obtain a higher education in California; and

WHEREAS, the Rancho Santiago Community College District recognizes that DACA students do not represent a public safety threat but rather represent some of the finest young individuals on whom our country’s future depends, now,

THEREFORE BE IT RESOLVED that the Board of Trustees of the Rancho Santiago Community College District declare that our campuses remain open, safe and welcoming to students of all backgrounds who meet the minimum requirements for admission, regardless of immigration status and will continue to provide services for DACA and other documented and undocumented students,

including counseling, instructional support, places to study, assistance in applying to our colleges and for financial aid through the California Dream Act and other appropriate support services, and

BE IT FURTHER RESOLVED that the Board of Trustees of the Rancho Santiago Community College District, urges President Donald Trump to continue the DACA program, which grants “Dreamers” – people who were brought to this country as children by their parents, to continue to pursue an education – reprieve from deportation because California and the United States are stronger due to their contributions to our economy, to our communities and to our Armed Forces; and

BE IT FURTHER RESOLVED that the Rancho Santiago Community College District, acting in accordance with the values of the District and the values of the University of California, California State University, California, the Board of Governors of the California Community Colleges, the California Community Colleges Chancellor’s Office supports continuation of the following District Practices, absent legal authority, the District will not: (1) allow Federal immigration officials on campus; (2) act on behalf of Federal agencies to enforce immigration laws or aid in deportation; (3) share student records containing immigration or citizenship status with immigration officials; (4) allow District police to detain, question, or arrest anyone on the basis of suspected undocumented immigration status or participate in any voluntary program of immigration enforcement; and (5) cooperate with any efforts to create a registry of individuals based on any protected characteristics such as religion, national origin, race, or sexual orientation; and

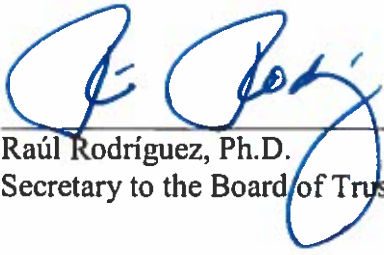
BE IT FURTHER RESOLVED, that the District will partner with the City of Santa Ana, Santa Ana Unified School District, Orange Unified School District, Garden Grove School District, local agencies, nonprofit entities, legal services entities, and other entities and groups where appropriate to provide support for families with deportation concerns; and

BE IT FURTHER RESOLVED that the Board of Trustees direct the Chancellor and College Presidents to ensure that faculty, staff, and students understand the District’s policies and have accurate and timely information on student’s rights to privacy and the limitations on the information which can be provided to external governmental and other agencies without their consent; and

BE IF FURTHER RESOLVED that the Board of Trustees and the Rancho Santiago Community College District will vigorously advocate at every level of government to protect our students and our system’s values.

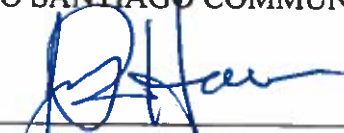
Dated this 13th day of March 2017.


Ayes: 7 Trustees: Alvarez, Barrios, Hanna, Hernandez, Labrado, Mendoza, Yarbrough
Noes: 0 Trustees
Absent: 0 Trustees
Abstain: 0 Trustees




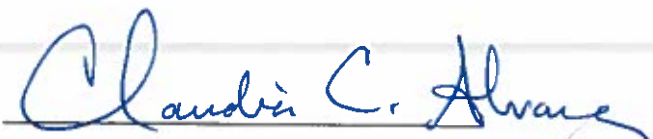
Raúl Rodríguez, Ph.D.
Secretary to the Board of Trustees

BOARD OF TRUSTEES OF THE
RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT


By: 
John R. Hanna, President


By: 
Nelida Mendoza, Vice President

By: 
Arianna P. Barrios, Clerk

By: 
Claudia C. Alvarez, Trustee

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Zeke Hernandez, Trustee

By: 
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STATE OF CALIFORNIA

ELOY ORTIZ OAKLEY, CHANCELLOR

CALIFORNIA COMMUNITY COLLEGES

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OFFICE OF THE GENERAL COUNSEL

Jacob H. Knapp, *Acting General Counsel*
Peter V. Khang, *Deputy Counsel*

DATE: September 5, 2017

TO: All Colleges

FROM: Jacob Knapp *JK*
Acting General Counsel

SUBJECT: **Legal Update: Rescission of Deferred Action for Childhood Arrivals (DACA)**

This morning, Attorney General Sessions announced the “unwinding” of the DACA program. The purpose of this memo is to discuss the details of the administration’s actions related to DACA and the impact on our students who participate in the DACA program.

What is DACA?

DACA was established in June of 2012 by the Obama Administration to provide administrative relief from deportation to specific individuals who applied for and received DACA status from the federal government. The purpose of DACA was to protect eligible immigrant youth who came to the United States as children (1) protection from deportation; and (2) a work permit. Eligible applicants were able to obtain DACA status for two years, subject to renewal.

Applicants for DACA status had to meet the following requirements:

- Must have been physically present in the US on June 15, 2012
- Must have been under the age of 31 on June 15, 2012
- Must have come to the US before 16th birthday
- Must have continuously resided in the US since June 15, 2007
- Must currently be in school, or have graduated high school or obtained a GED certificate, or have been honorably discharged from the armed forces
- Have not been convicted of a felony and do not otherwise pose a threat to national security or public safety.

Department of Homeland Security Memorandum on Rescission of DACA

On September 5, 2017, the Department of Homeland Security (DHS) issued a memorandum on the rescission of DACA. It is important to note that DACA was not immediately terminated – a six month window was created by the administration, ostensibly for Congress to put the program into legislation. For the time being, individuals with DACA status continue enjoy the benefits of the DACA program, including

deferred action and work authorization. The DHS memo on the rescission of DACA provides that DHS will, effective immediately, do all of the following:

- Pending DACA Initial Applications: DHS will consider, on an individual, case-by-case basis, properly filed and pending DACA initial requests and associated applications for Employment Authorization Documents that have been accepted by the Department as of September 5, 2017.
- New DACA Initial Applications: No new applications for initial DACA status will be accepted after September 5, 2017.
- Pending DACA Renewal Requests: DHS will consider, on an individual, case-by-case basis, properly filed and pending DACA renewal requests from current beneficiaries that have been accepted by the Department as of September 5, 2017.
- New DACA Renewal Requests: DHS will consider, on an individual, case-by-case basis, DACA renewal requests from *current beneficiaries whose benefits will expire between September 5, 2017 and March 5, 2018*. To be considered, these applications for renewal must be accepted by DHS as of October 5, 2017.
- Existing DACA Status: DHS will not terminate the grants of previously issued deferred action or revoke Employment Authorization Documents for the remaining duration of their validity periods.

Two issues to highlight once again for our existing DACA students: (1) DHS does not intend to terminate an individual's DACA status prior to its stated expiration; and (2) An individual whose DACA status is set to expire between now and March 5, 2018 may still apply for a renewal of their DACA status – but the application for renewal must be accepted by the Department by October 5, 2017.

The September 5, 2017 DHS Memorandum on the Rescission of DACA can be found at the following link: <https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca>

AB 540 and the California Dream Act

It is important to note that today's decision on the "unwinding" of DACA does not impact a student's ability to attend our colleges, qualify for an exemption from non-resident tuition fees under AB 540, or to apply for financial aid under the provisions of the California Dream Act. AB 540 and the California Dream Act are state programs that are entirely separate and distinct from DACA and the federal enforcement of immigration laws.

An AB 540 eligible student is exempt from paying non-resident enrollment fees if they meet all of the following criteria:

- Attended a California high school for at least three years, OR attained the equivalent of at least three years of credits from a California high school and attended at least three full years at California K-12 schools;

AND

- Graduated from a California high school, got a GED or passed the California High School Proficiency Exam;
- Are registered or enrolled at a California community college;

AND

- If required, complete an affidavit saying you have filed (or will file when you are eligible to do so) for legal immigration status.

More information about the California Dream Act can be found at the following link:

<http://www.icanaffordcollege.com/en-us/financialaidinfo/dreamact.aspx>

Additional resources for undocumented students can be found on the Chancellor's Office website at:

<http://www.cccco.edu/ResourcesforUndocumentedStudents.aspx>

Please feel free to contact my office if you have questions related to the rescission of DACA. We will continue to provide updates to our colleges as new information becomes available. As always, you should check with your local counsel for legal advice on specific issues related to your district.