



SENATE RESOLUTION #2728

TITLE: Reaffirming ASUW's Support for Students Receiving Deferred Action for Childhood Arrivals (DACA) Status

DATE INTRODUCED: November 24, 2020

AUTHOR: Chief of Staff Rhymes; Director of Governmental & Community Affairs Nielsen; Director of Diversity Perez

SPONSORS: The ASUW Advocacy, Diversity, & Policy Committee; The ASUW Safety & Wellness Committee; President Talamantes; Vice President Titus; Chief of Legislative Affairs Swilling; M.E.Ch.A

1. WHEREAS, it is the purpose of the Associated Students of the University of Wyoming
2. (ASUW) Student Government to serve our fellow students in the best manner possible; and,
3. WHEREAS, responsible, effective student leaders have a duty to assist fellow students at all
4. times and in all situations; and,
5. WHEREAS, a portion of students at the University of Wyoming (UW) are currently under
6. the protections of the "Deferred Action for Childhood Arrivals" (DACA) program, the
7. details of which are shown in Addendum A; and,
8. WHEREAS, since the creation of DACA protections in 2012, recipients of this status have
9. experienced temporary removal of their rights, attacks in all levels of the courts, and have
10. become generally fearful for the status of their protections, as shown in Addendum B; and,
11. WHEREAS, DACA students have a continuous biannual renewal fee of \$495 plus hidden
12. fees including travel and attorney fees, and have specific biometric appointments where
13. school or work is most likely missed; and,
14. WHEREAS, DACA students are not eligible to apply for Federal Student Aid, work study
15. nor Pell Grants, are not eligible for the Hathaway Scholarship nor in-state tuition; and,
16. WHEREAS, due to the COVID-19 pandemic, the CARES Wyoming College Grant

17. program was formed but only eligible for U.S citizens; and,

18. WHEREAS, DACA recipients cannot receive the vast majority of the benefits from

19. governmental programs, including, but not limited to: food stamps, Medicaid, and Social

20. Security; and,

21. WHEREAS, lack of financial resources and constant fear and uncertainty have a negative

22. impact on academics and physical and mental health, particularly during the novel

23. COVID-19 pandemic, as shown in Addendum C; and,

24. WHEREAS, Senate Resolution #2552 “ASUW Support for the Establishment of a Sanctuary

25. Campus,” as shown in Addendum D, affirmed the ASUW’s support for students who

26. possess DACA status and pledged to create resources for these students, but no tangible

27. steps have been made since the resolution’s passage in early 2017.

28. THEREFORE, be it resolved by the Associated Students of the University of Wyoming

29. (ASUW) Student Government that the ASUW Student Government reaffirms its

30. commitment to the values and objectives outlined in Senate Resolution #2552; and,

31. THEREFORE, be it further resolved that the ASUW commits to legislative efforts that

32. promote internal diversity as outlined in the Strategic Plan for Diversity, Equity, & Inclusion

33. for ASUW, as shown in Addendum E; and,

34. THEREFORE, be it further resolved that the ASUW commits to creating and implementing

35. tangible resources for students with DACA status; and,

36. THEREFORE, be it further resolved that the ASUW invites and recommends that University

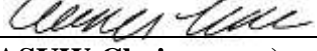
37. of Wyoming (UW) leadership explore other avenues of supporting DACA students in tandem


38. with ASUW efforts; and,

39. THEREFORE, be it further resolved that copies of this legislation be distributed to the

40. UW President, the Board of Trustees, and the Office of Diversity, Equity, & Inclusion upon
41. passage of this resolution.

Referred to: Advocacy, Diversity, and Policy; Program and Institutional Development

Date of Passage: 12/1/2020 **Signed:** 
(ASUW Chairperson)

“Being enacted on 12/1/2020, I do hereby sign my name hereto and
approve this Senate action.” 

ASUW President

Addendum A

What Is DACA

On June 15, 2012, the Secretary of Homeland Security announced that certain people who came to the United States as children and meet several guidelines may request consideration of deferred action for a period of two years, subject to renewal. They are also eligible for work authorization. Deferred action is a use of prosecutorial discretion to defer removal action against an individual for a certain period of time. Deferred action does not provide lawful status.

Watch a Video on DACA

Watch a Video on [DACA on USCIS YouTube Channel](#)²⁷

Request DACA for the First Time

The following information explains the guidelines for requesting DACA for the first time. If you need further information and cannot find it in our Frequently Asked Questions, you can call the USCIS Contact Center at 800-375-5283. For people who are deaf, hard of hearing, or have a speech disability: TTY 800-767-1833. Representatives are available Monday-Friday from 8 a.m. to 6 p.m. in each U.S. time zone.

Guidelines

You may request DACA if you:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching your 16th birthday;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
5. Had no lawful status on June 15, 2012;
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Source: <https://www.uscis.gov/archive/consideration-of-deferred-action-for-childhood-arrivals-daca>

Addendum B

POLITICS

Trump Ends DACA, Calls On Congress To Act

September 5, 2017 · 9:05 AM ET



VANESSA ROMO



MARTINA STEWART



BRIAN NAYLOR



Immigrants and supporters demonstrate during a rally in support of the Deferred Action for Childhood Arrivals program in front

Attorney General Jeff Sessions, a longtime opponent of the policy, made the formal announcement Tuesday morning. He called DACA "unilateral executive amnesty" and said the Obama administration "deliberately sought to achieve what the legislative branch specifically refused to authorize on multiple occasions. Such an open-ended circumvention of immigration laws was an unconstitutional exercise of authority by the executive branch." He said DACA "denied jobs to hundreds of thousands of Americans by allowing those same illegal aliens to take those jobs."

Source: <https://www.npr.org/2017/09/05/546423550/trump-signals-end-to-daca-calls-on-congress-to-act>

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

DEPARTMENT OF HOMELAND SECURITY ET AL. *v.*
REGENTS OF THE UNIVERSITY OF
CALIFORNIA ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 18–587. Argued November 12, 2019—Decided June 18, 2020*

In 2012, the Department of Homeland Security (DHS) issued a memorandum announcing an immigration relief program known as Deferred Action for Childhood Arrivals (DACA), which allows certain unauthorized aliens who arrived in the United States as children to apply for a two-year forbearance of removal. Those granted such relief become eligible for work authorization and various federal benefits. Some 700,000 aliens have availed themselves of this opportunity.

Two years later, DHS expanded DACA eligibility and created a related program known as Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). If implemented, that program would have made 4.3 million parents of U. S. citizens or lawful permanent residents eligible for the same forbearance from removal, work eligibility, and other benefits as DACA recipients. Texas, joined by 25 other States, secured a nationwide preliminary injunction barring implementation of both the DACA expansion and DAPA. The Fifth Circuit upheld the injunction, concluding that the program violated the Immigration and Nationality Act (INA), which carefully defines eligibility for benefits. This Court affirmed by an equally divided vote, and

*Together with No. 18–588, *Trump, President of the United States, et al. v. National Association for the Advancement of Colored People et al.*, on certiorari before judgment to the United States Court of Appeals for the District of Columbia Circuit, and No. 18–589, *Wolf, Acting Secretary of Homeland Security, et al. v. Batalla Vidal et al.*, on certiorari before judgment to the United States Court of Appeals for the Second Circuit.

DEPARTMENT OF HOMELAND SECURITY *v.*
REGENTS OF UNIV. OF CAL.
Syllabus

the litigation then continued in the District Court.

In June 2017, following a change in Presidential administrations, DHS rescinded the DAPA Memorandum, citing, among other reasons, the ongoing suit by Texas and new policy priorities. That September, the Attorney General advised Acting Secretary of Homeland Security Elaine C. Duke that DACA shared DAPA's legal flaws and should also be rescinded. The next day, Duke acted on that advice. Taking into consideration the Fifth Circuit and Supreme Court rulings and the Attorney General's letter, Duke decided to terminate the program. She explained that DHS would no longer accept new applications, but that existing DACA recipients whose benefits were set to expire within six months could apply for a two-year renewal. For all other DACA recipients, previously issued grants of relief would expire on their own terms, with no prospect for renewal.

Several groups of plaintiffs challenged Duke's decision to rescind DACA, claiming that it was arbitrary and capricious in violation of the Administrative Procedure Act (APA) and infringed the equal protection guarantee of the Fifth Amendment's Due Process Clause. District Courts in California (*Regents*, No. 18–587), New York (*Batalla Vidal*, No. 18–589), and the District of Columbia (*NAACP*, No. 18–588) all ruled for the plaintiffs. Each court rejected the Government's arguments that the claims were unreviewable under the APA and that the INA deprived the courts of jurisdiction. In *Regents* and *Batalla Vidal*, the District Courts further held that the equal protection claims were adequately alleged, and they entered coextensive nationwide preliminary injunctions based on the conclusion that the plaintiffs were likely to succeed on their APA claims. The District Court in *NAACP* took a different approach. It deferred ruling on the equal protection challenge but granted partial summary judgment to the plaintiffs on their APA claim, finding that the rescission was inadequately explained. The court then stayed its order for 90 days to permit DHS to reissue a memorandum rescinding DACA, this time with a fuller explanation of the conclusion that DACA was unlawful. Two months later, Duke's successor, Secretary Kirstjen M. Nielsen, responded to the court's order. She declined to disturb or replace Duke's rescission decision and instead explained why she thought her predecessor's decision was sound. In addition to reiterating the illegality conclusion, she offered several new justifications for the rescission. The Government moved for the District Court to reconsider in light of this additional explanation, but the court concluded that the new reasoning failed to elaborate meaningfully on the illegality rationale.

LAW

Supreme Court Rules For DREAMers, Against Trump

June 18, 2020 · 10:12 AM ET



NINA TOTENBERG



Activists demonstrate in front of the Supreme Court in Washington, D.C., on Thursday as the court rejected the Trump administration's move to rescind the Deferred Action for Childhood Arrivals program.

Nicholas Kamm/AFP via Getty Images

"We do not decide whether DACA or its rescission are sound policies," Roberts wrote. "The wisdom of those decisions is none of our concern. Here we address only whether the Administration complied with the procedural requirements in the law that insist on 'a reasoned explanation for its action.' "

Source: <https://www.npr.org/2020/06/18/829858289/supreme-court-upholds-daca-in-blow-to-trump-administration>

Addendum C



Counseling Center

Support for Senate Resolution: Reaffirming ASUW's Support of Students Receiving Deferred Action for Childhood Arrivals (DACA) Status

The University Counseling Center (UCC) supports ASUW's resolution: Reaffirming ASUW's Support of Students Receiving Deferred Action for Childhood Arrivals (DACA) Status. As stated in the resolution, lack of financial resources and constant fear and uncertainty experienced by DACA students has a negative impact on both academics and physical and mental health. In September of 2020, a study out of Delaware State University found that the COVID-19 pandemic's impact on mental health was disproportionately felt among DACA students studying in US colleges. The study found that DACA students were at heightened risk for depression and anxiety and experienced unique stressors related to finances, health, immigration, and unemployment in comparison to the general college student population. The UCC supports the social, emotional, and academic success of University of Wyoming students who are under the protections of DACA and thereby supports the current senate resolution.

Addendum D

SENATE RESOLUTION #2552

TITLE: ASUW Support for the Establishment of a Sanctuary Campus

DATE INTRODUCED: April 4, 2017

AUTHOR: Senator Strock

SPONSORS: Vice President Wolfgang; Senators Ellingrod, Powell, Thomson-Lichty, and Zumo; Executives Hernandez and Nesbitt; Movimiento Estudiantil Chican@ de Aztlán



1. WHEREAS, it is the purpose of the Associated Students of the University of Wyoming
2. (ASUW) Student Government to represent our fellow students in the best manner possible
3. through accurate representation and responsible, effective leadership; and,
4. WHEREAS, Article I, Section 2 of the Wyoming State Constitution states, "In their inherent
5. right to life, liberty and the pursuit of happiness, all members of the human race are equal;"
6. and,
7. WHEREAS, there are students at the University of Wyoming (UW) who have an
8. undocumented immigration status and/or are subject to the protections of "Deferred Action
9. for Childhood Arrivals" (DACA); and,
10. WHEREAS, many of these students live in fear of discrimination, retaliation, and deportation
11. due to their immigration status; and,
12. WHEREAS, recent national trends have only served to exacerbate this fear; and,
13. WHEREAS, UW has a duty to provide a safe and welcoming environment to all students
14. regardless of their background; and,
15. WHEREAS, these students only wish to pursue the "American Dream" and provide a better
16. future for themselves and their families; and,
17. WHEREAS, many of these students were brought to the US as children and have no criminal
18. history; and,

19. WHEREAS, the term "sanctuary campus" refers to a college or university that has decided to
20. protect their undocumented immigrant students from detention or deportation by applicable
21. law enforcement agencies; and,
22. WHEREAS, a separate, student-driven petition for the establishment of a sanctuary campus
23. has already been submitted to UW Administration but, to date, no action has been taken as a
24. result of that petition; and,
25. WHEREAS, Senate Resolution #2532 reaffirmed the ASUW Student Government's
26. commitment to diversity and inclusivity; and,
27. WHEREAS, it is paramount to follow through on expressed support of diversity and
28. inclusivity with direct, meaningful action.
29. THEREFORE, be it resolved by the Associated Students of the University of Wyoming
30. (ASUW) Student Government that the ASUW Student Government supports the creation of a
31. policy by the University of Wyoming (UW) for the protection of undocumented immigrant
32. students from detention and deportation; and,
33. THEREFORE, be it further resolved that the ASUW Student Government supports providing
34. undocumented immigrant students with further resources at UW, including, but not limited
35. to, financial assistance, legal resources, and assistance in areas of housing and employment,
36. amongst others; and,
37. THEREFORE, be it further resolved that the ASUW Student Government recommends that
38. University Regulation 1-3 be amended to reflect the changes in Addendum A.

Referred to: SOP

Date of Passage: 04/11/17 Signed: Tyler Wimmer
(ASUW Chairperson)

"Being enacted on 04/17/2017, I do hereby sign my name hereto and
approve this Senate action."

[Signature]
ASUW President

Addendum A

UW REGULATION 1.3

**Equal Education and Employment Opportunity Statement and
Policy/Diversity (Affirmative Action) Program**

I. STATEMENT AND POLICY

The University is committed to equal opportunity for all persons in all facets of the University's operations and is an Equal Opportunity/Affirmative Action Employer. The University will provide all applicants for admissions, employment and all University employees with equal opportunity without regard to race, gender, religion, color, national origin, immigration status, disability, age, protected veteran status, sexual orientation, gender identity, genetic information, creed, ancestry, political belief, or any other applicable protected category or participation in any protected activity. The University ensures non-discriminatory practices in all matters relating to its education programs and activities and extends the same nondiscriminatory practices to recruiting, hiring, training, compensation, benefits, promotions, demotions, transfers, and all other terms and conditions of employment.

Internal Diversity

Diverse representation

-Baseline: Senate has some diversity, United Multicultural Council (UMC) is an ex-officio, International Students Association (ISA) is an ex-officio, certain multicultural groups do not feel represented by ASUW and/or do not understand the process of running for ASUW

-2023 Target: requirement for Senators to present about elections to RSOs and in classes, increased collaboration on legislation with departments such as Multicultural Affairs, work towards a new executive position for a non-financial focused Director of RSO Relations, more representation of ASUW at non-traditional and international orientations.

