**AUTHORS**

Senator Nieves, Preston

**SPONSORS**

Senator Baccara, Ruben

Senator Miller, Elijah

Senator Cooper, Adrian

Senator Freund, Keely

Senator Molina, Alexander

Senator Clark, Sierra

Senator Boreing, Brooklyn

**S.B. 2017-2018**

**Date of First Reading:**

**A Bill –**

**To be known as “The Bobcat’s here to stay authorization act” to implement a program aimed at informing students about the rights and legal protections afforded to immigrants and foreign nationals within the United States.**

**WHEREAS:** Texas State University has a diverse population, consisting of students from a wide variety of national origins and varying citizenship status. These individuals contribute greatly to the University community and offer unique perspectives, fueling the vibrant exchange of ideas that is essential for the success and well-being of the institution and;

**WHEREAS:** Due to the complex patchwork of immigration laws and the political controversy surrounding immigration policy, students with a national origin outside of the United States face unique and imposing challenges. Their academic careers at Texas State University, as well as their access to services and even their ability to remain in the country, are affected by additional factors beyond what most students must face and;

**WHEREAS:** Among these challenges, is that of being familiar with the rights and protections immigrants and international students are guaranteed under the law, and what mechanisms exist within the US and Texas legal systems to protect these liberties from tyrannical, reckless, unreasonable, immoral, unlawful, or otherwise abusive use of power and;

**WHEREAS:** The Constitution protects the life, liberty, and property of all within the territorial jurisdiction of the United States. All people have the right to due process under the fifth and fourteenth amendments, including those where the person is suspected of being in the country illegally and;

**WHEREAS:** This view is substantiated by more than a century of legal precedent. "Once an alien enters the country, the legal circumstance changes, for the due process clause applies to all persons within the United States." - (Zadvydas v. Davis, 2001). Habeas Corpus applies to citizens of a foreign territory (Boumediene v. Bush, 2008). The term “person” under the fifth amendment applies to aliens residing within the United States (U.S. v. Wong Kim Ark, 1898). Persons accused of a crime are innocent until proven guilty (Coffin v. US, 1895) and;

**WHEREAS:** "There is no question that all persons in the United States including unauthorized migrants enjoy the protections of the Constitution - There is no debate about that among legal scholars." - Gabriel (Jack) Chin, law professor at University of California-Davis. and;

**WHEREAS:** The relationship between these rights and university policy, law enforcement practices, access to legal services, and judicial proceedings is complex, and thus is not well understood by every student and;

**WHEREAS:** This inadequate level of understanding makes students vulnerable to coercion and abuse of power, making it difficult for them to use the judicial system to its fullest potential to secure liberties against infringement and;

**WHEREAS:** Immigrants who are eligible to remain in the US have been removed from the nation without a hearing under Stipulated Removal Orders. Some have been deported for civil rather than criminal violations (US Department of Homeland Security) and;

**WHEREAS:** The effects of these challenges can be further exacerbated by things such as the language barrier and financial difficulties and;

**WHEREAS:** Several student organizations on campus, such as PAAC and SCOPE, have voiced concern about this issue, and have advocated for more extensive measures to support and protect immigrant and international students and;

**WHEREAS:** Texas State University has an obligation to protect, support, and represent every student, regardless of their national origin, immigration status, or level of knowledge about the American legal system and;

**WHEREAS:** Texas State University also has a responsibility to do this in a manner that is consistent with applicable State and Federal laws, and does not jeopardize funding. University policy must not run contrary to immigration laws that are consistent with the US and Texas Constitutions and have been upheld by legal precedent and judicial review therefore;

**BE IT ENACTED:** That Texas State University student government hereby establishes a campus wide outreach program aimed at informing students of immigrant’s legal and constitutional rights and;

**BE IT ENACTED**: That Student Government code be amended to include the following;

**SUBTITLE I - MISCELLANEOUS**

**Chapter 113**

**Article I-ADMINISTRATIVE**

**§1 AUTHORIZATION.** This chapter and all of its regulations are authorized pursuant to Article III(10) (a),(j) of the Student Government Constitution and S.G.C. V. §103.1(2)(b),(h); §104.1(2)(a)(e); and §107.1(2)(a).

**§2 Purpose.** The senate will enact an outreach campaign to inform students about the rights of immigrants under the US and Texas legal systems. This program will consist of two parts; the “Bobcats here to Stay Campaign” and the “Bobcats here to Stay Forum”. This program will be aimed at answering common questions, informing students about basic civil and human rights immigrants have, and addressing misconceptions about how the judicial system handles cases involving suspected immigration law violations. The “Bobcats here to Stay Campaign” will consist of posting flyers throughout campus in LBJ Student Center, dorms, dining halls, the quad and any other areas where doing so permitted. It will also include a social media campaign. The “Bobcats here to Stay Forum” will consist of a forum, to take place every semester, where students can come and ask questions pertaining to immigrant’s rights. Student government also encourages involvement by student organizations, and is willing to partner with these organizations when hosting events and conducting outreach efforts. Program objectives will be centered around broadening student knowledge and understanding of the following areas;

(a) What constitutional rights and protections immigrants and

foreign nationals possess, as well as the limitations that exist on those rights

(b) How Texas State University policies are affected by

immigration law

(c) How one’s ability to get legal representation is affected by

citizenship status

(d) What to do if the police come to one’s door

(e) What to do if one is detained on immigration related charges

(f) Stipulated removal orders

(g) Search warrants

(h) What powers Federal, State, and Local law enforcement have to enforce immigration law on campus, and what limitations on those powers exist

**Article II - Authorization for Bobcats Here to Stay Program**

**§1 AUTHORIZATION.** The Senate Authorizes the creation of the “Bobcats Here to Stay” program.

1. The agenda of each “Bobcats Here to Stay” Forum event will be determined by the President or by simple resolution.
2. The President, in consultation with the Director of programs and marketing, will be responsible for setting the date and time of these events.
3. The Programs and Marketing Commission, in consultation with the Government affairs commission, will be responsible for planning, overseeing, and executing the “Bobcats Here to Stay” forum events.
4. The Programs and Marketing Commission shall be responsible for the distribution of “Bobcat’s Here to Stay” campaign materials, for advertising and promoting the events, and for managing the initiative’s social media presence.

**Article III - Partnership with Other Organizations**

**§1 PURPOSE.** Various organizations on campus are committed to informing immigrants of their rights, and Texas State University currently has services for foreign students. Student government seeks to collaborate with on campus organizations and the international affairs office to the extent necessary to carry out this program, as to ensure efficiency of this programs and raise awareness of existing resources.

**§2 Execution.** Collaboration should include but not be limited to, sharing information, student government sponsorship of events, promoting and advertising services offered by the University, and inviting student organizations to sponsor, participate in, and/or help organize “Bobcats Here to Stay” events.

1. Use of any intellectual property or information of an organization, including but not limited to names, fliers, symbols, seals, and literature, without the consent of that organization, is absolutely prohibited.
2. Subsection (a) does not apply in instances where student government is simply advertising information or services that are already publicly available for students to access on the Texas State University website, or any portion thereof. Student government is permitted to promote and raise awareness of existing resources as part of the outreach campaign so long as those resources are not covered by protections or regulations that prohibit their sharing or use in this manner.
3. Student government shall only promote or endorse an event with the knowledge and consent of the organization hosting the event
4. The Director of Programs and Marketing shall be responsible for communicating and coordinating with organizations on campus for purposes related to this program.

**§3 Partnership with the International Affairs Office.** Student government seeks to collaborate with the International affairs office in the creation and implementation of this program. Student Government will seek international affairs office sponsorship/participation in segments of this program where it is deemed necessary, and will make promoting awareness of the full extent of services offered by the international affairs office part of outreach efforts.

1. The director of student services shall be responsible with maintaining communication and sharing information with the International affairs office about the “Bobcats Here to Stay” campaign.
2. The student services commission will review material promoting services offered by the International Affairs Office promoting publication, to ensure that information is accurate and up to date.
3. The programs and marketing commission, advised by the student services commission, shall be responsible for organizing joint events and promoting relevant international affairs office programs and services.

**BE IT FURTHER ENACTED:** That upon passage this legislation shall be forwarded to student body president Connor Clegg and Dr. Ryan Buck, Assistant Vice President for International Affairs, for further action.