

## **University of Houston–Clear Lake** **Senate Bill 4 Frequently Asked Questions (FAQs)**

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### **Overview of the Law**

**Note: A federal judge has temporarily prevented enforcement of SB 4 while a federal lawsuit which challenges the constitutionality of the law is pending. We will post updates on this site as they become available.**

#### **1. What is Senate Bill 4 (SB 4)?**

**Answer:** SB 4 is a law that was passed by the Texas Legislature in 2017 and signed into law by Governor Greg Abbott. It is sometimes called the Sanctuary Cities Bill, because its goal is to outlaw so-called “sanctuary cities” by forbidding local law enforcement agencies from adopting policies that prevent a peace officer from asking about a person’s immigration status. Additionally, if federal immigration authorities ask, the police departments must cooperate with them to enforce federal immigration law.

#### **2. Does SB 4 apply to campus police departments?**

**Answer:** Yes. SB 4 specifically applies to campus police, as well as police departments of cities, towns, or counties or other special authorities. This includes a sheriff, municipal police department, municipal attorney, county attorney and district attorney.

#### **3. How will UHCL police department respond to SB 4?**

**Answer:** As a public university, UHCL is bound to follow Texas law. In compliance with SB 4, the UHCL PD may not enact a policy or practice which prohibits the enforcement of immigration laws. The UHCL Police Department has never had such a policy or practice, so there will not be a need to change course in order to comply with the law. UHCL PD does not function as an immigration force, nor does it serve to facilitate an environment of fear. UHCL PD officers are not checking the immigration status of students, faculty, staff, vendors, visitors, persons reporting crimes, or victims of crimes. Campus police are here to support student success and to promote and preserve a safe campus environment for students, faculty, staff, and the public.

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#### **4. Does SB 4 mean police departments are required to always ask about immigration status?**

**Answer:** No. A police department, however, may not have any policy which materially limits a peace officer from:

- inquiring about the immigration status of a person under lawful detention or under arrest. The definition of lawful detention excludes those who are detained as a victim of or witness to a crime, or reporting a crime;
- sending information to, maintaining, exchanging, or requesting information from ICE or other agency, or about the immigration status of a person in detention or under arrest;
- assisting or cooperating with federal immigration officers as reasonable or necessary, including providing enforcement assistance, unless at a place of worship; or
- permitting immigration officers to enter a jail to enforce immigration law.

#### **5. When does the law go into effect?**

**Answer:** The law was originally scheduled to go into effect on September 1, 2017; however, a federal judge has temporarily delayed enforcement of the law, while the constitutionality of the law is litigated in court. Therefore, SB 4 is not in effect at this time. We will post updates on this site as they become available.

#### **6. I heard there is a lawsuit challenging SB 4 and I am confused about whether the law is actually in effect?**

**Answer:** The law was originally scheduled to go into effect on September 1, 2017; however, a federal judge has temporarily delayed enforcement of the law, while the constitutionality of the law is litigated in court. Therefore, SB 4 is not in effect at this time. We will post updates on this site as they become available.

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## **7. What is a sanctuary city? I have also heard the term sanctuary campus. Is UHCL considered a sanctuary city or campus?**

**Answer:** The term “sanctuary city” has no specific legal meaning, but is generally used to describe local governments that do not enforce federal immigration laws, or are perceived to fail to enforce them.

Similarly, the term “sanctuary campus” is another well-intentioned misnomer which has no specific legal meaning and is interpreted differently by distinct groups. It is therefore not a phrase used by the University since to some people it implies that the University or its students somehow seek to break the law. The University continues to provide a supportive and nurturing educational environment for all its students as it complies with federal and state law. The University’s commitment to these values are encompassed in the UHCL Non-Discrimination Statement below.

## **8. What obligations does a university police department have under SB 4?**

**Answer:** The obligations of the police department are defined by what it cannot do rather than what it must do. A university police department cannot have a policy which prevents its officers from:

- inquiring about the immigration status of a person under lawful detention or under arrest;
- exchanging information with federal immigration authorities about the immigration status of a person under lawful detention or under arrest;
- assisting or cooperating with federal immigration authorities as reasonable or necessary, including providing enforcement assistance, unless at a place of worship; or
- permitting immigration officers to enter a jail to enforce immigration law.

## **9. Does SB 4 require police officers to ask for documented citizenship papers/legal status?**

**Answer:** No. Officers are not required to ask for documentation of citizenship or legal status of persons who are detained or in their custody. UHCL PD does not generally ask for proof of citizenship; however, it is legally permissible for a

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police officer to ask for such information. As stated above, UHCL PD does not have a policy or practice which limits an officer from inquiring. Such a policy would be prohibited by this law.

## **10. Does SB 4 allow police officers to ask for documented citizenship papers/legal status?**

**Answer:** SB 4 allows police to ask about the immigration status of a person under lawful detention or under arrest. Lawful detention means you have been detained by the police for the investigation of a criminal offense, unless the sole reason you are detained is that you are a victim or a witness, or that you are reporting a crime.

## **11. I am concerned about racial profiling under SB 4. Has the University taken a stand against racial profiling by campus police?**

**Answer:** The University of Houston–Clear Lake is committed to fair treatment of all students. In addition, SB 4 expressly forbids racial profiling or other discrimination by officers. The University’s commitment to these ideals is encompassed in the UHCL Non-Discrimination Statement below.

## **12. Are there places or situations under SB 4 that law enforcement are not allowed to ask about legal status?**

**Answer:** A law enforcement officer may not inquire about the immigration status of a victim or of a witness unless it is necessary to investigate the offense, or to provide them with information about federal visas designed to protect individuals assisting law enforcement.

Additionally, the police department may prohibit a peace officer from assisting federal immigration authorities at a place of worship.

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## **University of Houston–Clear Lake Campus**

### **For Students**

#### **13. If I am an undocumented student, does SB 4 allow campus police to arrest or detain me and turn me over to ICE?**

**Answer:** UHCL PD does not function as an immigration force, nor does it serve to facilitate an environment of fear. UHCL PD officers are not proactively checking the immigration status of students, faculty, staff, vendors, visitors, persons reporting crimes, or victims of crimes. UHCL PD policy is to comply with the law. UHCL PD is not issuing any restrictions that are incongruent with the law. If you are subject to a lawful detention or under arrest, any officer, including campus police, cannot be prohibited from asking about your immigration status, sending the information to ICE, maintaining the information, or exchanging the information with another agency. The law also provides that once ICE is contacted and ICE provides a “detainer” then the agency has to honor the detainer request. The law requires UHCL PD to comply if ICE were to make a reasonable specific request to provide enforcement assistance.

#### **14. If I have Deferred Action for Childhood Arrivals (DACA) am I protected since DACA is considered lawful presence?**

**Answer:** If you have been granted DACA then you can communicate that fact if stopped by the police. Show the officer your Employment Authorization Document (EAD) and explain you have DACA, which provides for lawful presence here in the U.S. You should always carry your original official approval notice from USCIS for DACA, as well as your EAD, and also your official identification on you at all times.

#### **15. Where can students who are affected by the bill find support on campus?**

**Answer:** The University of Houston Law Center’s immigration clinic is available to UH students from any campus who need a free intake consultation. Appointments can be scheduled by calling the clinic main number at (713) 743-2094. Be sure to indicate you are a student with the UH System and ask for an intake consultation.

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## **16. Will SB 4 impact my ability as a student to be free to express my opinions in my classes at the University of Houston–Clear Lake?**

**Answer:** No. SB 4 says that law enforcement agencies, including campus police, are prohibited from preventing an officer from asking about a person’s immigration status once they have been lawfully detained or arrested. This provision should not impact a student’s academic freedom to express their views in a classroom setting. The First Amendment will continue to apply equally to all students.

## **17. Does SB 4 affect my status as a student receiving in-state tuition?**

**Answer:** No. As a public university, UHCL opens its doors to all individuals, and accepts for admission those students who meet the academic qualifications. Indeed, diversity is one of the cornerstones of a UHCL education. As part of that foundation, UHCL embraces and encourages DREAMers (also referred to at times as DACA students) and provides opportunities that have been available for a number of years. UHCL will continue, as always, to provide in-state tuition and financial aid for Texas DREAMers that qualify.

## **18. I still have a question about UHCL PD’s response to SB 4. How can I find out more information on a particular question?**

**Answer:** Questions that directly relate to situations regarding the police and immigration matters can be emailed to [policechief@uhcl.edu](mailto:policechief@uhcl.edu). In-progress emergencies should be reported via the UHCL PD main telephone number (281) 283-2222.

### **For Faculty**

#### **1. Should faculty or staff inquire about a student’s immigration status?**

**Answer:** No. The very limited exception to this inquiry is if the faculty or staff works in a capacity to assist DACA students or otherwise assist with immigration questions.

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## **2. What resources are available on campus that I can refer students to?**

**Answer:** The University of Houston Law Center's immigration clinic is available to UH students from any campus who need a free intake consultation. Appointments can be scheduled by calling the clinic main number at (713) 743-2094. Be sure to indicate you are a student with the UH System and ask for an intake consultation.

## **3. If I become aware of circumstances where students or others are being asked to self-disclose their immigration status, where can I report it?**

**Answer:** If you are concerned that an individual's rights are being violated, you can file a report with the Fraud & Non-Compliance Hotline by logging on to [www.Convercent.com/report](http://www.Convercent.com/report), or calling 1-800-461-9330 to make a report 24 hours a day, 7 days a week. The call center supports more than 300+ languages. Your confidential report will be forwarded to appropriate individuals within the University.

## **4. I have been told that if I have undocumented students in my class, I might be charged with the crime of harboring them.**

**Answer:** First, only a federal official can ascertain someone's status, and these students, like any others, are protected by federal and state privacy laws. Teaching students is not harboring, even if you genuinely know that a student is undocumented.

## **University of Houston–Clear Lake Non-Discrimination Statement**

UHCL is committed to recruiting, hiring, training, and promoting qualified individuals without discrimination because of race, color, sex (including pregnancy), religion, national origin, disability, age, veteran status, genetic information or sexual orientation. Additionally, the System prohibits discrimination in all aspects of employment on the basis of sexual orientation, gender identity or gender expression.

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UHCL is committed to ensuring equal opportunity in all its educational programs and activities, and all terms and conditions of employment without regard to age, race, color, disability, religion, national origin, veteran's status, genetic information, or sex (including pregnancy), except where such a distinction is required by law. Additionally, UHCL prohibits discrimination in all aspects of employment and educational programs on the basis of sexual orientation, gender identity, or gender expression.

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