



December 9, 2016

Donald Trump
President-elect of the United States of America
Trump Tower
735 5th Avenue
New York, NY 10022

Dear President-elect Trump:

We write to congratulate you on your historic victory, extend good will and our sincere pledge to work with your administration in any way possible in furtherance of the United States and its people, and to participate vigorously in all matters of much needed reform to our system of higher education, one of the most precious rights and privileges of all Americans.

We also write to raise one issue of considerable importance and time-sensitivity in our higher education enterprise.

As you and your team are aware, one subset of the larger immigration issue are those members of our communities who were brought unlawfully to this country years ago as children. In border states such as Arizona, this is a good number of people, and among our three universities, we have hundreds of present and future students from this category of immigrants. (Many others have already graduated and moved on with working life.) It should be noted that while most of these students were brought from Mexico, generally in flight from very trying conditions in parts of that nation, others came from elsewhere. One student, for example, managed to escape the oppression and deprivation of North Korea, and ended up as a student at Arizona State University.

These students have come to be known as “DACA” cases, Deferred Action for Childhood Arrivals, after the policy established by the Obama Administration, via executive order, to confer to them lawfully present status. They are also often referred to as “Dreamers,” a derivative of the never-enacted federal “DREAM Act,” an acronym signifying Development, Relief and Education for Alien Minors.

As the constitutional fiduciary and governing board for Arizona’s three state universities, we endeavor to think of these students not by these appellations, but rather as individuals --

REGENTS

Chair Greg Patterson, *Tempe* • Bill Ridenour, *Paradise Valley* • Ram Krishna, *Yuma* • Jay Heiler, *Paradise Valley* • Rick Myers, *Tucson*
Larry Penley, *Phoenix* • Ron Shoopman, *Tucson* Lyndel Manson, *Flagstaff* • STUDENT REGENTS: Jared Gorshe, *NAU* • Vianney Careaga, *UA*
EX-OFFICIO: Governor Doug Ducey • Superintendent of Public Instruction Diane Douglas

ENTERPRISE EXECUTIVE COMMITTEE

Eileen I. Klein, *Board President* • Michael M. Crow, *ASU President* • Rita Cheng, *NAU President* • Ann Weaver Hart, *UA President*

young members of our communities who by someone else's agency found themselves in our state. By their own efforts, they have advanced through our school system, achieved high school diplomas and admission to our universities. Now, they aspire to work and borrow funds to earn bachelor's and graduate degrees and contribute to our common economic and social life.

As a board that has considered this issue at great length and with considerable attention, and one that joins in your enunciated determination for restoration of real security at our borders and the effective rule of law in our nation's immigration system, we respectfully ask your administration to work with the Congress to design and provide an accommodation for these students within your overall approach to immigration enforcement and reform.

We make this request not despite the rule of law, but because of and within the rule of law. In our legal system, capacity is a foundational concept for the imposition of responsibility. Thus, individuals brought here as children, in most cases as young children or infants, lacked meaningful capacity to have violated our immigration laws. In the case of these individuals, therefore, the case for deportation would be legally weak. In the case of those who have led law abiding lives and now pursue college educations (in which pursuit they must find their own way, due to black-letter ineligibility for federal or state financial aid), the case for deportation is also practically weak: These are individuals who have already distinguished themselves as striving, determined young men and women in the very best traditions of American immigrants across the centuries of our national existence.

In addition, it must be noted that in light of the non-capacity problem as it pertains to these individuals, an accommodation for them cannot be designated or disparaged as a grant of amnesty. In their individual cases there were no responsible violations of law in the first instance (although there were for those who brought them), and thus their being allowed to remain now under a legal accommodation, and begin some duly enacted process toward citizenship, is not an amnesty at all. Whatever the merits of the arguments for or against a grant of amnesty to some cohorts of unlawful immigrants, in the case of this cohort there were no responsible violations of immigration law and therefore no amnesty is necessary.

What is necessary, and we hope soon forthcoming, is a lawful Congressional enactment that establishes the lawful status and presence of those who were brought to this country unlawfully as children and have remained here as law-abiding members of our communities.

Finally, we assure you that Arizona's universities will seek in all ways to honor and obey both state and federal law. We will continue to respect and protect the civil and legal rights of all of our students and the interests of the public in ways that fully comply with state and federal law.

Again, we congratulate you on your election to the presidency and we stand ready to work alongside your administration in whatever ways possible to advance the cause of higher education in the United States, and especially, of course, in the great state of Arizona. May God bless you and guide you in all of your efforts on behalf of our great nation.

Sincerely,

The Arizona Board of Regents



Greg Patterson, Chair



Rick Myers



Bill Ridenour, Vice Chair



Larry Penley



Ram Krishna, Secretary



Bill Ridenour



Jay Heiler, Treasurer



Jared Gorshe, Assistant Treasurer



Lyndel Manson



Vianney M. Careaga

cc: The Honorable Doug Ducey, Governor of Arizona and Ex-Officio Member, Arizona Board of Regents
Dianne Douglas, Superintendent of Public Instruction and Ex-Officio Member, Arizona Board of Regents
Mark Brnovich, Attorney General for the State of Arizona
The Honorable John McCain, United States Senator for Arizona
The Honorable Jeff Flake, United States Senator for Arizona
The Honorable Ann Kirkpatrick, United States Representative for Arizona
The Honorable Martha McSally, United States Representative for Arizona
The Honorable Raul Grijalva, United States Representative for Arizona

The Honorable Paul Gosar, United States Representative for Arizona
The Honorable Matt Salmon, United States Representative for Arizona
The Honorable David Schweikert, United States Representative for Arizona
The Honorable Ruben Gallego, United States Representative for Arizona
The Honorable Trent Franks, United States Representative for Arizona
The Honorable Kyrsten Sinema, United States Representative for Arizona
Members of the United States Senate Committee for the Judiciary
Members of the United States House of Representatives Judiciary Committee
Andy Biggs, President of the Arizona Senate
David Gowan, Speaker of the Arizona House of Representatives
Members of the Arizona State Senate
Members of the Arizona State House of Representatives