



HIGHER EDUCATION AS AN ALLY:

Supporting Undocumented Students Through Attacks on the DACA Program

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Background

THE TRUMP ADMINISTRATION'S CONTINUED ATTACKS ON DACA

On July 28, 2020, the Trump Administration put in motion its latest attempt to end the Deferred Action for Childhood Arrivals (DACA) program. In a [memo from the Department of Homeland Security \(DHS\)](#), the Administration directed United States Citizenship and Immigration Services (USCIS) to reject any new DACA applications and to limit any pending DACA renewals to one year. This move comes three years after their initial failed attempt to terminate DACA, and barely two months after the Supreme Court ruled that the Trump Administration had violated the law in doing so.

The June 18, 2020 Supreme Court ruling was a historic and major victory for DACA recipients, their families, and their communities. On that date, the Supreme Court agreed with the lower courts' ruling that the Administration unlawfully ended the program. The Court's decision restored the 2012 Obama Administration DACA policy in full. However, the Trump Administration stood in open defiance of the Supreme Court for weeks after its decision by refusing to accept new DACA applicants and reinstate the provisions of the original 2012 DACA program.

Now, the Trump Administration has announced plans to move ahead on a two-step plan to permanently end the DACA program. First, it has moved to significantly reduce DACA benefits, effective immediately. Second, it has set the stage to permanently end DACA in 2021 — or potentially later this year. With the July 2020 memo, the Trump Administration is:

- Refusing to consider all first-time DACA applications
- Rejecting all applications for advanced parole except under “exceptional circumstances,” a qualification that remains undefined
- Reducing the period of time recipients will be protected by DACA to **one year**

Forcing DACA recipients to renew annually and refusing to accept new applications destabilizes the lives of Dreamers and effectively doubles the cost of DACA protections, rendering the program financially unobtainable for many applicants. With this Administration hell-bent on ending the DACA Program, it's essential for institutions of higher education to recommit to the fight for permanent legal protections for DACA recipients and ensure that access to higher education remains open to our undocumented youth and students.

The education community is a critical ally in the fight to preserve DACA and advocate for undocumented youth. Educators, school counselors, and faculty are frequently the first line of support for the approximately [14,900 DACAmented teachers](#) and hundreds of thousands of undocumented students who are vulnerable to detention and deportation.

At the time that the Trump Administration first attempted to repeal DACA in September 2017, 95% of the nearly 800,000 DACA recipients were [either working or in school](#), with thousands enrolled at colleges and universities across the country. For the nearly three years that we have been fighting for DACA in the courts, the number of young people enrolled in DACA has fallen below 700,000 due to a variety of circumstances — including widespread fear and misinformation about whether or not recipients can renew their DACA. **Although the Trump Administration has reduced the length of DACA renewals to one year, eligible individuals who hold or have held DACA status in the past can still apply for protections.** We urge all individuals to seek DACA protections if possible.

In the wake of the latest attack on DACA, it is critical that colleges and universities continue to work to ensure that undocumented students can access higher education, that they are protected on campus, and that they are able to thrive in their educational pursuits with robust support from their institutions. Below we will outline steps that colleges and universities can take to support undocumented students in this hostile political environment and as we continue to fight for a pathway to citizenship for undocumented individuals.

How Can Colleges and Universities Support Students with DACA Under Threat?

Ahead of the Supreme Court's decision on DACA, the Presidents' Alliance on Higher Education & Immigration compiled a [Campus Checklist to Prepare for a Supreme Court Decision](#). This comprehensive checklist remains relevant for institutions, even after the decision from the Court was issued in June, and especially with Trump's latest attempt to dismantle DACA in July. We strongly recommend that colleges and universities utilize this checklist, which outlines five critical steps colleges and universities should take to make sure their students and other undocumented community members are supported and protected.

RESPONDING TO THE TRUMP ADMINISTRATION'S JULY 2020 MEMO

As has been made abundantly clear by the current Administration, DACA was never a permanent solution, and DACA recipients are still living in a precarious situation. Even though the Supreme Court ruled that the Trump Administration unlawfully terminated the DACA program in its 2017 attempt, the Administration stood in open defiance of the Court, refusing to restore the DACA program to its original scope, until it issued a new memo scaling back DACA even further. [Click here for talking points](#) formulated for colleges and universities to help you respond to this memo.

Right now, colleges and universities must join with immigration advocates to focus our efforts on the Senate to take up the [American Dream and Promise Act](#) (H.R. 6), which passed the House of Representatives in June of 2019. The Dream and Promise Act would provide permanent status and a pathway to citizenship for an [estimated 2.5 million](#) Dreamers, TPS holders, and other immigrants.

In moments like this, students look to their schools and university leadership to understand how their lives and their education will be impacted by the new executive order on DACA, and by the subsequent actions of this Administration. Here's how your institution as well as individual faculty and staff can support them and respond to the memo:

- 1. Issue a statement to your campus community** highlighting the institution's ongoing support of DACA and undocumented students, and addressing the actions your institution will take to make sure education is accessible to all students, regardless of immigration status, and that they are supported as they pursue their studies and earn their degrees.
- 2. Commit to covering the cost of DACA renewals** for your students. By reducing the period of time that each DACA renewal is valid to only one year, the July 2020 memo effectively doubled the cost of DACA protections, rendering the program financially unobtainable for many applicants. Now, more than ever before, it's essential that colleges and universities help their students stay protected by paying for their DACA renewal fees and helping them access the legal support they need.
- 3. Contact your senators** and implore them to work with their Senate colleagues to take up and pass the Dream and Promise Act. [Use the template letter and talking points linked here as guidance](#).
- 4. Share and amplify the stories of students, educators, and staff** who have DACA (with their consent), and showcase the work of students on campus advocating for DACA and Dreamers. These stories and the advocacy coming out of higher education have had a huge impact on [public support of DACA and Dreamers](#). The more we make it clear that DACA is an essential program and that its recipients are valued members of campus communities across the country, the harder it will be for the Administration to follow through with ending the program permanently.
- 5. Write op-eds or letters to the editor** (LTEs) for local and national media outlets calling out the President's anti-immigrant agenda and calling on the Senate to pass the American Dream and Promise Act.

DACA Renewals in 2020

Although the new memo does not allow for new applicants to enter the DACA Program, renewals continue to stay open for current DACA recipients. The memo, however, also announced a change to the amount of time DACA protections and accompanying work permit stay valid. Instead of two years, DACA recipients will be given only one year of protections.

If an individual's renewal has already been processed and issued, they will still have their original two years of protections. The new one-year reduction only applies to renewal applications processed and submitted from here on out. If someone's DACA expires in 2020, we encourage them to consult with an immigration practitioner about their plan to renew as soon as possible. USCIS instructs DACA recipients to file their renewal requests between 150 and 120 days prior to their DACA expiration date. At this point, DACA recipients should not submit their earlier than 150 before their DACA expiration. [Current guidance from USCIS](#) states that the agency will likely reject all renewal requests submitted more than 150 days prior to an individual's DACA expiration date. Individuals can [track the latest updates on DACA](#) and [find resources on how to renew](#) on the Informed Immigrant website.

At the end of last year, USCIS announced that it intended to [increase its application fees](#) which would cause the cost of DACA renewals to rise to \$765 per request. As of now, the DACA renewal fee remains \$495, but the fee increase could still be implemented. This is a good reason for individuals to consider consulting an attorney and renewing their DACA as soon as possible if it expires in 2020.

The Current Reality for Undocumented Students

The non-stop attacks on DACA over the past three years have already been a leading factor in causing the number of individuals covered by DACA protections to drop from 800,000 at the height of the program to barely 653,000 today. The loss of DACA status has left many people ineligible for a great deal of benefits ranging from obtaining driver's licenses to practicing professions that require state licensing and accessing higher education.

UNDOCUMENTED STUDENTS STILL HAVE LIMITED ACCESS TO HIGHER EDUCATION

When the DACA program was first implemented in August 2012, it opened up a number of opportunities to undocumented youth which were previously less accessible, including higher education opportunities. As a result, significant infrastructure was put in place to support DACA recipients in higher education, including access to in-state tuition, state aid, scholarships, and admission to colleges and universities across the country. Unfortunately, much of this infrastructure was created with students having to possess DACA status as a qualifying factor for accessibility, leaving out other undocumented youth. The program was never designed to be permanent, and the latest attack on DACA by the Trump Administration is a clear indication that the longevity of DACA is uncertain.

It is paramount that colleges and universities act promptly to review institutional policies regarding admission, aid, funding, tuition policies, and scholarships for undocumented youth to ascertain whether they are dependent on a student's DACA status. If so, campuses should update policies wherever possible to decouple DACA status from eligibility, and to ensure that DACA recipients (and other undocumented students) are eligible and have access. See the Presidents' Alliance [Campus Checklist to Prepare for a Supreme Court DACA Decision](#) for more information.

IMPLICATIONS FOR IN-STATE TUITION AND OTHER STATE-BASED POLICIES

In-state tuition and state-level financial aid laws are made by individual states, so undocumented students' ability to access in-state tuition rates, along with the eligibility requirements, will depend on where they live. Several states have adjusted their residency requirements to allow undocumented students to access in-state tuition rates and state financial aid at public colleges and universities, but certain states only allow DACA recipients to access in-state tuition, making undocumented students who do not have DACA ineligible for these lower tuition rates.

Were DACA to be repealed again, 31,100 DACA recipients stand to lose access to in-state tuition in states where DACA is a requirement to access it. Undocumented students in **Indiana, Massachusetts, Arkansas, Alabama, Idaho, Ohio, Mississippi, and Maine** are required to have DACA in order to access in-state tuition. [Alabama](#) and [South Carolina](#) bar undocumented students, except those with DACA, from enrolling in colleges or universities in their states altogether. Without DACA remaining in place, individuals who formerly held DACA in these two states will not even be able to enroll in higher education institutions. For more information about the impact on higher ed access if DACA is rescinded read "[Ending DACA Would Limit Access to Higher Education in Ten States](#)," a policy brief by the Presidents' Alliance and uLead Network.

It's imperative to be aware of other state-based policies that may hinge on undocumented individuals having DACA in order for them to maintain access to programs, services, and in-state tuition rates. These policies are often tied to higher education, including accessing state financial aid for colleges and universities, professional occupational licensure, healthcare, and driver's licenses.

The Current Reality for Undocumented Students (cont.)

- **State Financial Aid** - In [at least 13 states](#), undocumented students and/or students with DACA who meet state residency requirements can access state financial aid and/or scholarships. Those states include California, Colorado, Connecticut, Delaware, Illinois, Minnesota, New Jersey, New York, Oregon, Rhode Island, Utah, Texas, and Washington.
- **Professional Occupational Licensure** - Professional occupational licenses authorize individuals to practice certain professions like teaching, nursing, and plumbing. While state governments regulate the requirements needed to qualify through their state licensing boards, [federal law](#) does not allow undocumented immigrants to access professional licenses — unless a state overrides the restriction. Many states have adjusted their licensing requirements to allow DACA recipients to obtain professional licenses, increasing the number of technical practitioners in their states. Other states, like [California](#), [Illinois](#), and [Nevada](#), have removed citizenship requirements altogether. Because eligibility is tied to deferred action status or work authorization, individuals who formerly held DACA could lose their ability to continue working in these regulated industries. The following list, while not exhaustive, details states where DACA recipients may lose their professional licenses if the DACA program is rescinded again: Arkansas, Colorado, Florida, Illinois, Indiana, Mississippi, Nebraska, New York, and Utah.
- **Healthcare** - Undocumented immigrants, including DACA recipients, are [not eligible](#) to enroll in Medicare, Medicaid, or CHIP, and are unable to purchase coverage through the Affordable Care Act's marketplace. The Affordable Care Act's restrictions leave few healthcare options available to undocumented individuals. Healthcare coverage for undocumented immigrants can be obtained through [an employer](#), through a college or university, [from a spouse, by purchasing a private plan directly from an insurance company](#), or [through a state-based funded program](#). Work authorization is a key component to accessing healthcare coverage for undocumented immigrants, including DACA recipients. According to a 2019 survey, [53% of DACA recipients](#) were able to obtain a job with health insurance or other benefits. The potential termination of DACA, and, with it, [hundreds of thousands of individuals' ability to work](#), will jeopardize their access to health insurance if it is tied to their employment. Restricted access to higher education resulting from the end of DACA could also cause undocumented students to lose access to insurance. There are only a handful of states that provide limited access to healthcare programs for undocumented immigrants, and in most cases, it is dependent on one meeting the eligibility criteria.
- **Driver's Licenses** - DACA recipients who possess the requisite documents [are able to access driver's licenses across all fifty states](#). In a majority of states, [these licenses are REAL ID-compliant](#), meaning that they have met the legal requirements to be used for certain official federal purposes, such as a form of identification to board a plane for domestic air travel. If the DACA program ends for current recipients, these individuals will only be able to access non-compliant driver's licenses in states with laws that provide license access to undocumented immigrants. As of September 30, 2019, about 53% of DACA recipients live in states where undocumented immigrants are eligible for driver's licenses. However, these driver's licenses will not be REAL ID-compliant, leaving former DACA recipients with potential travel challenges, depending on airport enforcement, after [October 1, 2021](#). If the program is done away with, DACA recipients residing in states that do not provide undocumented immigrants access to driver's licenses will no longer be able to obtain one. Additionally, if DACA is ended, previous DACA recipients will be able to retain their licenses in 16 states (California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, New Mexico, New Jersey, New York, Nevada, Oregon, Rhode Island, Utah, Vermont, and Washington) and the District of Columbia.

What Can Colleges and Universities Do To Advocate For DACA Recipients and Dreamers?

Educators and higher education institutions can use their influence to do the following to help ensure a future in which DACA recipients and undocumented youth are supported and protected:

1. **Talk to your senators** and urge them to take up and pass the Dream and Promise Act, which was passed by the House of Representatives in 2019. The Dream and Promise Act would provide a pathway to citizenship for DACA recipients, other undocumented youth, and Temporary Protected Status (TPS) holders.
2. **Contact USCIS** and express opposition to the continued efforts to undermine protections for DACA recipients.
3. **Advocate for immigration reforms at the state level** that will benefit DACA recipients and the broader undocumented community. While only the federal government can provide permanent legislative protections and a pathway to citizenship for DACA recipients and Dreamers, there are many local and state policies, including those outlined previously in this guide, which can have a dramatic impact on the quality of life and opportunities for the undocumented community. As leaders in your states, we urge colleges and universities to advocate strongly for local policies that will protect immigrants from deportation and advance their rights and wellbeing.

Additional Actions Colleges and Universities Can Take To Protect DACA Recipients and Dreamers

Below are some additional actions colleges and universities can take to keep their students safe and ensure their success at academic institutions:

- 1. Know your rights and responsibilities when it comes to ICE raids or USCIS site visits on campus.**
 - Learn more in the Presidents' Alliance on Higher Education and Immigration's [FAQs on Immigration Enforcement](#) on campuses
- 2. Commit to supporting the legal and financial needs of students applying for DACA or seeking to adjust their immigration status.**
 - Partner with nearby law schools and legal clinics or develop relationships or pro-bono partnerships with local nonprofits and immigration attorneys.
 - Make sure students know that their school will pay for their DACA renewal fee and create a simple process for them to access those funds.
- 3. Develop and enforce a clear policy that campus police should not act as immigration agents, or ask individuals on campus about their immigration status.**
 - Make sure undocumented students know their rights and are aware that this policy is in place pertaining to campus police or campus security.
- 4. Hire or train existing staff members to assist and provide resources for undocumented students.**
 - Staff hired to support undocumented students can help them navigate the resources available on campus, and support their success in pursuing their studies and achieving their degrees. In this moment, staff support will help students understand how the changing political environment will impact them, their families, and their lives on campus.
- 5. Ensure that your college or university offers adequate mental health services for undocumented students, faculty, and staff, as well as individuals with undocumented family members.**
 - Particularly during the current coronavirus crisis, undocumented individuals are under a tremendous amount of stress and likely experiencing anxiety. Managing stress while also tending to school, work, and home responsibilities can be especially challenging for students who are providing for and concerned with the well-being of family members. Learn more in Informed Immigrant's [Guide To Providing Mental Health Services to Immigrants Impacted by Changes to DACA and the COVID-19 Pandemic](#).
- 6. Educate career services to make sure they are equipped to advise undocumented students about career opportunities**
 - Learn more in the Presidents' Alliance on Higher Education and Immigration's [Higher Ed Guide to Tuition, Financial Aid & Other Funding for Undocumented Students: FAQs for Public and Private Colleges and Universities](#).
- 7. Host "Know Your Rights" Trainings on Campus for undocumented students and community members.**
 - Get more information from Informed Immigrants' [Know Your Rights Guide](#).

Further Reading and Resources

The Presidents' Alliance on Higher Education & Immigration

- [Campus Checklist to Prepare for a Supreme Court DACA Decision](#)
- [FAQs for Campuses on Immigration Enforcement and Site Visits](#)
- [Higher Ed Guide to Tuition, Financial Aid & Other Funding for Undocumented Students: FAQs for Public and Private Colleges and Universities](#)
- [Policy Brief: Ending DACA Would Limit Access to Higher Education in Ten States](#) written in partnership with the uLead Network
- [Talking Points: Trump Administration Limits DACA Protections](#)
- [Template State Delegation Letter for Higher Ed Institutions to Support DACA Recipients](#)
- [Top 5 FAQs for Public and Private Colleges and Universities](#)
- [Visit their website](#)

Informed Immigrant

- [DACA Decision at the Supreme Court 2020](#) (Visit this site for the frequently updated resources on DACA)
- [Guide to DACA Renewals During the Coronavirus Crisis](#)
- [Guide to Resources for Immigrants During Coronavirus](#)
- [Guide To Providing Mental Health Services to Immigrants Impacted by Changes to DACA and the COVID-19 Pandemic](#)
- [How to Support Undocumented Students' Mental Health: Dealing with Trauma & Anxiety](#)
- [Resources for Educators Supporting Undocumented Students and Their Families](#)
- [Know Your Rights Guide](#)