

PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

DACA Before the Supreme Court: What is at Stake

October 31, 2019

The future of Deferred Action for Childhood Arrivals (DACA)—and the futures of hundreds of thousands of DACA recipients—will be argued at the Supreme Court of the United States on November 12, 2019. The Supreme Court consolidated three DACA cases: *Department of Homeland Security v. Regents of the University of California*; *Trump v. NAACP*; *McAleenan v. Vidal* for a single oral argument and decision. The Court could hand down a ruling to determine whether DACA recipients will lose the ability to live, study, and work in the United States as soon as February 2020, through more likely near the end of the term in June 2020.

For more information and legal analyses about the DACA cases, visit [SCOTUSBlog](#). The site includes a very succinct and useful [overview](#) by Shoba Wadhia, who is Samuel Weiss Faculty Scholar, Clinical Professor of Law and Director, Center for Immigrants' Rights Clinic, Penn State University, and a member of the Presidents' Alliance Legal Advisory Council. For a timeline of the cases and potential scenarios, see the [National Immigration Law Center summary](#).

II. ISSUES BEFORE THE SUPREME COURT

The issues before the Court are: “(1) Whether the Department of Homeland Security’s decision to wind down the Deferred Action for Childhood Arrivals policy is judicially reviewable; and (2) whether DHS’s decision to wind down the DACA policy is lawful ([SCOTUS Blog](#)).”

III. WHO IS IMPACTED?

DACA currently provides work permits and protection from deportation to over 650,000 individuals. As of September 30, 2019, there are 652,880 active DACA holders, and according to [researchers](#), DACA renewals continue to be approved a high rate (initial applications are generally no longer accepted). Advocates strongly encourage current and previous DACA holders who are still eligible to renew to do so. Check out the [#HomeisHere Campaign](#) and the Presidents' Alliance [communications toolkit](#) for renewal resources and how to help.

Active DACA holders constitute a portion of the Dreamer population in the United States. Since the inception of the DACA program, 825,258 unique DACA applications [were approved](#) out of a DACA-eligible population previously [estimated](#) at 1.3 million. The Migration Policy Institute (MPI) [estimates](#) the overall Dreamer population in the United States who would be eligible for the House-passed American Dream and Promise Act (H.R. 6) at 2.3 million.

IV. WHAT IS AT STAKE: DACA RECIPIENTS AND HIGHER EDUCATION

MPI [estimated](#) in 2017 that of the approximately 700,000 individuals who held DACA, 18 percent were enrolled in post-secondary education, and 20 percent in high school. DACA empowered hundreds of thousands of undocumented students to pursue higher education, including expanding access to admissions, in-state tuition, and financial aid, resulting in students achieving substantial academic and co-curricular success. DACA recipients immeasurably contribute to campus diversity and cultural perspectives. Moreover, access to work authorization and driver licenses has been vital for many of these contributions.

The rescission of DACA would cause irreparable harm to DACA recipients and their families, and significantly undermine higher education’s investment in our nation’s students. Indeed, DACA recipients and other Dreamers are American in all but legal status.

In Fall of 2019, the Center for American Progress, in conjunction with other partner organizations, conducted its fifth annual survey of DACA recipients to obtain economic, educational, and other data, surveying 1,105 DACA recipients in 40 states and Washington, D.C. Key takeaways include:

1. 53.4 percent of all respondents over the age of 25 obtained a bachelor's degree or higher.¹
2. After receiving DACA, 53 percent of respondents moved to a job that better fits their education and training, with 52 percent moving to one that better fits their long-term career goals.²
3. One-fifth of respondents (20 percent) obtained professional licenses after receiving DACA, with this figure increasing to 26 percent for those 25 years and older.³ This metric demonstrates their integral role that DACA has in individuals being able to obtain the very licensing required for success and participation in their desired career field, post college.
4. For respondents in school, 80 percent indicated their increased earnings as a result of DACA helped them pay for tuition, demonstrating the link between DACA and the ability to continue and complete an individual's education.⁴
5. Eighty-three percent of the 40 percent of respondents who indicated they were currently "in school," are pursuing a bachelor's or higher degree, this means that 33.2 percent of all respondents are pursuing a bachelor's degree or higher.⁵
6. Of those who are in school, 93 percent indicated that because of DACA they pursued educational opportunities that they previously could not.⁶

V. IN-STATE TUITION AND COLLEGE ACCESS

Over 20 states provide access to in-state tuition (at the state, institutional, or system level) to undocumented students who meet residency requirements.⁷ In four states (Arkansas, Massachusetts, Ohio, and Virginia), undocumented immigrant students must have been granted DACA to qualify for in-state tuition. The continued existence of DACA is essential to allow students in these states to utilize their education successfully.

For more information, sample messages, and talking points on the DACA cases, check out the Presidents' Alliance [DACA Amicus Brief Communications Toolkit](#).

¹ Tom K. Wong, Sanaa Abrar, Claudia Flores, Tom Jawetz, Ignacia Rodriguez Kmec, Greisa Martinez Rosas, Holly Straut-Eppsteiner, and Philip E. Wolgin, *DACA Recipients' Livelihoods, Families, and Sense of Security Are at Stake This November*, Center for American Progress, Sept. 19, 2019, <https://www.americanprogress.org/issues/immigration/news/2019/09/19/474636/daca-recipients-livelihoods-families-sense-security-stake-november/>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Basic Facts About In-State Tuition for Undocumented Immigrant Students*, National Immigration Law Center, June 21, 2019, <https://www.nilc.org/issues/education/basic-facts-instate/> ("At least twenty states and the District of Columbia have "tuition equity" laws or policies that permit certain students who have attended and graduated from secondary schools in their state to pay the same tuition as their "in-state" classmates at their state's public institutions of higher education, regardless of their immigration status.").