



PRESIDENTS' | ON HIGHER EDUCATION
ALLIANCE | AND IMMIGRATION



SUPPORTING DACA RECIPIENTS & DREAMERS

2020 Guide for College & University Educators

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Background

WHAT IS DACA?

Deferred Action for Childhood Arrivals (DACA) is a type of discretionary administrative relief from deportation. The purpose of the program is to protect from deportation eligible immigrants who arrived in the United States when they were children. In addition to granting qualified undocumented immigrants protection from deportation, DACA provides the right to work legally in the United States. DACA status expires every two years with the option to renew, providing that all requirements are still met, background checks are cleared, and the applicant pays a renewal fee of \$495.

On September 5, 2017, the Trump Administration announced that it was terminating the DACA program. In the months following, there were multiple lawsuits filed across the country that challenged the Administration's actions to terminate the program, and federal courts ordered USCIS to continue to accept and process DACA renewals while the cases advanced through the legal process.

DACA AT THE SUPREME COURT

On November 12th, 2019, the Supreme Court of the United States [heard oral arguments](#) on [three consolidated Deferred Action for Childhood Arrivals \(DACA\) cases](#). The hearing came after the Department of Justice (DOJ) requested to fast-track the three cases that were pending at the lower federal courts (New York, Washington, D.C., and California), leap-frogging the standard legal process in an effort to expedite final review of the matter.

Now that the Supreme Court has heard oral arguments, we expect a decision any time **between now and June of 2020**, when the Court usually ends its term to break for the summer. A decision could permanently end the entire DACA program, including recipients' ability to renew. We don't know when exactly the Court will announce its decision or what that decision will be, but we do know that it's critically important to prepare for possible outcomes and ready our community to speak up in support of DACA recipients and the DACA program, no matter what the Court decides.

The education community is a critical ally in the fight to preserve DACA and advocate for undocumented youth. Educators, school counselors, and faculty are the first line of support for the approximately [9,000 DACAmented teachers](#) and hundreds of thousands of students who are vulnerable to detention and deportation. At the time that DACA was repealed 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 fear and misinformation about whether or not recipients can renew. As educators and leaders in higher education, it's essential to address the potential loss of this program and how it will impact students on campus.

Background (cont.)

THIS TOOLKIT WILL COVER

- **The current status of students who are or were enrolled in DACA, including**
Complications due to the COVID-19 pandemic
- **What could happen after a Supreme Court Decision, including**
Concerns for undocumented students in a campus environment
How access to higher education could be impeded for undocumented youth
Implications for access to in-state tuition for undocumented students
- **Suggestions for how the higher education community should prepare for and react to the impending Supreme Court decision**
- **Opportunities to pass legislation that will protect DACA recipients and other undocumented youth**

The Current Status Of Deferred Action For Childhood Arrivals (DACA)

DACA RENEWALS

The Supreme Court decision on DACA, expected at any point between now and June 2020, will determine the future of the DACA program - but right now, **United States Citizenship and Immigration Services (USCIS) is still accepting DACA renewal filings for individuals who have previously been approved for and have held DACA status.** Here are some important things to keep in mind with regard to DACA renewals:

- No new DACA filings are being accepted by USCIS as a result of the Trump Administration's actions. That means that if you were never approved for DACA or if you recently aged into the program, *you can no longer apply.*
- USCIS has proposed raising the DACA renewal fee to [\\$765 per](#) request. We encourage individuals to submit their renewal now before the cost goes up.
- [USCIS is now accepting DACA renewal requests even if they are sent in more than 150 days prior to the expiration date.](#) For more guidance and items to consider before renewing, please visit [Informed Immigrant](#) or [NILC](#).
- If the Supreme Court decision ends the DACA program, we cannot predict what will happen to DACA renewal applications that, as of that moment, are in the mail or have been received, but have not yet been processed by USCIS. However, for DACA recipients renewing their status during this time, sending their application via certified mail would help them prove that their renewal application arrived at USCIS prior to a decision.
- Depending on which service center location the DACA renewal request is sent to, it may take several months before recipients receive their new work permit. Without having a valid form of work authorization, DACA recipients run the risk of losing critical support such as their jobs, financial aid eligibility, or in-state tuition eligibility.

IMPACTS OF COVID-19 ON DACA RENEWALS

In a time of heightened uncertainty amidst the coronavirus pandemic, DACA recipients across the country are facing extreme, unprecedented challenges - far beyond their current day-to-day hardships - as they try to renew their DACA protections with USCIS before the Supreme Court makes its ruling. Additionally, with USCIS closing offices during the pandemic, DACA recipients will face an extreme burden in renewing these protections. Like millions of their fellow Americans, DACA recipients are facing job insecurity, greater financial strain, and family members and loved ones who may be at acute risk of harm during this moment of crisis.

As of March 18, USCIS has closed its offices and [suspended all routine in-person services until at least May 3, 2020.](#) In the meantime, USCIS is still processing DACA renewal applications and [has announced that they may use previously submitted biometrics](#) to process applications.

The Current Status Of Deferred Action For Childhood Arrivals (DACA) (cont.)

Because of this unprecedented scenario and widespread shelter-in-place orders resulting from the COVID-19 crisis, USCIS has also announced flexibility in submitting required signatures on immigration documents. From the [USCIS memo](#):

“For forms that require an original “wet” signature, per form instructions, USCIS will accept electronically reproduced original signatures for the duration of the National Emergency. This temporary change only applies to signatures. All other form instructions should be followed when completing a form.”

This provision allows flexibility for DACA recipients to connect with immigration attorneys remotely to process DACA renewal applications.

We encourage DACA recipients who have not yet renewed to contact a [legal service provider](#) and renew their DACA as quickly as possible.

JOB LOSSES

If the Supreme Court allows the Trump Administration to fully end DACA and work authorization for Dreamers, [22,000 Dreamers will lose their jobs each month](#).

The economic consequences of ending DACA will be shouldered by the states and communities where Dreamers live, particularly because recipients will no longer be allowed to work. Right now, [89% of DACA recipients are working](#). If current DACA recipients are unable to renew or maintain their work authorization upon the termination of the program, employers will be forced to end their employment, incurring significant turnover costs and leaving jobs unfilled.

Twelve states will bear the brunt of this job loss. California (6,800) and Texas (3,930) would see the largest average monthly losses. Other states would also be substantially impacted, including larger states like New York (1,050) and Florida (920), and smaller states with relatively high DACA populations, such as Georgia (760) and Colorado (540).

In addition, ending DACA during a national emergency and global health crisis would be catastrophic. [More than 125,000 DACA recipients are working in essential industries](#), including more than 40,000 in healthcare; DACA recipients have been playing a critical frontline role in responding to the COVID-19 crisis. Lawyers representing DACA recipients [sent a letter](#) to the Supreme Court in March, urging the Court to weigh the high costs of ending work authorization during a national emergency. The urgency of the COVID-19 crisis is further compounded for DACA recipients because many of them are the primary income generators for their families, who right now are not eligible for relief because they are undocumented.

As it relates to education, ending DACA would force [thousands of teachers](#) out of jobs as schools struggle to adapt to new challenges and methods of teaching. [Read more about potential job loss due to the end of the DACA program here](#).

The Potential Impact Of The Supreme Court Decision

Regardless of the Supreme Court's decision, it's essential that allies and advocates speak up loudly in support of DACA recipients. Over the past few years, DACA recipients and advocates have worked to make sure the public narrative has been strongly supportive of DACA, and several courts have already ruled that the Trump Administration was wrong in its attempts to end the program. After the decision is handed down from the Supreme Court, it will be crucially important to maintain a positive public narrative that, depending on the decision, will discourage the Trump Administration from attempting to end the program again, will reinforce a positive ruling from the Court, or emphasize the need for Congress to act swiftly to pass a permanent legislative solution for DACA recipients and other Dreamers.

Below are some more specific descriptions of the potential outcomes of the Supreme Court decision:

SCENARIO 1A

Temporary Win

The Court reviews Trump's termination of DACA and agrees with the lower courts that he broke the law in the way he went about ending the program (the Court does not address whether or not DACA was legal in the first place).

IMMEDIATE IMPACT:

DACA remains in place. Whether initial applications and advance parole become available again depends on the decision.

SCENARIO 1B

Temporary Win

The Court reviews Trump's termination of DACA, says it is invalid because DACA was legal in the first place, and does not address other possible reasons (i.e. policy preferences) for terminating the program.

IMMEDIATE IMPACT:

DACA remains in place. Whether initial applications and advance parole become available again depends on the decision.

SCENARIO 1C

Temporary Win

The Court reviews Trump's termination of DACA, but says the record before it does not allow it to determine whether the termination was valid or not. It sends the issue back to the Trump administration for further review and/or explanation (the Court does not address whether or not DACA was legal in the first place).

IMMEDIATE IMPACT:

DACA remains in place.

SCENARIO 2

Loss

The Court says it cannot review Trump's termination of DACA, allowing the termination to stand.

IMMEDIATE IMPACT:

DACA terminated.

SCENARIO 3

More Significant Loss

The Court reviews Trump's termination of DACA and finds that it was valid (the Court does not address whether or not DACA was legal in the first place).

IMMEDIATE IMPACT:

DACA terminated.

SCENARIO 4

Worst Case Scenario

The Court reviews Trump's termination of DACA, finds that it was valid, and adds that DACA was illegal in the first place.

IMMEDIATE IMPACT:

DACA terminated.

For Scenarios 1A, 1B, and 1C, the Trump Administration could either do nothing, leaving the DACA program in place, or could come up with another explanation and attempt to rescind DACA once again. Regardless of the Trump Administration's action, these scenarios all leave open the possibility for a future administration to create an identical, similar, or expanded deferred action program focused on immigrant youth. In fact, the possibility of future administration creating a "DACA 2.0" program exists in all but Scenario 4.

The Potential Impact Of The Supreme Court Decision (cont.)

CONCERNS FOR DACA RECIPIENTS IF THE DACA PROGRAM IS ENDED

If the Supreme Court allows the Trump Administration to end DACA, hundreds of thousands of immigrant youth could be forced out of their jobs, face extreme disruption in their education, and be deported. The potential end of DACA also means young people are suffering increased fear and anxiety, may have difficulty focusing and increased absences from class, falling grades, and challenges to mental health - consequences which will hurt them and also impact their families and broader campus communities.

[In a memo issued on January 25th, 2017](#), ICE dramatically changed their enforcement priorities, making EVERY undocumented immigrant a priority for removal. If DACA protections are removed, every Dreamer will be under immediate and constant threat of deportation. This risk will only be intensified in states like Texas, Florida, Arizona, North Carolina, and Georgia, where undocumented people not only have to worry about ICE, but also about state-level legislation that allows or requires local law enforcement like police officers to carry out immigration enforcement measures.

Recent statements from Trump Administration officials have reaffirmed that if the DACA program ends, DACA recipients will be subject to deportation. In January 2020, Acting ICE Director Matthew Albence said in a [briefing](#), "Those individuals may have DACA, but that doesn't prevent us from going through the removal process, such that... if they get ordered removed, and DACA is done away with by the Supreme Court, we can actually effectuate those removal orders."

There is also a prevailing fear that the government could use the information submitted in DACA applications to track down DACA recipients and their families if the program is ended and recipients are no longer protected from deportation by deferred action. Back in 2017, when the Trump Administration first repealed DACA, the Department of Homeland Security (DHS) said that they wouldn't "proactively" share information about DACA recipients between USCIS and ICE, [BUT they can do so if the information provided meets the requirements for a Notice to Appear](#). This means DACA recipients could have their information shared with ICE agents.

HOW ACCESS TO HIGHER EDUCATION COULD BE IMPEDED FOR UNDOCUMENTED YOUTH

When the DACA program was first implemented in August 2012, it opened up a number of opportunities to undocumented youth that were previously less accessible, including higher education. 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 possessing DACA status as a qualifying factor for accessibility, leaving out other undocumented youth. Now that the fate of DACA is uncertain, tens of thousands of students across the country may once again find themselves locked out of access to higher education.

The Potential Impact Of The Supreme Court Decision (cont.)

It's essential 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 DACA recipients (and other undocumented students) are eligible and have access. See the Presidents' Alliance [Campus Checklist for Campuses to Prepare for a Supreme Court DACA Decision](#) for more information.

Implications For In-State Tuition & Other State-Based Policies

In-state tuition and state-level financial aid laws are made by individual states, so 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 without DACA ineligible.

31,100 DACA Recipients Stand to Lose Access to In-State Tuition in States Where DACA is a Requirement.

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. If the Supreme Court sides with the Trump Administration, former DACA recipients in these two states will not even be able to enroll in higher education institutions.

If DACA ends, restoring undocumented students' access to in-state tuition may require a change in policy, a new executive order from a governor, or an updated decision by a university system's Board of Regents. For more information about in-state tuition access by state, visit the [ULead Network](#).

Other state-based policies may hinge on DACA status in order for undocumented people to maintain access to state financial aid for colleges and universities, professional occupational licensure, healthcare, and driver's licenses.

- **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. Others, like [California](#), [Illinois](#), and [Nevada](#), have removed citizenship requirements altogether. Because eligibility is tied to deferred action status or work authorization, former DACA recipients 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: Arkansas, Colorado, Florida, Illinois, Indiana, Mississippi, Nebraska, New York, and Utah.

The Potential Impact Of The Supreme Court Decision (cont.)

- 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. 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 the DACA recipients](#) were able to obtain a job with health insurance or other benefits. The potential termination of DACA, and, with it, the ability to work for [hundreds of thousands](#) of individuals, 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 they have met the legal requirements to be used for certain official federal purposes, such as domestic air travel as a form of identification to board a plane. If the program ends for current recipients, these individuals will only be able to access non-compliant driver's licenses in states with laws that provide access to undocumented immigrants. If the program ends for current recipients, these individuals will only be able to access driver's licenses in states with laws that provide 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. 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.

ADDITIONAL RESOURCES

[ULead](#) - an online information hub for institutional leaders who seek information about policies and practices related to access to higher education for the undocumented population.

The Presidents' Alliance on Higher Education & Immigration's [Higher Ed Guide to Tuition, Financial Aid & Other Funding for Undocumented Students: FAQs for Public and Private Colleges and Universities](#)

The Presidents' Alliance on Higher Education & Immigration's [Campus Checklist to Prepare for a Supreme Court Decision](#)

How Can Colleges & Universities Prepare For A Supreme Court Decision?

We strongly recommend that colleges and universities utilize the Presidents' Alliance on Higher Education & Immigration's [Campus Checklist to Prepare for a Supreme Court Decision](#). This comprehensive checklist outlines five critical steps colleges and universities should take to make sure their students and other undocumented community members will be protected, regardless of a Supreme Court decision. We know that auditing institutional policies and building out campus-wide plans take time, so it's imperative that institutions start preparing for the Supreme Court's decision as soon as possible. The Presidents' Alliance checklist calls on colleges and universities to:

- 1. Expand and Continue Legal Representation and Screenings**
- 2. Audit and Update Internal and Institutional Policies** to make sure students are not locked out of financial aid, scholarships, and other opportunities
- 3. Prepare a Comprehensive Communications Plan**
- 4. Promote Holistic Support Services and Career Guidance**
- 5. Develop a Rapid Response Plan**

How Can Colleges & Universities Prepare For A Supreme Court Decision? (cont.)

RESPONDING TO A SUPREME COURT DECISION

As outlined above, there are a variety of possible scenarios we could find ourselves in after the Supreme Court hands down its decision on DACA. Regardless of the decision and whether it's a win or a loss for our communities, it's essential that allies in education are vocal in their support or displeasure of the decision. Depending on the specifics of the decision, the hours and days immediately following will be our strongest opportunity to provide moral clarity about the Supreme Court's decision on DACA, hold this Administration accountable for ending the DACA program, or shape public opinion in a way that creates a climate that is hostile to another attempt by the Trump Administration to end the DACA program.

It's also important for the education community to react quickly, because students will be looking to their schools and university presidents to understand how their lives and their education will be impacted, and whether or not they will feel safe and supported on their campuses.

Colleges and universities can play an integral role in responding to the DACA Supreme Court decision by:

- 1. Issuing statements to their campus communities** outlining their support of DACA and undocumented students, and addressing the actions they will take to make sure education remains accessible to these students and to support them as they earn their degrees.
- 2. Making public statements**, such as press releases, in support of the DACA program and DACA recipients.
- 3. Sharing and amplifying the stories of students, educators, and staff** who have DACA (with their consent), and showcasing the work of students on campus advocating for DACA and Dreamers.
- 4. Writing op-eds or letters to the editor** for local and national media outlets.

You can access sample language for messages to campus, press statements, quotes, and social media posts in the Presidents' Alliance on Higher Education & Immigration's [Higher Ed Toolkit to Prepare for the Supreme Court's Decision on DACA](#).

What Can Colleges & Universities Do To Advocate For DACA Recipients & Dreamers In The Wake Of A Supreme Court Decision

If the Supreme Court decision ends the DACA program, there will be an urgent need for Congress to pass legislation that provides permanent protections and a pathway to citizenship for DACA recipients and Dreamers. In June 2019, the House of Representatives passed [H.R. 6, The Dream and Promise Act](#), which would provide a pathway to citizenship for DACA recipients, other undocumented youth and, Temporary Protected Status (TPS) Holders. ***If the DACA program is ended by the Supreme Court, we will be calling on the Senate to pass the Dream and Promise Act.***

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.

Use your influence as an educator and leader. Join us in calling on the Senate to pass the Dream and Promise Act.

Additional Actions Colleges & Universities Can Take To Protect Daca Recipients & 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. 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 that this policy is in place and that they can trust campus police.

3. Hire or train an existing staff member 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 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.

4. 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 or concerned with the well-being of family members.

5. 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](#).

Further Reading & Resources

THE PRESIDENTS' ALLIANCE ON HIGHER EDUCATION & IMMIGRATION

- [Higher Ed Toolkit to Prepare for the Supreme Court's Decision on DACA](#)
Containing sample language for statements and outreach
- [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](#)
- [Top 5 FAQs for Public and Private Colleges and Universities](#)
- [Visit their website](#)

INFORMED IMMIGRANT

- [Guide to DACA Renewals During the Coronavirus Crisis](#)
- [DACA Renewal Guide](#)
- [Guide to Resources for Immigrants During Coronavirus](#)
- [Mental Health Guide](#)
- [Resources for Educators Supporting Undocumented Students and Their Families](#)

OTHER RESOURCES

- [Home Is Here Coalition and Campaign in Support of DACA at the Supreme Court](#)