



Amherst College

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Submitted via www.regulations.gov

Andria Strano
Acting Chief, Office of Policy and Strategy
Division of Humanitarian Affairs
U.S. Citizenship and Immigration Services
Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

**RE: DHS Docket No. USCIS-2021-0006, Comments in Response to Proposed Rule,
Deferred Action for Childhood Arrivals**

Dear Acting Chief Strano,

I'm writing on behalf of Amherst College¹ to express the College's strong support for the above-mentioned proposed rule published September 28, 2021. As detailed further below, Amherst College has witnessed the value of the DACA program: it gives our educational institutions and workplaces access to the talent, creativity, and determination of hundreds of thousands of people who are Americans in all but immigration status.

Who are Amherst College's DACA-recipients?

As an institution of higher education that is committed to creating "as much opportunity for as many academically talented young people as possible, regardless of financial background or legacy status,"² Amherst College's need-blind admission processes welcome more and more DACA recipients and DACA-eligible students into our learning community each year.³ Amherst College's DACA recipients and DACA-eligible students contribute immensely to our vibrant campus community. While these students are certainly not a monolith—their academic and co-curricular interests vary, as do their socioeconomic backgrounds, their experiences in the United States, their family stories, their salient identities—they all share their immense talent, creativity, determination, perspective, and enthusiasm for learning with the greater Amherst College community. They work diligently to reach goals and build futures not only for themselves, but also for their families. These remarkable young people engage and contribute fully as students in Amherst's rigorous learning environment, all while facing unrelenting uncertainty around their futures, their safety, their belonging, and that of their families.

DACA makes it possible for students to focus on their studies

As stated in the proposed rule, for many DACA recipients "this country is the only one they have known as home."⁴ Quite understandably, the fear of being forced to relocate to a country that was never or is no longer one's home can be debilitating. Students in this position express hopelessness and angst around the ambiguity of futures they are working tirelessly to craft in the United States, not to mention fear of being forced to return to a country where they often have little to no networks of support, cultural fluency, or financial resources. Hopelessness, it is important to note, has also been proven to be one of "the strongest predictors of suicide ideation."⁵

At an institution of learning as rigorous as Amherst College, deferred action has helped immensely to lessen this taxing anxiety and persistent and worrisome hopelessness. DACA allows recipients to more fully engage in coursework, focus on their studies, and plan for the future. In addition to the deferred action to which many have grown accustomed, a clearer and codified understanding of both forbearance from enforcement and lawful presence, as outlined in the proposed rule, would further help to mitigate this anxiety.

The proposed rule summarizes this thoughtfully: “These challenging-to-quantify benefits include 1) a reduction of fear and anxiety for DACA recipients and their families; 2) an increased sense of acceptance and belonging to a community; 3) an increased sense of family security; and 4) an increased sense of hope for the future.”⁶

DACA makes it possible for Amherst College student to engage in learning outside of the classroom

At Amherst College, learning extends far beyond the four walls of the classroom. Faculty offer teaching assistantships and intensive research opportunities where students can build on their coursework and further their academic engagement. Career counselors advise students on summer internships, professional development opportunities, and field-specific trajectories. Students regularly seek on-campus employment opportunities for the financial and professional experience benefits, as well as to establish a campus community, offer structured support to their peers, and increase their sense of belonging. Understandably, many of these opportunities for skill development are employment-based, leaving students without employment authorization at a significant disadvantage to their peers academically, professionally, *and* socially. As noted in the proposed rule, “the ability to work lawfully provides numerous benefits to DACA recipients, their families, and their communities, and contributes to the collection of income tax and other payroll taxes at the Federal, State, and local levels, where applicable under law.”⁷ Work authorization is a critical component of DACA for Amherst College’s DACA recipients, providing an avenue for deeper engagement with the curriculum, campus, and community.

DACA makes it possible for alumni to establish careers in the US

Amherst College educates students of exceptional potential from all backgrounds so that they may seek, value, and advance knowledge, engage the world around them, and lead principled lives of consequence.⁸ As I noted in a 2017 letter in support of DACA to then-President Trump, “our classrooms at Amherst are enriched by the academic talent, hard work, and perspectives of DACA students who go on to become doctors, teachers, engineers, and artists.”⁹ In the United States, as stated in the proposed rule, “About 30,000 [DACA recipients] are healthcare workers, and many of them have helped care for their communities on the frontlines during the COVID-19 pandemic.”¹⁰ Having studied and developed academically and co-curricularly at Amherst College, alumni embark on remarkable professional paths, and DACA recipients and DACA-eligible alumni are no exception. DACA’s three core components as outlined in the proposed rule—fornbearance from enforcement, work authorization, and lawful presence—are all critical to the successful futures of these alumni, allowing them to engage the world around them and lead lives of consequence with the knowledge and skills developed at Amherst College, just like their peers.

As previously stated, deferred action has made it possible for DACA-recipient students at Amherst College to engage in learning while maintaining a sense of hope, planning for and working toward the futures they dream for themselves and their families. Access to work authorization as an Amherst College student is critical to engaging fully in co-curricular learning and career-building opportunities. After graduation, work authorization becomes even more essential for DACA recipients. As noted in the proposed rule, “without work authorization, many DACA recipients would have no lawful way to support themselves and their families and contribute fully to society and the economy.”¹¹ We agree with the proposed rule that “a policy of forbearance without work authorization

would disrupt the reliance of interests of hundreds of thousands of people, as well as the families, employers, and communities that rely on them. It would result in substantial economic losses. It would produce a great deal of human suffering, including harms to dignitary interests, associated with lost income and ability to self-support.”

Imagining a landscape without DACA

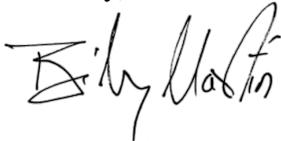
Throughout this comment, my mention of both DACA recipients and DACA-eligible students has been intentional. While all of our DACA recipient students have met the program’s eligibility criteria, some DACA-eligible students are not yet recipients. Due to the varying availability of the DACA program over the past few years, some students had yet to apply or had only recently submitted their initial DACA applications when initial applications ceased to be accepted on July 16, 2021 due to the U.S. District Court for the Southern District of Texas vacating the June 2012 memorandum. Some students have reported that they were mere weeks if not days away from DACA approval, having already completed their biometrics collections, when the July decision was announced and their pending applications were frozen. These students remain DACA-eligible today, but are now waiting indefinitely for their DACA applications to be processed. The arbitrary date of July 16, 2021 has been seared into their memories—for some, this is the date on which they lost hope.

The contrast between Amherst College DACA recipients’ and DACA-eligible students’ learning experiences paints a striking picture of the program’s impact. Where students with DACA can engage in on-campus jobs and employment-based research opportunities to expand upon their learning in the classroom, students who are DACA-eligible are left without the income, without the resume-building experiences that are essential to post-graduation job-readiness, and with fewer opportunities build networks among peers, staff, and faculty. Where students with DACA can cautiously plan for their futures with hope, DACA-eligible students are faced with an unfathomable level of uncertainty. It is critical that the DACA program be codified, so that DACA recipients can be assured of their future access to the forbearance from enforcement, work authorization, and lawful presence outlined in the proposed rule; and so that DACA-eligible students can once again have their applications processed by USCIS and become recipients themselves.

Conclusion

For the foregoing reasons, Amherst College strongly supports the Proposed Rule. We acknowledge that the rule isn’t perfect—for example, we understand that many DACA proponents would prefer that eligibility criteria for DACA be expanded. But we believe the balance of issues weighs heavily in favor of prompt implementation of the Proposed Rules while USCIS and Congress continue to explore additional options to expand the DACA program and/or otherwise engage in additional needed immigration reform.

Sincerely,



Biddy Martin
President

Notes

¹ Amherst College (“Amherst” or the “College”) is a private, co-educational liberal arts institution of higher education located in Amherst, Massachusetts. Amherst annually enrolls approximately 1,850 students, all undergraduates.

² See https://www.amherst.edu/news/news_releases/2021/10-2021/amherst-college-to-end-legacy-preference-and-expand-financial-aid-investment-to-71-million.

³ Amherst College currently has approximately 20 enrolled DACA students.

⁴ Deferred Action for Childhood Arrivals, 86 Fed. Reg. 53736 *et seq.*, 53738 (proposed September 28, 2021) (to be codified at 8 C.F.R. pts. 106, 236, and 274a) (the “Proposed Rules”).

⁵ See Jessica D. Ribeiro *et al.*, Depression and Hopelessness as Risk Factors for Suicide Ideation, Attempts and Death: Meta-Analysis of Longitudinal Studies, *The British Journal of Psychiatry* (March 28, 2018), *available at* <https://www.cambridge.org/core/journals/the-british-journal-of-psychiatry/article/depression-and-hopelessness-as-risk-factors-for-suicide-ideation-attempts-and-death-metaanalysis-of-longitudinal-studies/44413C7251A6471522724814003D813A> (last visited November 16, 2021).

⁶ Proposed Rules at 53797.

⁷ *Id.* at 53760.

⁸ Mission of Amherst College, *available at* <https://www.amherst.edu/amherst-story/facts/mission> (last visited November 16, 2021).

⁹ Letter to President Trump About DACA, *available at* <https://www.amherst.edu/amherst-story/president/statements/node/689036> (last visited November 16, 2021).

¹⁰ Proposed Rules at 53738.

¹¹ *Id.* at 53760.