



OGLETHORPE

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November 29, 2021

Ms. Samantha Deshommes
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

Re: DHS Docket No 2021-0006, Deferred Action for Childhood Arrivals

Dear Ms. Deshommes:

As the President of Oglethorpe University, I submit this comment letter in response to the U.S. Department of Homeland Security's (Department) proposed rule, Deferred Action for Childhood Arrivals (DHS Docket No. USCIS-2021-0006), published September 28, 2021.

I write in support of the proposed rule and offer further methods to strengthen and fortify the DACA program.

Oglethorpe is a liberal arts university founded in 1835 and located in Atlanta, GA. We have a history of welcoming to our campus students who are eager to make a life, make a living, and make a difference. This includes immigrants of all statuses. Since our 2019 partnership with TheDream.US¹, a national scholarship program that helps provide access to college education for immigrant youth who came to the country at a young age without documentation, the number of undocumented students enrolled at Oglethorpe has expanded. We currently have over 100 undocumented scholars through TheDream.US, and roughly half of them are DACA recipients. Combined with a number of DACA and DACA-eligible students enrolled outside of this scholarship program undocumented students comprise roughly 8% of Oglethorpe's degree-seeking student body.

As a private institution, Oglethorpe is one of only a few higher education options available to undocumented students in the state of Georgia. The state prohibits undocumented residents, including DACA recipients, from enrolling in certain public universities, and they are blocked from accessing in-state tuition or state financial aid at any public university or college.

¹ <https://thedream.us/>

While assumed by some to be a burden on the state, the reality is quite different. DACA has a quantifiable, significant, and long-lasting impact on families, local communities, and our nation. According to the *Higher Ed Immigration Portal*², there are over 14,000 undocumented students enrolled in higher education in Georgia. In their pursuit of higher education, undocumented students actively ready themselves to fill critical skill shortages and become better positioned to support their families, communities, and the U.S. economy. DACA recipients turn their educational aspirations into concrete career outcomes and contribute to our communities.

Georgia's undocumented immigrants and DACA-eligible residents, play an important role in the state's economy, contributing spending power and paying federal, state, and local taxes. Georgia's 36,395 DACA-eligible residents have a spending power of \$614.2 million and contribute \$103.6 million in federal tax contributions and \$77.6 million in state and local tax contributions. These Georgians are a vital part of our economy, but because they are not granted legal protections, they regularly face numerous barriers to living, working, and pursuing their educational goals.

Every year, 3,000 undocumented students graduate from Georgia high schools, and many of them are told directly by their high school counselors that college is not for them. Despite these obstacles, undocumented Georgians have found opportunities to pursue college degrees. Here at Oglethorpe, the campus contributions of our undocumented student community can be seen prominently across a range of academic departments, student clubs and organizations, athletic programs, student government positions, civic engagement campaigns, artistic endeavors, and community education efforts. Our campus would be irreparably altered without their involvement in our community. Yet, these students' futures remain in a constant state of uncertainty.

As reinforced by the President's Alliance on Higher Education and Immigration, DACA-eligible students are a heterogeneous population in higher education. At Oglethorpe and throughout the U.S., DACA-eligible students reflect the broad range and diversity of first-generation immigrants in the U.S. While most DACA-eligible students in higher education are Hispanic (69.7 percent), significant numbers are Asian American and Pacific Islander (16.3 percent), White (7.2 percent), Black (5.3 percent), or identify as other race or ethnicity (1.6 percent).³ DACA serves as an important driver for increased enrollment in colleges and universities institutions and higher high school graduation rates among immigrant youth because it protects students from deportation and includes the ability to see work authorization facilitating training and earning income for personal and educational expenses.

Oglethorpe supports cementing the DACA program into regulation for the safety and livelihoods of the many students on our campus who are currently part of the program or could be a part of the program if reopened. However, DACA desperately needs to be not just fortified but expanded for the benefit of our campus, state, and country as a whole. In DACA's current form, students' lives are left to be decided by the whims of ever-changing judges and policy makers. We agree with recommendations that DHS update the physical presence requirement to January 1, 2021, which matches the date proposed in H.R.6, the American Dream and Promise Act of 2021, a bipartisan bill that passed the House in March 2021. Enabling

² <https://www.higheredimmigrationportal.org/state/georgia/>

³ *How Many Undocumented Students are in U.S. Colleges and Universities, and Who Are They?* (March 2021).

⁴ *Napolitano memo.*

additional Dreamers to access higher education and employment authorization through DACA secures their ability to contribute to their communities and is in line with the intent of the original 2012 memo to not remove “productive young people to countries where they may not have lived or even speak the language.”⁴

Over the last year alone, extensive DACA renewal backlogs have caused stress and uncertainty around Oglethorpe students’ abilities to find, accept, and keep job and internship opportunities. In one student’s particular case, they were accepted for a paid internship but had to delay accepting the position while waiting for their work authorization renewal to process. Despite having submitted the renewal application on time and paying the renewal fee, this student was stuck waiting for updates from USCIS while opportunities and paychecks passed by. This student’s experience is all too common, especially in recent months due to USCIS processing delays.

Many of our students were also in the process of applying to DACA for the first time before the Texas court ruling indefinitely paused their applications. After consulting with lawyers, gathering documents, and submitting their \$495 applications, they are now left with nothing. Their applications are stuck in limbo like so many other parts of their lives without the protections and stability granted by legal residence.

Beyond those with lengthy and uncertain DACA renewal timelines and first-time applicants who are now restricted from approval, there are many other students unable to even apply for DACA based on the program’s current narrow and arbitrary eligibility requirements. Multiple students have been recommended for positions around campus, with raised hopes for both the students and receiving departments, only to be let down when the lack of work authorization forced them out of the pool of qualified applicants. These students, and our campus as a whole, are missing out on countless opportunities due to their collective inability to take part in the DACA program.

DHS proposes to maintain current biometrics requirements while removing the discrete biometrics fee. We urge DHS to utilize existing biometrics for DACA renewals, rather than requiring new biometrics every two years upon renewal. We encourage DHS to expand which applicants qualify for renewal to mean any individual who has held DACA, regardless of the length of time since DACA expired. Currently, DHS policy is that DACA applications only qualify for renewal if the applicant files within one year after their last period of deferred action expired. There are numerous reasons for delays in refile for DACA, including financial, and there is currently no stated reason for this policy. Additionally, DHS should automatically renew employment authorization for DACA grants. As an alternative, DACA should be added to the list of employment authorization categories that receive an automatic 180-day extension of their timely filed employment authorization renewal.

These issues could easily be resolved for many immigrants by removing unnecessary and illogical barriers to DACA applicants and updating the eligibility requirements. By removing the age cap, moving up the continuous residency date from June 15, 2007, and moving up the physical presence date from June 15, 2012 to January 1, 2021; the door would open up for otherwise eligible applicants to finally be able to apply for DACA.

By fortifying and expanding the DACA program, DHS can bring a level of protection and opportunity to a vital group of Georgia residents who bring so much to our campuses and communities. Beyond bolstering

our local and national economies and filling critical roles in much needed industries, these changes to DACA would allow people to simply live their lives. It would allow them to provide for their families, finish their degrees, support their neighborhoods, and remain in their homes. They should be afforded the same opportunities as all of us who call Georgia home.

We appreciate the opportunity to comment on the proposed DACA regulation. For any questions, please contact me at nladany@oglethorpe.edu.

Sincerely,

Dr. Nicholas Ladany
President, Oglethorpe University