

## Beyond DACA: An Updated Checklist for Campuses to Support Undocumented Campus Members

*Last updated: October 7, 2022*

### I. Introduction

On October 5, 2022, the U.S. Court of Appeals for the Fifth Circuit ruled that DACA was illegal. However, since the Biden Administration's new DACA regulation is to take effect on October 31, 2022, the Fifth Circuit stayed the results of its decision and sent the case back to the district court to rule on the legality of the new regulation. For current DACA recipients and DACA applicants, the status quo remains. For those who already have DACA, the Fifth Circuit decision still allows DACA to continue and renewals to remain open. Current DACA recipients can still apply for advance parole. USCIS still cannot process new applications. It is also important to note that the majority of undocumented students on college campuses do not actually have DACA, a number of which would be eligible if the processing of applications had not been halted due to the litigation. (See [DACA Update: What You Need to Know](#).)

Given these circumstances, the purpose of this updated checklist is to ensure that campuses have the tools they need to respond to future developments, keep their resources up to date beyond DACA, and explicitly recognize that many undocumented students are not DACA students. This checklist is intended to help support DACA, former DACA, DACA-eligible, and undocumented students, scholars, faculty, and staff. You also can check out [5 Things Colleges and Universities can do in the Wake of the Fifth Circuit's Decision on DACA](#).

### II. Campus Checklist

#### Develop Rapid Response Plan

- Develop a rapid response network for steps to take after a court decision
- Train students, faculty, and staff on their rights in response to ICE enforcement on campus
- Utilize FERPA privacy protections to protect immigrant student information

#### Continue and Expand Legal Representation and Screenings

- Partner with nonprofits, private attorneys, campus clinics, and others
- Identify existing and emerging paths to legalization for students
- Provide informational sessions to students, faculty, and staff on existing and emerging paths to legalization for undocumented immigrants
- Provide resources and informational sessions on how to renew DACA in light of the current litigation
- Establish a relationship with your Member of Congress's constituent services staffer

#### Audit and Update Internal and Institutional Policies

- ❑ Solidify the language used to refer to undocumented students, developing messaging that encompasses specific relevant student populations (DACA students, undocumented students, Dreamers, etc. See below)
- ❑ Decouple institutional admissions, aid/funding, and tuition policies from DACA
- ❑ Create a page on the institution's website dedicated to updated undocumented student information/resources specific to the institution
  - ❑ Clarify admissions and financial aid policies for undocumented students on your website
- ❑ Ask local, national, and field-specific organizations that provide scholarship/fellowships to expand eligibility access to undocumented undergraduate and graduate students
- ❑ Expand [eligibility](#) for [admissions, tuition, and aid](#) to undocumented students if not already the case, and decouple eligibility from DACA status (if an existing requirement)
- ❑ Establish local, state, and regional collaboratives with other higher ed institutions
- ❑ Ensure focus on access and funding includes undocumented graduate and professional students
- ❑ **Prepare a Comprehensive Communications Plan**
  - ❑ Create a communications plan for changes to DACA, eligibility, or the application process.
  - ❑ Participate in unity or coalitional messages in support of DACA post-rule or court decision
  - ❑ Meet with or establish a campus immigration task force to support DACA students, faculty, and staff
- ❑ **Promote Holistic Support Services and Career Guidance**
  - ❑ Provide and communicate the availability of holistic support services, including mental health support, grants, food security, and career guidance. Establish or direct students to a hub where information is available
  - ❑ Train student support services staff on how to be an ally to undocumented students
  - ❑ Review and update existing financial aid appeal and adjustment processes
  - ❑ Share alternative income options with students and campuses

### III. Detailed Campus Checklist

- A. Develop a Rapid Response Plan.** Campuses should develop a rapid response care team, and outline the steps that they and other stakeholders will take immediately after a decision, including messaging, outreach to students, and protecting students from deportation.

Ensure that all staff, faculty, and students are provided information on campus protocols regarding ICE officers coming onto campus. Provide training for campus police and Know Your Rights information and training opportunities for students and community members.

Provide training and information to students and campus personnel on how FERPA protections of undocumented students' personally identifiable information **still** apply regardless of a court decision. See our [FAQs for Campuses on Immigration Enforcement and Site Visits](#) on ICE enforcement on campus to include additional state contexts and resources.

- B. Expand and Continue Legal Representation and Screenings.** Campuses should continue to develop and expand existing access to legal representation for immigrant students and DACA recipients on campus, including non-profits, private attorneys, pro bono representation, campus-based clinics, and partnerships with other institutions with legal clinics. Campuses should arrange presentations on campus from qualified legal service providers on campus to conduct screenings, intakes, and general informational sessions.

Legal advocates recommend individualized screenings for all DACA recipients, Temporary Protected Status (TPS) holders, and other undocumented and immigrant students. Even if a student was screened in the past, new options may surface due to an individual's current field of study or work, change in family circumstances, or other life changes. DACA recipients who have held DACA since before the age of 18 can likely explore a range of temporary visas and pathways to lawful permanent status (LPR) (also known as a "green card"). For an example of these types of pathways, see [The D-3 Waiver and H-1B Visa: FAQ for Students](#), FAQs related to H-1B visas and Dreamers.

Consider reaching out to your Member of Congress proactively to connect with the office to request legal support and assistance for DACA recipients, including establishing a relationship with that Member's case manager. Finally, campuses should consider building alliances and coalitions with other higher ed institutions on a local, state, or regional basis, including sharing resources, hosting events, and supporting students on a cross-campus basis. Individuals can also check out [How to Find an Immigration Lawyer](#).

- C. Audit and Update Internal and Institutional Policies.** Campuses should solidify language that is accurate to specific populations of undocumented students. Not all students have DACA, so using "DACA students" to refer to all undocumented students excludes many undocumented students without that status. Some terms may not be preferred by the undocumented students on your campus, such as "Dreamer." While "Dreamer" may still be a helpful communication tool for political advocacy, many student advocates recommend using the term "undocumented" to encompass a broader spectrum of campus members.

Campuses should review internal and institutional policies to ascertain whether admissions, financial aid, donor-funded, scholarship, or other grant programs 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.<sup>1</sup> Institutions are strongly encouraged to improve access, funding, and support for undocumented students—not only at the undergraduate level but also for those seeking to pursue graduate and professional programs. See [Creating Inclusive Eligibility Requirements](#).

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<sup>1</sup> For example, this new University of New Mexico *Lobo First Year Promise* program is open to all state residents regardless of immigration status: <https://promise.unm.edu/>

**D. Advocate for Expanding Eligibility for External Fellowships and Programs, and Advocate for Updates to State Policies.** Work with local, field-specific, and national scholarship programs that your students may apply to and advocate to those scholarship organizations for the expansion of eligibility to *all* undocumented students to ensure that DACA recipients will still have access to those programs without DACA. This action step will also benefit other undocumented students. For example, see our [FAO on Experiential and Funding Opportunities for Undocumented Students](#) and [Fellowships and Other Non-Employment Based Opportunities for Undocumented Students](#) by the Presidents' Alliance and Immigrant Rising.

[Review your state policies](#) as they relate to the eligibility of undocumented students for in-state tuition, state financial aid or scholarships, professional and occupational licensure, state IDs, and driver's licenses. Are DACA recipients and/or undocumented students eligible? Is eligibility dependent on DACA status? Are there opportunities to advocate extending eligibility to no longer require DACA? Campuses should consider working together across the state and with local advocates and state legislatures to expand eligibility.

**E. Prepare a Comprehensive Communications Plan.** Campuses should plan on a comprehensive communications plan to communicate any changes to DACA, including campus messaging, specific outreach with directly impacted students and staff, communications with alumni and other stakeholders, and public statements. In the event of a new rule or court decision, the Presidents' Alliance will collaborate with other higher education groups and immigration advocacy organizations to develop unity statements (across sectors, including business, religious, military, civic, and other leaders) as well as share with member campuses sample campus messaging and other resources. For legislative advocacy, you also can check out [Remember the Dreamers](#), a collective higher ed site led by the American Council on Education. If your campus has not yet created a sustained, ongoing immigration task force or working group, consider forming one now.<sup>2</sup> It is important to include and compensate directly impacted students in this task force to ensure student voices are being centered at all times. See Immigrants Rising's [A Guide To Building On-Campus Undocumented Student Programs](#).

**F. Promote Holistic Support Services and Career Guidance.** Campuses should ensure that holistic, non-immigration support services are available for DACA recipients, undocumented students, and mixed-status families. These wrap-around services include mental health support, emergency grants, food security programs, flexible financial aid packages, and payment plans, career guidance, staff and faculty liaisons, and student support groups. Immigrants' Rising has created [A Guide To Building On-campus Undocumented Student Programs](#), which walks readers through developing programming for undocumented students in the absence of a dedicated coordinator position, program budget, or designated space.

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<sup>2</sup> You may want to consider creating a cross-campus immigration task force encompassing undocumented and international students including those tracked in SEVIS and those who are not, such as H-4 students), TPS recipients, refugees, and other immigrant populations—which brings together administrators/staff, faculty, and students to share information and resources on campus, and identify emergent campus and student needs. See also [A Guide To Building On-campus Undocumented Student Programs](#).

**G. Share Resources on Alternative Income, Funding, and Career Pathways.** The top priorities for DACAmented and undocumented students on campuses are career support and post-graduate pathways. Campuses should explore the creation of non-employment-based fellowships to support undergraduate and graduate undocumented students. See, for example, [FAQ on Experiential and Funding Opportunities for Undocumented Students](#).

Campuses should also develop best practices on how to share these resources with students (including the development of a centralized hub, center, or staff point of contact), including campus-wide emails, informational sessions, presentations during class, and 1:1 sharing by campus support staff. Campuses may want to review their existing financial aid appeals processes to determine if they will address work authorization loss and changes in aid for undocumented students. Campuses can adjust existing financial aid processes and resources to account for issues affecting undocumented students.

Check out the webinars on alternative income and career pathways sponsored by the Presidents' Alliance, TheDream.US, Immigrants Rising, and Democracy at Work. See TheDream.US [resources](#) for students, employers, and career counselors for DACA and TPS holders and [Career Counseling Support for Undocumented Students](#). For the webinar geared toward students, check out a [recording](#) of the webinar, its corresponding [Powerpoint](#), and shared [resources](#). You can also review [The Non-Citizen's Guide to Entrepreneurship](#) by the New York State Youth Leadership Council.