



## MEMORANDUM

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DATE: October 5, 2023  
TO: Higher Education Institutions  
FROM: FWD.us and The Presidents' Alliance on Higher Education and Immigration  
SUBJECT: Leveraging Advance Parole to Support DACA Recipients as DACA is Under Threat

### Overview

Higher education institutions can play a critical role in helping certain Deferred Action for Childhood Arrivals (DACA) recipients become eligible for important immigration benefits by supporting opportunities for them to travel abroad temporarily using “advance parole,” a policy that allows certain noncitizens, including DACA recipients to obtain legal permission to reenter the U.S. in advance of traveling abroad. Because advance parole allows DACA recipients to reenter the U.S. legally, it allows some DACA recipients to overcome immigration barriers that would have previously prevented them from adjusting to a more permanent immigration status.

Higher education institutions can support DACA recipients on their campuses (students, staff, and faculty) who are seeking to utilize these benefits. Such support can include advertising study abroad opportunities to DACA recipients, educating staff that manage study abroad programs about advance parole, helping DACA recipients apply for advance parole by connecting them with legal resources and attorneys, setting up educational programs abroad that specifically cater to DACA recipients, or partnering with external organizations that have existing advance parole travel programs.

Advance parole is an administrative procedure that allows certain noncitizens inside the U.S. seeking to travel abroad to receive advanced authorization to reenter the U.S. after temporarily traveling abroad. To travel abroad using advance parole, DACA recipients must have:

- A valid employment authorization document (EAD);
- A valid passport from their country of citizenship; and
- A [qualifying education, employment, or humanitarian reason](#) for travel.

After an individual applies and is approved for advance parole, U.S. Citizenship and Immigration Services (USCIS) issues an advance parole travel document to travelers before they depart the U.S.

## Why Advance Parole?

DACA was never intended to be a permanent solution that provided a pathway to citizenship or adjustment of immigration status for the young people who qualified as recipients. It is also critical to note that DACA could be terminated at any time, including by a new presidential administration in 2025 or as a result of litigation. DACA has been under threat in the courts since 2017. DACA recipients have lived in legal limbo ever since.

In October 2022, the Fifth Circuit Court upheld a lower court decision finding that DACA violated federal law and barring the federal government from granting new DACA applications. A year later, a District Court in Texas reaffirmed that holding, finding that a new rule adopted by the Biden Administration also violated federal law. The case is expected to be taken up by the Supreme Court in the 2024 - 2025 term. Advocates are preparing for an eventual negative decision from the Supreme Court, which could lead to the end of DACA in 2025.

While the DACA program is still in place, it is essential that we work to protect the individuals in the program and create opportunities for DACA recipients to continue to build their futures in the U.S., whether or not the program continues.

One way to do this is by utilizing a legal process called “advance parole.” Advance parole not only provides the potential for DACA recipients who otherwise would not be permitted to reenter the U.S. to travel abroad and return, but it also creates the opportunity for individuals to reunite with family members they have not seen for decades and pursue educational or employment opportunities.

*Critically, advance parole can also eliminate certain legal barriers for undocumented individuals hoping to adjust their immigration status.* Many DACA recipients are unable to adjust their status from within the U.S. due to the manner in which they initially entered the country. Current legal barriers require many DACA recipients to leave the country and wait years---as much as a decade---to seek reentry through a consulate outside the U.S. (known as “consular processing”). Using advance parole to leave the country and reenter with formal inspection—a legal requirement to adjust status—could open up existing or future pathways for these individuals to adjust status or pursue new immigration protections while they stay in the country.

## How Colleges and Universities Can Expand Opportunities for DACA Recipients Through Advance Parole

Using existing infrastructure, there are many opportunities for colleges and universities to help open up pathways to citizenship for current DACA recipients. FWD.us estimates that there are currently 90,000 DACA recipients enrolled in higher education programs with 75,000 in community college or undergraduate programs and an additional 15,000 in advanced degree programs.<sup>1</sup> (See more on undocumented students in higher education at the [Higher Ed Immigration Portal](#)). This figure does not include the number of DACA recipients among staff and faculty on campuses. Higher education institutions are uniquely situated to support DACA-recipient undergrads, graduate students, postgraduates, alumni, faculty, and staff.

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<sup>1</sup> These estimates were made according to FWD.us’ immigration assignment [methodology](#) in the 2021 American Community Survey.

## Within Higher Education Institutions

Colleges and universities can play a critical role in setting up programs that provide **educational** or **employment-related** opportunities for DACA recipients to utilize the advance parole process and travel abroad.

- **Existing Study Abroad Opportunities** - DACA recipients may be eligible for existing study abroad programs through your institution or partner institutions. Advertising study abroad opportunities to DACA recipients and educating staff managing these programs about advance parole can make it easier for DACA recipients to take advantage of existing opportunities. When applying for existing study abroad programs, it is important to remember that advance parole applications can take a long time to process. Students seeking to utilize advance parole for study abroad are advised to submit their advance parole applications 4-8 months ahead of the study abroad program. Therefore, universities may need to accelerate acceptance to study abroad programs, admitting a DACA student more than a semester ahead of the start of the program, to allow time for application processing. At some institutions, immigration law clinics have successfully applied for advance parole on behalf of their students, such as at [Cornell University](#). For details on the steps required to apply for advance parole, visit [Informed Immigrant](#).
- **Developing an Advance Parole Program** - Creating a program that caters specifically to DACA recipients wishing to gain educational experience abroad can be an ideal way to support a cohort of DACA recipients who are all dealing with the same advance parole application processes. In addition, a program specific to DACA recipients would allow you to address the goals and unique needs that this population has when traveling abroad. Developing a program at your institution also gives you the opportunity to impact greater numbers of people, including staff, faculty, alumni, and community members. Check out the University of Wisconsin–Madison's [Mexican International Study Opportunity for Learning \(MISOL\)](#) as an example of an advance parole travel program.
  - The MISOL program provides a study abroad opportunity for a cohort of DACA recipients to attend an education program at the UNAM (Universidad Nacional Autónoma de México) in Mexico City. Participants engage in programming around culture, history, identity, and language while also having the opportunity to reconnect with their families and conduct ethnographic research on their family migration.
- **Create a Webpage that Explains Advance Parole** - Create a dedicated page on your campus website that breaks down what advance parole is and how students can apply. See the websites of the [University of California at Berkeley](#) and [Pomona College](#) as examples.

## Utilizing External Partnerships

If developing your own advance parole program or servicing DACA recipients' travel abroad needs in-house is not the best fit for your institution, you could partner with external organizations that can support DACA recipients' travel needs.

- **Partner with Justice Action Center and Immigrant Defenders Law Center** - These organizations have developed a plan to systematize and reduce the cost of advance parole trips for DACA recipients by building a program in which DACA recipients will engage in day trips to volunteer at migrant shelters at the Tijuana border. This program includes an immigration screening pre-departure, advance parole application support, and legal support for the duration of the trip. Right now, this program is in its pilot phase and is open to staff and members of social justice

organizations, which can include movement-oriented college and university centers. Interested individuals should please email Laura Flores at [laura.flores@justiceactioncenter.org](mailto:laura.flores@justiceactioncenter.org).

## Where to Start?

As a higher education institution, you may already run international programs or have campuses outside the U.S. We encourage institutions to consider pre-existing opportunities for which DACA recipients might be eligible. Our goal is to help grow as many advance parole opportunities as possible in an effort to eliminate some immigration bars for DACA recipients.

### Opportunities to Consider

- **Utilize connections** that your institution has abroad, including campuses you may have in other countries, visiting scholars, sister institutions, existing study abroad programs, international conferences, and more.
- **Open up opportunities** beyond the student population to include staff, faculty, alumni, and community members. The [average age of DACA recipients is currently 29](#), which helps illustrate why there are fewer DACA recipients at the undergraduate level than there have been throughout the past decade. Many DACA recipients have gone on to join the workforce, including working in academia. Supporting an advance parole program is an opportunity to continue to support alumni and to invest in the local workforce.

### Tips for Supporting an Advance Parole Program

- **Start now!** Time is of the essence as the DACA program remains under threat in the courts.
- **Consider partnering with an extension school or a school of continuing studies.** Schools with non-degree programs may have more flexibility in supporting nontraditional extracurricular activities. This is also a great way to interact with DACA recipients in the broader community.
- **Work with immigration attorneys.** It will be important to screen participants to make sure they are good candidates for advance parole. Attorneys can also help with onerous advance parole applications. Re-screening participants upon their return to the U.S. can help determine if they have any pathways to adjust their status.
- **Make it as affordable as possible.** One reason DACA recipients don't utilize advance parole, despite the advantages it provides, is that traveling abroad and submitting advance parole applications is expensive. Offering financial resources to applicants for advance parole will ensure that DACA recipients of all means are able to participate.

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## Additional Resources

- [Traveling with Advance Parole in 2023](#), Informed Immigrant
- [Apply for EMERGENCY Advance Parole as a DACA recipient](#), Informed Immigrant
- [Requesting Advance Parole and Traveling Outside the United States Under Deferred Action for Childhood Arrivals](#), Immigrant Legal Resource Center
- [The Advance Parole Travel Guide](#), Immigrants Rising