

# DEFENDING DREAMERS: EDUCATOR'S TOOLKIT

## I. BACKGROUND

On September 5, 2017 President Trump chose to rescind Deferred Action for Childhood Arrivals or DACA, a two-year, renewable program that allowed for certain undocumented Americans to have their deportations delayed and obtain a temporary work permit after meeting specific qualifications, paying a \$495 fee, submitting their biometrics, and undergoing a background check.

[Attorney General Jeff Sessions announced](#), on behalf of the President Trump's Administration, that DACA will be terminated in six months, meaning 800,000 current DACA recipients will be forced out of their jobs and put them under threat of deportation, unless Congress acts. It is also possible that some states could still sue before this timeline, meaning DACA recipients are under imminent threat.

**[DHS issued the following memo](#), outlining the process by which DACA will be repealed:**

- No new initial applications will be accepted after today, September 5.
- Anyone whose work permit expires on March 6th or later will lose their work permit and will be subject to immediate deportation.
- Individuals whose work permit expires on or before March 5th may apply for renewal of their work permit by submitting an application by October 5, 2017.
- Further, DHS has said that they won't "proactively" share information about DACA recipients between USCIS and ICE, [BUT they did 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

95% of the nearly 800,000 DACA recipients were [either working or in school](#) with thousands enrolled at colleges and universities across the country. As educators and leaders in higher education, it's essential to address the loss of this program and how it will impact students on campus. This toolkit will cover:

- The current status of students who were enrolled in DACA
- Implications for in-state tuition and state aid
- Concerns for undocumented students in a campus environment
- How the higher education community can support permanent protections for Dreamers

## II. PRACTICAL IMPLICATIONS FOR STUDENTS LOSING DACA PROTECTIONS

*If Congress fails to take action, in six months individuals will not be able to renew their DACA*, and thousands of individuals will fall out of status on a weekly basis over the next two years until all 800,000 current DACA recipients are stripped of their ability to work and are subject to the threat of deportation.

[According to a recent report](#), for every business day that individuals are not allowed to renew their DACA, *more than 1,400 DACA recipients will lose their ability to work* as their EADs expire. If DACA is repealed and renewals are put on hold, even for a brief period of time. This study found that an average of 30,000 DACA recipients would lose their jobs each month if DACA is repealed.

Below are some actions colleges and universities can take to keep their students safe and ensure their success at academic institutions:

- 1. 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.
- 2. Create an emergency plan in case an ICE officer comes on campus.**
  - Many schools have created “safe rooms” where only the undocumented individuals at college or university know the location of the room. If an ICE agent arrives on campus without a warrant to obtain an individual or conduct an investigation, this room will be a secure place for undocumented students, faculty, and staff that is unknown to the public.
- 3. Create a scholarship for undocumented students on campus.**
  - Schools such as Loyola University Chicago have added a small \$1-5 dollar tuition increase per student each semester, [to create a scholarship](#) for undocumented students. Others, like University of Miami have established grants to meet 100% of undocumented students’ demonstrated need.
- 4. 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 help students understand how the changing political environment will impact them, their families, and their lives on campus.
- 5. 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.**

- Especially with the recent end to the DACA program, undocumented individuals are under a tremendous amount of stress and experiencing high anxiety. It can be especially challenging for students on campus who are providing for or concerned with the well being of family at home.

### **III. HOW DOES ENDING THE DACA PROGRAM IMPACT IN-STATE TUITION?**

In-state tuition laws are made by states, so students' ability to receive in-state tuition, and the eligibility requirements, will depend on where they live.

*Currently, states with in-state tuition laws that require students to have DACA are: Virginia, Missouri, Ohio, Alabama, Mississippi, and Massachusetts* The following states have in-state tuition laws that do not require a student to have DACA but have alternative eligibility requirements: California, Colorado, Connecticut, Florida, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Mexico, New Jersey, New York, Oregon, Texas, Utah, Washington, Oklahoma, Wyoming, Nevada, Kentucky, Georgia, Indiana, Hawaii, and Rhode Island.

***If your school is located in Virginia, Missouri, Ohio, Alabama, Mississippi, or Massachusetts students' ability to receive in-state tuition may be impacted.***

A change in policy, new executive order from a governor, or updated decision by a university system's Board of Regents may be required to restore undocumented students' access to in-state tuition. If your school is in one of these states, turn to the end of the toolkit for additional resources and information about restoring in-state tuition for students previously covered under DACA.

### **IV. HOW CAN COLLEGES AND UNIVERSITIES SUPPORT PERMANENT PROTECTIONS FOR DREAMERS?**

With DACA no longer in place, we need to put all our weight behind a permanent legislative solution to protect Dreamers. We need every single Member of Congress and Senator to support legislation that would allow Dreamers to work and live in the U.S. and demand a vote on the floor of the House and Senate.

There are numerous bills that have been introduced in the House and the Senate to protect Dreamers, including the bipartisan DREAM Act and Republican-led RAC Act.

We urge you to use your influence as an educator and leader to call on Congress to protect your students and pass bipartisan legislation. **Call your Senators and Congressional Representative. Set up a meeting with them or their staff. Bring Dreamer students with you to share their stories.**

Ask your elected officials to cosponsor legislation that would allow Dreamers to work and live in the United States. and work with their leadership to bring it for a vote. The lives and livelihoods of 800,000 young people depend on it.

<p><b><u>2017 DREAM Act</u></b></p> <ul style="list-style-type: none"> <li>● S. 1615</li> <li>● H.R. 3440</li> <li>● Must have entered U.S. before 18 years of age &amp; must be living here for at least 4 years</li> <li>● 8 years to become a legal permanent resident &amp; 5 years from legal permanent resident to citizenship</li> <li>● Path to citizenship through education, work, or military</li> </ul>	<p><b><u>Recognizing America's Children (RAC) Act</u></b></p> <ul style="list-style-type: none"> <li>● House Bill 1468</li> <li>● Must have entered U.S. before 16 years of age &amp; must be living here since Jan 1st, 2012</li> <li>● 5 years to become a legal permanent resident (with completion of work, education, or military track) &amp; 5 years from legal permanent resident to citizenship</li> <li>● Strict path to citizenship through completed education, work, or military</li> </ul>
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**Talking points on the need for a legislative solution:**

- The nearly 800,000 Dreamers whose lives are at stake are real people. They hold jobs, are going to school, and are part of our country and our communities. They serve in our military, are teachers, nurses, and engineers. Using them as a “bargaining chip” in order to enact an extreme anti-immigrant agenda is not only immoral and outrageous, it would be devastating to our communities and the broader American economy.
- In deciding to end DACA, President Trump has put the lives of nearly 800,000 hardworking young people at immediate risk. If they lose DACA without permanent legislation in place, they lose the ability to work legally and are subject to deportation.
- Congressional leaders on both sides of the aisle must immediately come together - right now - and pass a bipartisan Dream Act: 800,000 lives are at stake.
- These Dreamers are going to school, and are part of our country and our communities. They serve in our military, and they are teachers, nurses, and engineers. The average DACA recipient came to this at the age of 6 and is now 26 - they are American in every sense except on paper.
- While the President has said they will keep the program going for six months before ending it, unless they can ensure zero litigation by all states this may not be the case - and is all the more reason Congress must act immediately.
- Congress must now immediately pass the bipartisan Dream Act to provide certainty and protect these incredible young people who are already contributing to our communities and our economy. House Republicans have also introduced legislation to protect

Dreamers, the RAC Act, but every Member who stands with Dreamers must cosponsor legislation that would allow Dreamers to work and live in the United States.

- We cannot afford more posturing or vague comments from Members of Congress: nearly 800,000 Dreamers' lives are at stake.
  - The majority of the House and Senate Republican conferences have said they believe those undocumented who came to this country as children should be able to earn legal status, and not be deported. And while we disagree with those who said DACA lacked constitutional standing, the program has been ended - and the time for statements has passed. Congressional Democrats must be clear in their commitment to keeping the protections for Dreamers in place through legislation.

### **Myths and Facts about the Consequences of DACA being Repealed**

*MYTH -- Even though the Trump Administration has rescinded DACA, they aren't going to target Dreamers for deportation, so Dreamers still won't need to worry about being deported.*

**FACT** -- False, ICE dramatically changed their [enforcement priorities in a memo issued on January 25th, 2017](#), making EVERY undocumented immigrant a priority for removal. If DACA protections are removed, every Dreamer will be under immediate and constant threat of deportation.

- [ProPublica has reported](#) that ICE has directed Enforcement and Removal Operations (ERO) agents to "take action against all undocumented immigrants encountered while on duty."
- As a result, ICE arrests of undocumented immigrants are up [150% since the same timeframe last year](#). These have included individuals who are supposedly protected by DACA, such as [Riccy Enriquez Perdomo, who was arrested in early August in KY](#).
- Additionally, ICE Director [testified to the House Appropriations Committee that](#) "no population is off the table" adding "If you're in this country illegally and you committed a crime by being in this country, you should be uncomfortable, you should look over your shoulder. You need to be worried."
- This risk will only be intensified in states like Texas, home to the 2nd largest DACA population of 120,000 individuals who will not only have to worry about ICE, but local police officers as well.

*MYTH -- Dreamers DACA protections last for 2 years, so Congress will have plenty of time to act before anything can happen to them.*

**FACT** -- False, for every business day that DACA is repealed, nearly 1,400 Dreamers will lose DACA and be subject to immediate deportation. Additionally, 87% of DACA recipients are employed and will be forced out of their jobs if DACA is repealed.

- DACA protections were granted over time, not on a single date. Recipients must be renew their DACA every two years to stay protected and those renewals happen on a rolling basis throughout the year.

- USCIS [regularly reports renewal data here](#). The latest statistics for [2017 are available here](#).
- At least 72% of the top 25 Fortune 500 companies currently employ DACA recipients.

*MYTH -- DACA is an Obama-era program and while President Trump hasn't deported dreamers, he hasn't actually continued the program.*

**FACT** -- False, President Trump has continued to issue DACA renewals since he took office, [granting over 100,000 between January and March](#).

- Based on past data and approval rates during the first months of his Presidency, it is estimated that President Trump has issued more than 200,000 DACA renewals since he took office.

## V. MORE INFORMATION ON IN-STATE TUITION

<p><b><u>MISSOURI</u></b>  <b>In-state tuition policy:</b> The state of Missouri does not provide in-state tuition to undocumented students. According to <a href="#">Missouri's</a> state budget, "public higher education institutions cannot knowingly offer these students in-state tuition." DACA recipients may be eligible for in-state tuition at certain institutions.  <b>Decision maker:</b> Private colleges and universities  <b>What needs to happen if DACA is repealed:</b> If DACA is repeal students, faculty, and staff should meet with the current president at their institution and possibly push for a state tuition equity bill.  <b>Advocacy opportunities:</b> In 2017, Missouri Tuition Equity Act (<a href="#">HB 453</a>) was introduced. If passed, it would grant in-state tuition to undocumented students. This bill could be re-introduced.</p>	<p><b><u>VIRGINIA</u></b>  <b>In-state tuition policy:</b> Resulting from an <a href="#">announcement</a> by AG Mark Herring, The state of Virginia allows DACA recipients who meet all other requirements qualify for in-state tuition in Virginia at all public colleges and universities. Other undocumented students are not eligible for in-state tuition.  <b>When enacted:</b> April 2014  <b>Decision makers:</b> Virginia Attorney General Mark Herring and Governor Terry McAuliffe  <b>What needs to happen if DACA is repealed:</b> The Governor of Virginia needs make an executive order. Students and advocates need to push for a permanent state law solution.</p>
<p><b><u>ALABAMA</u></b>  <b>In-state tuition policy:</b> The state of Alabama <a href="#">bars</a> undocumented students from receiving any public postsecondary education benefits, including in-state tuition and financial aid. Alabama is also one of the two states that</p>	<p><b><u>MASSACHUSETTS</u></b>  <b>In-state tuition policy:</b> In 2012 <a href="#">Governor Deval Patrick directed state colleges and universities</a> to allow DACA-recipients to pay the lower resident rate for tuition and fees as soon as they obtain work permits provided they meet the same</p>

<p>explicitly prohibit undocumented students from enrolling at any public postsecondary institution. Undocumented students who are also DACA recipients however, are eligible to enroll in certain public institutions at in-state rates.</p> <ul style="list-style-type: none"> <li>• University of Alabama in Huntsville, Birmingham, and Tuscaloosa</li> <li>• University of Troy in Dothan and Troy</li> <li>• University of Montevallo</li> <li>• Auburn University at Montgomery and Auburn</li> <li>• Community colleges</li> </ul> <p><b>Decision maker:</b> Individual colleges and universities</p> <p><b>What needs to happen if DACA is repealed:</b> If DACA is repeal students, faculty, and staff should meet with the current president at their institution. Possibly find a way to repeal the law that bars undocumented students from receiving in-state tuition.</p>	<p>standards as any other student, including fulfilling academic requirements and the minimum length of state residency for that school. This action was an executive order by the Governor. While the policy is still in place, Massachusetts has not passed permanent legislation giving DACA recipients or undocumented students access to in-state tuition. Some private colleges and universities also maintain informal tuition policies towards undocumented students.</p> <p><b>When enacted:</b> November 2012</p> <p><b>Decision maker:</b> Former Governor Deval Patrick</p> <p><b>Current decision maker:</b> Governor Charlie Baker</p> <p><b>What needs to happen if DACA is repealed:</b> Governor Baker would need to issue another directive that all undocumented students who meet the Massachusetts residency requirements are eligible for in-state tuition. Students, faculty, and staff should also work with local coalition members like <a href="#">MIRA</a> or <a href="#">SIM</a> to push for statewide tuition equity legislation.</p>
<p><b><u>OHIO</u></b></p> <p><b>In-state tuition policy:</b> According to Ohio <a href="#">state statute</a>, undocumented students are not eligible to receive in-state tuition. However, on July 2013, the Ohio Board of Regents declared that DACA recipients qualify for <a href="#">in-state tuition</a> if they meet all other criteria for residency under Ohio law.</p> <p><b>When enacted:</b> July 2013</p> <p><b>Decision maker:</b> Ohio Board of Regents</p> <p><b>What needs to happen if DACA is repealed:</b> Reach out to the <a href="#">Ohio Board of Regents</a> and see if they can expand their declaration and include undocumented students</p>	<p><b><u>MISSISSIPPI</u></b></p> <p><b>In-state tuition policy:</b> In the state of Mississippi, DACA residents can qualify for in-state tuition at some colleges after Mississippi Governor Phil Bryant <a href="#">signed a law</a> allowing Mississippi universities to waive out of state tuition.</p> <p><b>When enacted:</b> 2012</p> <p><b>Decision maker:</b> Governor Phil Bryant</p> <p><b>What needs to happen if DACA is repealed:</b> Look into whether the current law could be expanded to allow undocumented students pay in-state tuition.</p>

**FOR MORE RESOURCES** including information for those directly affected by this DACA repeal, please visit [InformedImmigrant.com](http://InformedImmigrant.com)