DACA & Dreamers: Supporting Student Mobility
UT International Office

- **Who we are:**
  - International Student & Scholar Services
  - Study Abroad

- **Who we serve:**
  - Enrolled students interested in studying or working abroad
  - Anyone who is not a permanent resident or citizen
    - Student Visas
    - Dependent Visas
    - Permanent Resident Pending
    - Undocumented Students
Who is Undocumented?

- A student might be undocumented if:
  - S/he entered the U.S. legally and their immigration status has since expired
  - S/he entered the U.S. without inspection
  - His or her immigration petition is denied and has continued to remain in the U.S.
Statistics

- **Nationally**
  - 11.2 million total
  - 2 million under the age of 18
  - 65,000 graduating from U.S. high schools each year

- **Texas**
  - 1.6 million
  - 135,013 under 18

- **The University of Texas at Austin**
  - Approximately 400 enrolled undocumented students

- 54% of the nation's undocumented immigrants live in CA, TX, FL, NY, and IL
- 3/5 have been in the U.S. for more than a decade
- Undocumented immigrants account for roughly 1-in-20 workers
Who are undocumented immigrant students?

- 4.5 million native-born U.S. citizen children have at least one undocumented parent (Pew Hispanic Center)
- Undocumented immigrant students are NOT all Latina/os
- One in 7 Koreans in the U.S. is estimated to be undocumented

Source: Pew Hispanic Center and Department of Homeland Security
Federal Efforts

The Immigration Reform and Control Act (IRCA)

- Enacted November 6, 1986, signed into law by Ronald Reagan on November 6, 1986, is an Act of Congress which reformed United States immigration law. The Act:
  - Required employers to attest to their employees' immigration status
  - Made it illegal to hire or recruit illegal immigrants knowingly;
  - Legalized certain seasonal agricultural illegal immigrants, and;
  - Legalized illegal immigrants who entered the United States before January 1, 1982 and had resided there continuously with the penalty of a fine.

Development Relief and Education of Alien Minors (DREAM Act)

- Various versions proposed without success in Congress since 2001 to provide qualified individuals with a path to citizenship.

Source: http://www.nasfaa.org
Deferred Action for Childhood Arrivals (DACA)

- Eligible applicants can request deferred action through USCIS for two year periods, subject to renewal
- Not a path to citizenship
- Grantees receive work authorization and ability to apply for a SSN
- Eligible for advance parole

What it is
- Protection from deportation for 2 year period
- Work authorization
- Social security number
- Driver’s license in some states
- May request permission to travel abroad

What it’s not
- Not a green card or visa
- Not a path to citizenship
- Discretionary case-by-case decision based on DHS enforcement priorities
Who is Eligible for DACA?

- Came to the United States before the age of sixteen, born on or after 6/16/81;

- Must be at least 15 years old

- Have continuously resided in the U.S. for at least five years as of June 15, 2012 and were physically present in the United States as of June 15, 2012; (June 15, 2007 to June 15, 2012)

- Currently in school, graduated from high school, or have obtained a general education development (GED) certificate; or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States

- Have not been convicted of a felony offense, a “significant misdemeanor” offense, 3 or more separate misdemeanor offenses, or otherwise pose a threat to national security or public safety
On November 20, 2014, President Obama announced a 5-point executive action on immigration:

- Changes to DACA
  - Age restriction
  - Date of entry
  - Length of DACA Approval
  - Effective date February 18, 2015
- New program: Deferred Action for Parents or DAPA
- Changes to Advance Parole

Executive order currently halted by lawsuit
“DACAmented” refers to someone who has successfully applied for DACA benefits and is in possession of a federally-issued employment authorization card.
“Parole” is synonymous with “permission.” In other words, you are applying for permission to exit and re-enter for the reasons indicated below.

- **Advance parole** = advance permission to **ENTER** the U.S. temporarily for a given purpose.

- The Department of Homeland Security has stated that they will accept applications for Advance Parole for students who have been granted Deferred Action for Childhood Arrivals (DACA).

- This process however is complicated and we strongly encourage students to seek counsel with an immigration attorney before considering this as an option.
Under What Circumstances Can it be Requested?

**Humanitarian**
- Medical assistance
- Funeral service
- Sick relative

**Educational**
- Study abroad
- Academic research

**Employment**
- Overseas assignments
- Conferences
- Interviews
- Trainings
K-12 public education available to all students (Plyler vs. Doe, 1982)

Decisions about admission and tuition rates in higher education determined by state

Federal law does not prohibit states from allowing undocumented students to enroll or granting resident tuition to them
Higher Education for Undocumented Students

Tuition and State Aid for Undocumented Students and DACA Grantees | Access by State
*Notes | June 2015

Map showing tuition and state aid for undocumented students and DACA grantees by state. States are color-coded to indicate different policies and aid eligibility.
Financial Aid

- Only eligible to receive state and institutional aid (if applicable)
  - EG: House Bill 1403

- TASFA vs. FAFSA
  - Check state/university policies regarding FA

- Scholarships

- Loans
Holistic Support Services
The Longhorn Dreamers Project
Longhorn Dreamers Committee
Undocumented Student Orientation
Training classes for university staff
Partnership with University Leadership Initiative
Info sessions for study abroad
Participation in United We Dream efforts
DACA and Study Abroad
First Thoughts…

- Study Abroad IS possible!
- Study Abroad advising vs. Legal advising
- Educate, inform, and support decisions – don’t make them
- Student always has final say
Considerations for Students

- **From Study Abroad Advisors:**
  - Can he/she obtain a passport? If one is already in possession, what’s the expiration date? Valid for up to 6 months after intended return date.
  - Does the program also fulfill major requirements?
  - Will there be visa(s) required for the program? What are the additional costs associated with visas? Are there additional visa requirements for students based on nationality?
  - Does the airfare require students to enter countries with additional transit visas?
  - Has the student estimated out of pocket costs and funding opportunities?
  - Is the student aware of all possible outcomes? If he/she does not feel comfortable with the risks, are there alternate pathways to fulfill an international component requirement?

- **From Legal Counsel:**
  - Does the program date overlap with a student’s DACA renewal expiration? 3 month process. Biometrics?
  - Does he/she have access to legal and financial support for the Advance Parole application?
  - Has he/she consulted legal counsel to determine if any pre-existing legal issues would affect their ability to re-enter the United States?
  - What happens if legislation changes while a student is abroad? Will their DACA status be jeopardized? Fall 2016?
Considerations for Staff

- **Questions for staff to consider**
  - What are the program deadlines? When do the students get notified of acceptance? Will this interfere with Advance Parole requirements?
  - Consider length and timing of program. Shorter programs = less risk?
  - Is there local legal support? Does your office offer scholarships or financial aid for DACA holders?
  - Program application and compliance deadlines will run concurrent to the Advance Parole application, is the student aware of all the upfront costs associated with both?

### Study Abroad Program
- Application fees, deposits, program fees, visas, and airfare purchase
- Compliance Forms

### Advance Parole
- Legal fees
- DACA Application or Renewal Fees
- Form Filing fee + Biometrics
Can the student be barred from re-entering the U.S. for any reason?

- Yes, re-entry and the possibility of being denied is an issue that must be considered.
- Advance parole authorization document does not guarantee re-entry into the U.S.
- Grounds of inadmissibility = Reasons for denying someone entry into the U.S.
  - EG: pre-existing Order of Removal, Deportation or Exclusion
- Issues to consider for student:
  - Documentation
  - Overstaying approved time
  - Flight delays or flight cancellations
  - Visiting unapproved countries
  - Pre-existing legal issues and/or arrests
- University
  - Liability & Transparency
  - Testimonials
  - Legal Support & Resources
Studying Abroad as a DACA-mented Student

- Prior to application Process
  - Applied renewed my DACA application
  - Got legal advice
  - Went through common misconceptions with my attorney

- Applied for Language, Diversity, Education in Guatemala
  - Took a risk and paid the deposit

- Started processing my cases
Before going to Guatemala we had to attend orientations
Followed up with my advisor

Going to Guatemala
Visiting NGOs

Fourth Context:

My takeaways
Be an Advocate!

- Review material for inclusive language
- Identify an advisor in your department
- “Educator for Undocumented Students” Sign
- Connect with United We Dream
- Discuss possible holistic support services on your campus
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QUESTIONS
Possible Outcomes Regarding Advance Parole + Study Abroad Program Approvals

1. **DACA + EAD**
   - Accepted on a study abroad program
   - Advance Parole is granted

2. **DACA + EAD**
   - Accepted on a study abroad program
   - Advance Parole is denied

3. **DACA + EAD**
   - Not accepted on a study abroad program
   - Ineligible for Advance Parole
Possible Outcomes Regarding Re-Entry

**DACA + EAD**
- Accepted on a study abroad program
- Advance Parole is granted
- Allowed to re-enter US successfully

**DACA + EAD**
- Accepted on a study abroad program
- Advance Parole is granted
- Not allowed to re-enter US successfully

Are you truly ready for the reality of these outcomes?