



HIGHER EDUCATION AS AN ALLY:

# Supporting a Pathway to Citizenship for Undocumented Students in 2021

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# I. Background

## OPPORTUNITIES IN 2021

Since its inception under President Obama, Deferred Action for Childhood Arrivals (DACA) has protected almost 800,000 young undocumented immigrants who came to the U.S. as children from deportation and allowed them to apply for renewable two-year work permits. DACA, with its associated grant of lawful presence, [opened the door](#) for DACA recipients in at least ten states to enroll in public colleges or universities or access in-state tuition. As of December 31, 2020, there are [636,390 DACA recipients](#) in the U.S.

There is an enormous opportunity in 2021 to build a humane, commonsense approach to immigration policy. This starts with supporting a pathway to citizenship for undocumented individuals living in the U.S., including the millions who have kept all of us safe and cared for us throughout the COVID-19 pandemic as essential frontline workers. Already, several bills that include a pathway to citizenship for undocumented individuals have been introduced in Congress. Two bills, the [American Dream & Promise Act](#) (H.R. 6) and the [Farm Workforce Modernization Act](#) (H.R. 1603), passed the House of Representatives in March 2021 with bipartisan support. This is a key moment for allies in higher education to speak up about the need to create a pathway to citizenship for undocumented individuals, including DACA recipients and other immigrant youth in colleges and universities across the U.S.

## DACA IS STILL UNDER THREAT

On December 4, 2020, a federal court in New York set aside limitations placed by the Trump administration on DACA and restored the program to [near full operation](#), allowing new applicants to apply for the first time since September 2017. The Biden administration [implemented actions](#) on January 20, 2021, “preserving and fortifying” DACA. However, the threat to DACA is not over: the lawsuit [Texas v. United States](#) challenging the legality of DACA in the Southern District of Texas continues to make its way through the court system. U.S. District Judge Andrew Hanen has indicated in that case that he may be inclined to strike down the program. Judge Hanen has yet to publish an opinion on the case, but the ruling could come any day. A permanent legislative solution to protect Dreamers is needed. Such a proposal will likely require significant bipartisan support in the U.S. Senate.

The education community is a critical ally in the fight to preserve DACA and advocate for undocumented youth. Educators, school counselors, and faculty are the first line of support for the approximately [9,000 DACAmented teachers](#) and more than [427,000 undocumented students in higher education](#) who are vulnerable to detention and deportation. As educators and leaders in higher education, it’s essential to address the potential loss of this program and how it will impact students on campus.

This toolkit will cover:

- Opportunities to pass legislation that will protect DACA recipients and other undocumented students;
- Resources for how institutions and higher education leaders can effectively advocate for a pathway to citizenship; and,
- Concerns in the case of a negative ruling in Texas v. United States.

## II. Legislative Opportunities in 2021

A number of immigration bills that would provide permanent protections and create a pathway to citizenship for DACA recipients, other immigrant youth, Temporary Protected Status (TPS) holders, essential workers, and other undocumented individuals have been introduced in the House and Senate. Two of those bills passed the House in March 2021. The Senate must now act swiftly to pass a permanent legislative solution for these communities.

- **[American Dream and Promise Act \(H.R. 6\)](#)** - Passed the House of Representatives in March 2021 by a [bipartisan 228 to 197 vote](#).
  - Would provide a pathway to citizenship for roughly [3 million](#) DACA recipients, other Dreamers/undocumented youth, TPS holders, DED holders, and children of certain nonimmigrant visa holders.
- **[Farm Workforce Modernization Act \(H.R. 1603\)](#)** - Passed the House of Representatives in March 2021 by a [bipartisan 247 to 174 vote](#).
  - Would provide a pathway to citizenship for approximately 1 million undocumented agricultural workers & their families.
- **[U.S. Citizenship Act of 2021 \(H.R. 1177 & S. 348\)](#)**
  - Would provide a pathway to citizenship for approximately 11 million undocumented immigrants with an expedited path for Dreamers, TPS holders, and agricultural workers.
- **[Dream Act of 2021 \(S. 264\)](#)**
  - Would provide a pathway to citizenship for about 1.2 million DACA recipients and other Dreamers/undocumented youth.
- **[SECURE Act \(S.306\)](#)**
  - Would provide a pathway to citizenship for TPS holders.
- **[Citizenship for Essential Workers Act \(S. 747\)](#)**
  - Would provide a pathway to citizenship for about 5.2 million essential workers plus their families.

The Senate must immediately act to pass legislation that provides a pathway to citizenship for the undocumented community, including DACA recipients and other immigrant youth. It is urgent and necessary to the response and recovery from COVID-19 that essential workers and Dreamers can fully contribute to the recovery.

### III. What Can Colleges and Universities Do to Advocate for DACA Recipients & Dreamers?

Higher education institutions, leaders, and educators have an opportunity to call on policymakers to pass legislation to protect DACA recipients and other immigrant youth, especially in the case of a negative court decision on DACA in Texas v. United States. This toolkit provides sample templates for colleges and universities to support a permanent legislative solution for DACA recipients and other immigrant youth. It contains sample press statements, quotes, tweets, and campus messages. Please see below.

#### SUPPORTING A LEGISLATIVE SOLUTION FOR DREAMERS - LETTER TEMPLATE

Institutions of higher education can adapt and send the following template to Senate delegations in support of the Dream Act of 2021, which would codify Deferred Action for Childhood Arrivals (DACA) into law and provide a path to citizenship for certain undocumented immigrants with and without DACA who arrived in the United States at a young age. The Dream Act of 2021 was reintroduced in the Senate by Sens. Lindsey Graham (R-SC) and Dick Durbin (D-IL).

Institutions can and should edit any portion of the below letter. Be sure to edit and customize the terms in [brackets] and highlighted in yellow; customize the letter as much as you see fit.

[Date]

The Honorable [full Senator name]  
U.S. Senate  
Washington, D.C. 20002

The Honorable [full Senator name]  
U.S. Senate  
Washington, D.C. 20002

RE: REQUEST TO SUPPORT A PERMANENT LEGISLATIVE SOLUTION FOR DACA RECIPIENTS AND OTHER IMMIGRANT YOUTH

Dear Senators [surname] and [surname]:

On behalf of the undersigned higher education institutions, we write to respectfully urge you to cosponsor and vote for a permanent legislative solution for DACA recipients and other immigrant youth, such as the Dream Act of 2021 (S.264), which would provide a roadmap to citizenship for upwards of 1.7 million Dreamers, or the American Dream and Promise Act of 2021, which would provide a pathway to citizenship for upwards of 3 million Dreamers and Temporary Protected Status (TPS) holders.[1] These bills represents a vital effort to provide relief to our [state] Dreamers. Our nation desperately needs legislation that permanently protects Dreamers and establishes a roadmap to citizenship. These individuals—Americans in every sense but on paper—seek to pursue their studies, work in our communities, serve in the military, and contribute to our state and nation.

As higher education leaders, we see the immense contributions that our immigrant and international students, scholars, staff, and faculty make on a daily basis to our campuses and communities. Protection for Dreamers during the ongoing COVID-19 pandemic is particularly critical, as 202,500 DACA recipients are currently employed as essential workers keeping our country fed, safe, clean, and healthy on the front lines of a global health crisis.[2]

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An estimated 98,000 undocumented students graduate from high school every year, including [number] in [state], representing [number] percent of graduating undocumented immigrants.[3] There are approximately [number] DACA recipients in [state], with an additional [number] eligible to apply.[4] Nationally there are approximately 427,000 undocumented students enrolled in higher education institutions, including 181,000 DACA-eligible individuals.[5] In [state], there are roughly [number] undocumented immigrants enrolled in institutions of higher education.[6] Of these enrolled students, [number] are DACA-eligible individuals.[7] These students are working diligently to advance themselves, notwithstanding their uncertainty regarding whether they will be able to complete their education, much less remain and make a life in the United States.

[Specific examples/cases from your school or state that demonstrate why your institution supports this legislation, changing identifying information where appropriate to protect undocumented participants. Include information like the affected party (students, employees, alumni, etc.), their connection to your state/institution, what they stand to lose, and what you stand to lose without them.]

There is strong, bipartisan support to protect DACA recipients and other immigrant youth and for Congress to establish a roadmap to citizenship. In a February 2021 Quinnipiac poll, 83 percent of all Americans (and 66 percent of Republicans) favored “allowing undocumented immigrants who were brought to the U.S. as children to remain in the United States and eventually apply for citizenship.”[8] In fact, according to PRRI polling, support for allowing these young individuals to gain legal resident status has steadily increased over the years.[9]

We appreciate your many efforts thus far to support higher education on behalf of our state and its immigrant and international students. We sincerely hope you will continue to support those who contribute so much to our campuses, communities, and economy.

We are eager to work with you on these important issues. For any questions or to follow up from this letter, please contact [name] of [institution] at [email] or [phone].

Sincerely,

[1] Jessica Bolter, et al., Back on the Table: U.S. Legalization and the Unauthorized Immigrant Groups that Could Factor in the Debate, Migr. Pol’y Inst. 9 (2021), available at <https://www.migrationpolicy.org/research/us-legalization-unauthorized-immigrant-groups>. Dreamers consist of a variety of domestic students, including students with Deferred Action for Childhood Arrivals (DACA) and other undocumented immigrant students who arrived in the United States at a young age.

[2] Nicole Prchal Svajlenka, A Demographic Profile of DACA Recipients on the Frontlines of the Coronavirus Response, Ctr. for Am. Progress (Apr. 6, 2020), <https://www.americanprogress.org/issues/immigration/news/2020/04/06/482708/demographic-profile-daca-recipients-frontlines-coronavirus-response/>.

[3] [Refer to this source to include state-specific information, if available for your state]. Jie Zong & Jeanne Batalova, How Many Unauthorized Immigrants Graduate from U.S. High Schools Annually?, Migr. Pol’y Inst. (2019), available at <https://www.higheredimmigrationportal.org/research/migration-policy-institute-fact-sheet-on-number-of-dreamers-graduating-from-high-school/>.

[4] [Refer to this source to include state-specific information]. Deferred Action for Childhood Arrivals (DACA) Data Tools, Migr. Pol’y Inst., (Sept. 30, 2020), <https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles>.

[5] Pres.’ All. on Higher Educ. & Immigr. & New Am. Econ., Undocumented Students in Higher Education: How Many Students are in U.S. Colleges and Universities, and Who Are They? (2021), available at <https://www.higheredimmigrationportal.org/research/undocumented-students-in-higher-education-updated-march-2021/>.

[6] Id.

[7] Id.

[8] Quinnipiac Univ. Poll, Press Release, 61% Optimistic About Next Four Years With Biden in Office, Quinnipiac University National Poll Finds; 68% of Americans Support the \$1.9 Trillion Stimulus Relief Bill (Feb. 3, 2021), [https://poll.qu.edu/images/polling/us/us02032021\\_uszn68.pdf](https://poll.qu.edu/images/polling/us/us02032021_uszn68.pdf).

[9] Robert P. Jones, et al., Pub. Religion Rsch. Inst., Immigration After Trump: What Would Immigration Policy That Followed American Public Opinion Look Like? (2021), available at <https://www.prrri.org/wp-content/uploads/2021/01/PRRI-2021-Immigration-Post-Trump.pdf>.

## SUPPORTING A LEGISLATIVE SOLUTION FOR DREAMERS AFTER A POTENTIAL NEGATIVE COURT DECISION

As outlined below in Texas v. United States ([Potential Outcomes](#)), there are a variety of possible scenarios we could find ourselves in after Judge Henane issues his decision in Texas v. United States. In the case of a negative decision, it's essential that allies in education respond with disappointment and pledging their continued support to DACA recipients and other undocumented students. The hours and days immediately following will be our strongest opportunity to provide moral clarity about the decision on DACA, and call on the Senate to pass legislation that would permanently protect undocumented students and individuals by creating a pathway to citizenship.

It's also important for the education community to react quickly because students will be looking to their schools and university presidents to understand how their lives and their education will be impacted, and whether or not they will feel safe and supported on their campuses.

Colleges and universities can play an integral role in responding to the court's decision by:

- **Issuing statements to their campus communities** outlining their support of DACA and undocumented students, and addressing the actions they will take to make sure education remains accessible to these students and to support them as they earn their degrees.
- **Making public statements**, such as press releases, in support of the DACA program and DACA recipients.
- **Sharing and amplifying the stories of students, educators, and staff** who have DACA (with their consent), and showcasing the work of students on campus advocating for DACA and Dreamers.
- **Writing op-eds or letters to the editor** for local and national media outlets.

## I. Sample Campus Message

This sample campus message is in the event of a negative decision. Institutions may wish to consider sending out a message to their entire campus communities. When the Trump administration announced the end of DACA in 2017, many presidents and chancellors sent campus messages to reassure their students and other community members; to provide resources and context regarding what the institution was doing to support students, faculty, and staff; and to reaffirm their commitment to DACA students and staff.

Below, we provide a sample campus message that you can use and modify for your campus. Items bracketed and highlighted in [YELLOW] should be replaced/customized.

[To Members of \_\_\_\_\_ Community]:

On [DATE], a federal district court in Texas issued a decision that negatively impacts Deferred Action for Childhood Arrivals (DACA) [We encourage that the institutions provide more context regarding the specifics of the decision], which provides work permits and protection from deportation for close to 640,000 DACA recipients in the U.S. We are deeply disappointed by this decision and are reaching out to those impacted in our campus community.

Regardless of the court's decision, I want to communicate [INSTITUTION'S]/[our] strong and continuing support for our DACA recipients and their families. Over the next few months, we will work with DACA recipients and other undocumented students in our community to continue to connect them with legal service providers on and off campus, mental and physical health services, and other support services.

[Consider sharing specific links or contact information for support services for DACA recipients on your campus, including the relevant contact or on-campus organization. Consider highlighting campus-specific resources, including immigration clinics, mental and physical health services, food nutrition programs, emergency grants, etc.]

In these difficult times, our campus remains as supportive as ever of DACA recipients and other immigrants learning and working in our community. To the DACA students and staff affected by this decision, know that you are not alone and that you will have the full support of our institution. While the court's decision represents a setback for affected individuals and the communities they are part of, our institution remains committed to enabling the continued success of DACA recipients and to securing permanent protections for these aspiring Americans.

Thank you.

[NAME]

[TITLE]

[INSTITUTION]



## II. Sample Press Statement for Higher Ed Institutions

### FEDERAL COURT RULES ON DACA

**[INSTITUTION NAME]** stands with DACA recipients after disappointing court decision

FOR IMMEDIATE RELEASE

**[DATE]**

MEDIA CONTACT: **[CONTACT]**

**[INSTITUTION LOCATION]**—Today, a federal district court in Texas issued a decision negatively impacting the Deferred Action for Childhood Arrivals (DACA) program. DACA protects young undocumented individuals from deportation and allows them to work lawfully in the United States. Some of these young people are students on our campus, and all have called the United States home since childhood. In addition, DACA has enabled more than [180,000 students](#) to enroll in colleges and universities across the country. **[INSTITUTION]** stands with the DACA recipients on our campus and in our communities and calls on the Biden administration to forebear the deportation of current and former DACA recipients. Congress must immediately pass legislation protecting these individuals.

**[Insert or adapt one of our template quotes for presidents and chancellors or compose one of your own. See the next section of this template.]**

**[Feel free to add specific examples of the kinds of contributions that DACAmented students, graduates, and employees made to your campus and the impact that you expect this decision to have on DACAmented individuals on your campus.]**

###

**[Add a brief description of your institution.]**

### III. Sample Quotes for Presidents and Chancellors

"I reaffirm my deep support for DACA recipients at [INSTITUTION]. Colleges and universities across the United States benefit from DACAmented students and graduates, and our campus is no exception. The many DACAmented students at [INSTITUTION] add value to our campus every day. I will continue to work alongside DACAmented students to help them during this difficult time, including a commitment to expanding access to legal, immigration, and education assistance."

"This disappointing decision from a federal district court will restrict access to higher education for some of the best and brightest potential students in the United States. From kindergarten to postsecondary education, our nation has consistently invested in Dreamers and this decision undermines the ability of our nation to fully reap and benefit from these educational investments. My heart goes out to DACA recipients and their families. I call on Congress to pass permanent protections immediately and on the administration to defer the deportation of current and former DACA recipients."

"DACA opened up educational pathways for our students and for many others across the country through access to admissions, in-state tuition, and financial aid. DACA recipients at [INSTITUTION] contributed to and shaped our campus culture and identity. Now, their potential and that of so many others are at terrible risk, even as we need their talents now and hard work today more than ever, particularly for the 200,000 DACA recipients working in especially in critical infrastructure areas, healthcare, and STEM fields. [INSTITUTION] will continue to support these dedicated students and aspiring Americans."

## IV. Sample Tweets for Presidents, Campuses, and Students

### 1. Sample Tweets for Institutions

We at [institution Twitter handle] support our #DACA and #undocumented students. You are valued members of our community, both on- and off-campus. #WeAreHome. [LINK TO PRESS RELEASE]

#DACA and #undocumented students at [institution Twitter handle] contribute to our classrooms and to our larger community. They are our friends, colleagues, and neighbors. We stand with #DACA recipients. [LINK TO PRESS RELEASE]

Approximately [NUMBER] students on our campus are #DACA recipients who will be affected by today's unfortunate court decision. You can read our full statement on our support for our #DACA and #undocumented students here: [LINK TO PRESS RELEASE]

### 2. Tweets for Presidents and Chancellors

Disappointing news today for many of our students with #DACA at [institution Twitter handle]. Know that you have our support, regardless of a court decision. Your #HomelsHere. [LINK TO PRESS RELEASE]

Congress must act now to protect students with #DACA. I know how valuable #DACA and #undocumented students are to [institution Twitter handle], and I stand with them, despite today's #SCOTUS decision. [LINK TO PRESS RELEASE]

## IV. Texas v. United States

### POTENTIAL OUTCOMES

[According to MALDEF](#) (Mexican American Legal Defense and Educational Fund), there are four possible outcomes in Texas v. United States.

- **Positive Decision.** The court agrees with the defendant-interveners and dismisses the case because the plaintiffs (Texas and other states) cannot show any injury from DACA.
- **Neutral Decision.** The court decides that the issues need further development and sets the case for trial, denying both motions for summary judgment.
- **Positive Decision.** The court reaches the question of DACA's legality and decides DACA is lawful.
- **Negative Decision.** The court reaches the question of DACA's legality and decides DACA is not lawful.

The change in presidential administration means that the court could defer any ruling on summary judgment in order to permit the federal government to introduce additional evidence or make new arguments based on the stance of the new president.

*Regardless of the outcome of Texas v. United States, DACA recipients remain vulnerable to continued attacks in the courts until Congress acts and creates a pathway to citizenship.*

### CONCERNS OF A NEGATIVE RULING

If the court decides that DACA is unlawful, hundreds of thousands of immigrant youth could be forced out of their jobs, face extreme disruption in their education, and be susceptible to deportation. The potential end of DACA also means young people are suffering increased fear and anxiety, may have difficulty focusing and increased absences from class, falling grades, and challenges to mental health - consequences which will hurt them and also impact their families and broader campus communities. The possibility of this outcome reinforces the need for Congress to act without delay to pass legislation with a pathway to citizenship!

### ACCESS TO HIGHER EDUCATION COULD BE IMPEDED FOR UNDOCUMENTED YOUTH

When DACA was first implemented in August 2012, it opened up many opportunities to undocumented youth that were previously less accessible, including higher education. As a result, significant infrastructure was put in place to support DACA recipients in higher education, including access to in-state tuition, state aid, scholarships, and admission to colleges and universities across the country. In many cases, this infrastructure was created with possessing DACA status as a qualifying factor for accessibility, leaving out other undocumented youth. Now that the fate of DACA is again uncertain, tens of thousands of students across the country may once again find themselves locked out of access to higher education.

Colleges and universities must act promptly to review institutional policies regarding admission, aid, funding, tuition policies, and scholarships for undocumented youth to ascertain whether they 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. See the Presidents' Alliance [Campus Checklist for Campuses to Prepare for a Supreme Court DACA Decision](#) for more information.

If DACA ends, restoring undocumented students' access to in-state tuition and state financial aid may require a change in state policy, a new executive order from a governor, or an updated decision by a university system's Board of Regents. For more information about in-state tuition access by state, visit the [Higher Ed Immigration Portal](#).

Other state-based policies including access to professional occupational licensure, healthcare, and driver's licenses may hinge on DACA status for undocumented people to maintain access.

## **HOW CAN COLLEGES AND UNIVERSITIES PREPARE FOR A DECISION IN TEXAS V. UNITED STATES?**

We strongly recommend that colleges and universities utilize the Presidents' Alliance on Higher Education & Immigration's [Campus Checklist for Campuses to Prepare for a Supreme Court DACA Decision](#). This comprehensive checklist outlines five critical steps colleges and universities should take to make sure their students and other undocumented community members will be protected, regardless of the outcomes of continued attacks on the DACA program. The checklist calls on colleges and universities to:

- 1. Expand and continue legal representation and screenings**
- 2. Audit and update internal and institutional policies to make sure students are not locked out of financial aid, scholarships, and other opportunities**
- 3. Prepare a comprehensive communications plan**
- 4. Promote holistic support services and career guidance**
- 5. Develop a rapid response plan**