



# UNDERSTANDING DACA AND THE IMPLICATIONS FOR HIGHER EDUCATION

PULLIAS CENTER FOR HIGHER EDUCATION  
UNIVERSITY OF SOUTHERN CALIFORNIA

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With a generous bequest from the Pullias Family estate, the Earl and Pauline Pullias Center for Higher Education at the USC Rossier School of Education was established in 2012 (the center was previously known as the Center for Higher Education Policy Analysis). The gift allows one of the world's leading research centers on higher education to continue its tradition of focusing on research, policy, and practice to improve the field.

The mission of the Pullias Center for Higher Education is to bring a multidisciplinary perspective to complex social, political, and economic issues in higher education. Since 1996 the center has engaged in action-oriented research projects regarding successful college outreach programs, financial aid and access for low- to moderate-income students of color, use of technology to supplement college counseling services, effective postsecondary governance, emerging organizational forms such as for-profit institutions, and the retention of doctoral students of color.

### **AUTHOR NOTE**

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FEBRUARY 2017

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The Trump administration seems determined to capitalize on long standing anti-immigration sentiment within the United States. While the status of undocumented immigrants remains unclear at the time of this writing, immigrant and undocumented students are unsure about their options with regards to education. There are, however, some troubling signals about what the Trump administration intends, via executive orders related to the construction of a wall between the United States and Mexico.

There have long been social stigmas attached to new immigrants, such as the systematic and social biases experienced by Irish and Italian immigrants at the turn of the twentieth century. There also have been formal restrictions around participation in the United States based on an individual's country of origin. Some of these policies have been based on fear, and others were based on a need for low wage workers. The Chinese Exclusion Act of 1882 and the Bracero program are examples of discriminatory immigrant policies.

The [Chinese Exclusion Act of 1882](#) was a significant piece of legislation pertaining to emigration to the United States. It was enacted as a response to fears regarding increasing unemployment and falling wages. The act effectively banned Chinese immigration and excluded Chinese immigrants from the ability to gain U.S. citizenship. The Act was ultimately repealed in 1943, more than six decades after its enactment.

Faculty and universities also have played a role in trying to limit an influx of foreigners. Ironically, one of the celebrated cases pertaining to academic freedom pertains to Professor Edward Ross, an economist and populist who supported labor and was fired by the President of Stanford University. Ross was also a eugenicist and racist who said, "The Oriental can elbow the American to one side in the common occupations because he has fewer wants. To let the American be driven by coolie competition, to check the American birthrate in order that the Japanese birth rate shall not be checked is ... to commit race suicide" (Tierney, 2004, p. 252).

In 1942, because of domestic labor shortages for low-paying agricultural jobs in the U.S., the United States and Mexico signed a bilateral agreement to implement the [Bracero Program](#). The program provided short-term labor contracts that primarily targeted Mexican men. Between its enactment in 1942 and its termination in 1964, the Bracero Program was the largest contract labor program in U.S. history, offering employment contracts to over 4 million "braceros." Although safeguards were written into the program, workers frequently experienced substandard working conditions, and employers routinely denied workers basic rights and fair pay. Because the program was basically unregulated, concerns from the U.S. and Mexico regarding the increasing number of undocumented immigrants entering the U.S. ultimately materialized in "Operation Wetback" in 1954. The government-sponsored plan sought to find and deport undocumented immigrants to Mexico, resulting in civil rights violations and the mass arrest and deportation of over 1 million Mexican nationals from the United States.

# INCLUSION AND EXCLUSION IN SCHOOLS

In 1982, with the outcome of *Plyler v. Doe*, all children, including undocumented children, were provided access to a public education. Schools cannot ask for documentation concerning a child's immigration status, and Social Security numbers cannot be used as a prerequisite for enrollment. Moreover, school personnel are forbidden to share information about a child's immigration status with any individual, institution, or government agency.

Nevertheless, in 1996, the federal [Illegal Reform and Immigration Responsibilities Act \(IRIRA\)](#) precluded states from offering undocumented students any benefits of postsecondary education. In response, many states passed their own laws, basing a student's eligibility for in-state tuition at the college level on high school attendance and graduation rather than residency. California's Assembly Bill (AB) 540, passed in 2001, is one example. Recognizing that student access to college is interrelated with access to financial resources, California signed into law two additional bills, AB 130 and AB 131, in 2011. Known as the "California Dream Act," these two bills opened student eligibility for state-level financial aid by basing criteria on merit and need. Other states, such as Arizona and Georgia, prohibit undocumented students from receiving in-state tuition. Many state policies are in a constant state of flux. Therefore, it is useful to consult the National Conference of State Legislators [website](#) for current information.

In 2001, the DREAM Act - a proposal designed to offer immigrants a path to residency in the United States - was introduced in the Senate. Even though the DREAM Act was revised several times and successfully passed by the House of Representatives in 2010, it was never successful in Congress. Michael A. Olivas, Interim President of the University of Houston and a legal scholar, offers a compelling [review](#) of how states have responded to providing opportunities for undocumented students in light of IRIRA and the lack of success of the DREAM Act.

In June 2012, former President Barack Obama signed an executive order to implement Deferred Action for Childhood Arrivals, widely known as DACA. DACA is organized to allow individuals who came to this country as children with an opportunity to apply for temporary legal status in the United States. Individuals who are "DACAmended" are able to attend a postsecondary institution and have the right to work.

The chart on the next page offers definitions for key terms related to this population.

Since access to K-12 education continues to be federally protected via *Plyler v. Doe*, access to postsecondary education has received increased attention. Recent federal immigration policy has focused on individuals who were brought to the U.S. by their guardians; hence, they have little to no connection to their countries of origin. These individuals are sometimes called DREAMERS, in reference to the DREAM Act. The timeline on page 4 traces the evolution of DACA.

# Terms to Know

**CA Dream Act** - Allows students enrolled in eligible California Colleges, Universities and Career Education Programs to apply for state financial aid. <https://dream.csac.ca.gov/>

✓ **Currently valid in the state of California.**



**Childhood Arrivals** - Undocumented young people who came to the United States as children.

**DACA (Deferred Action for Childhood Arrivals)** - Offers a temporary opportunity to stay in the U.S. for some kind of extreme humanitarian reason.

**DREAM Act (Development, Relief and Education for Alien Minors Act):** an unsuccessful legislative proposal that would have provided certain undocumented individuals with the opportunity to earn conditional permanent residency.

⊘ **This legislation did not pass and is not a law.**

**DREAMer** - A young undocumented immigrant who was brought to the United States as a child, who has lived and gone to school here, and who in many cases identifies as American.

✓ **Youth who have big hopes and dreams for a better future.**



**Unaccompanied Minors** - A child (under 18) without the presence of a legal guardian.



**Undocumented** - A foreign-born individual that has entered the United States without inspection (and not subsequently obtained any right to remain) or stayed in the United States beyond the expiration date of a visa or other status.

# DACA Timeline

2001-2002

The federal Development, Relief, and Education for Alien Minors (DREAM) Act was introduced for the first time in the House of Representatives (H.R. 1918) and the Senate (S. 1291). These bills stated the provisions under which undocumented youth would become a citizen. However, the bills did not go anywhere.

2003-2008

During this time, several different versions of the DREAM act as part of the immigration reform efforts were introduced. Still, they were not able to gain enough support.

2010-2011

The DREAM Act gained momentum in 2010 and another version was introduced; passed in the House of Representatives but didn't reach the vote threshold to pass in the Senate.

2011

California enacted the California Dream Act.

2012

President Obama enacted Deferred Action for Childhood Arrivals (DACA), an executive order, that allows certain undocumented immigrants to receive deferred action from deportation and eligibility for a work permit. This policy is different from the DREAM Act in that DACA allows individuals who qualify to defer deportation for two years, subject to renewal while the DREAM Act would provide lawful status.

Those who benefit from “Deferred Action” qualify under a specific set of provisions, as noted by the United States [Department for Homeland Security](#):

- ◆ Were under the age of 31, as of June 15, 2012;
- ◆ Came to the United States before reaching one’s 16th birthday;
- ◆ Have continuously resided in the United States since June 15, 2007, up to the present time;
- ◆ Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
- ◆ Had no lawful status on June 15, 2012;
- ◆ Are currently in school, have graduated or obtained a certificate of completion from high school, 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; and
- ◆ Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

While some people believe that DACA students are eligible to receive federal student aid, this is not true. DACA is a revenue neutral program. Students who are DACA eligible do not receive any federal grants, scholarships, loans or work-study allocations. Upon graduation, DACA eligible students can apply for a work permit.

## OBSERVATIONS

According to the [Migration Policy Institute](#), in 2016 about 1.9 million undocumented young people, ages 15 to 30, were eligible for DACA. Of those eligible for DACA, roughly 65% applied for the program; of those youth that use DACA for educational purposes 99,000 (8%) completed a postsecondary credential or degree, and 247,000 (20%) completed high school and were enrolled in a postsecondary institution. Another 426,000 undocumented youth would be eligible for DACA if they returned to school to complete their high school diploma or GED insofar as completion of three years of high school or a GED is part of the application requirements.

A 2016 [report](#) by the [Institute for Immigration, Globalization, & Education](#) at UCLA found that 85% of participants reported DACA had a positive impact on their education. They reported higher rates of employment, better forms of financial support, better access to transportation, and more stable housing.

Those who currently benefit from DACA or work with students can access pertinent information from the following sources:

[Coalition for Humane Immigrant Rights of Los Angeles](#), especially their [Know your rights](#) page.

[Educators for Fair Consideration](#), especially their [Post-Election Updates](#).

The [Mexican American Legal Defense Fund \(MALDEF\)](#), which also includes a [List of Scholarships](#) that do not require social security numbers.

The Los Angeles Mayor’s [website](#) is focused on city specific issues, but also hosts a comprehensive page

of [federal resources](#), including a concise description of DACA, the application process, information related to unaccompanied minors, refugees, and protections against immigrant exploitation.

Because the current situation is so unsettled, we advise current DACA students to reregister (if they need to) because the government already has their information. However, we caution new students who are DACA-eligible about DACA and other programs that normally would be helpful to them. Agencies typically keep personal information confidential and they do not turn over information to other state or federal agencies such as ICE. However, it is entirely unclear if a state agency may be compelled to turn over such information in the future. The result is that hundreds of thousands of young people are once again adrift with regards to their future.

## GOING FORWARD

The protections set up through DACA provide a meaningful way for children who were brought to the United States with little legal protection or opportunity to cobble together a productive life for themselves. But the provisions of DACA are short term - an individual must reapply every two years. Now is the time to develop a long-term pathway to citizenship that allows these individuals to stay in the United States, contribute to the country's tax base, and further develop the knowledge economy.

Educators, in general, and those of us in colleges and universities, in particular, have a particular obligation. We are not suggesting that the institution break the law. However, as an academic community, we have broad leeway to support students and their families who face deportation, imprisonment, and social and emotional hardship. In particular, with regard to DACA, those of us in higher education might affirm the following:

1. The institution will protect the privacy of its members; it will also not assist with any requests for the personal information of students, faculty, or staff based on race, national origin, or religion;
2. The institution will provide legal services and resources for those in need;
3. The institution will accommodate any faculty, students, or staff who engage in civil disobedience if members of the academic community are harmed or deported due to targeted federal actions;
4. The institution will provide financial aid for students who lose funding as a result of new federal or state policies;
5. The institution will enable students to continue working on campus by providing fiscal support if it is no longer available;
6. The institution - by way of the president, provost, and faculty - will articulate to internal and external audiences its commitment to each of its students, some of whom are undocumented and lawfully enrolled under the Deferred Action for Childhood Arrivals. Moreover, the campus community will expend all of its energies to support individuals enrolled under DACA, just as they do for every student on campus;
7. The institution will ensure the civil rights and safety of those in its community who are most vulnerable: undocumented youth, Black and Latinx youth, Muslim and Jewish youth, LGBTQ youth, and homeless and foster care youth;
8. The institution, as a primary vehicle for informed dialogue and debate in a democracy, will affirm its core missions to convene healthy and productive conversations on critical issues facing the country, such as immigration.



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