



## Policy Spotlight on New England

### Undocumented Students & Access to Higher Ed.

#### Part I: Are DACA Students Still Safe to Stay?

*Published in the New England Journal of Higher Education on April 25, 2017*

The Trump administration has sent mixed signals about the future of the Deferred Action for Childhood Arrivals (DACA) program, engendering a purgatorial unease among recipients and their families. As of February 2017, the Department of Homeland Security (DHS) was continuing to review DACA applications. Gillian Christensen, a spokeswoman for the agency, reaffirmed that “DACA recipients are not affected” by the recent DHS directives and that President Trump has pledged to “show great heart” to DACA recipients (Nakamura, 2017). However, in February, a leaked draft of an internal memo hinted that the Trump administration intends to cut the DACA program altogether. The memo states that DACA “unlawfully provide[s] illegal aliens with affirmative benefits such as lawful presence, work authorization, access to the Social Security Trust Fund, and access to the Earned Income Tax Credit.” Further, the memo states that DACA violates the policy of the U.S. on three counts: 1) it fails to abide by the separation of powers as established in the Constitution; 2) it usurps the Congress’s power to establish rules of naturalization; and 3) it violates the president’s obligation to faithfully execute laws. If enacted, this executive order would rescind the DACA order. For DACA beneficiaries with an Employment Authorization Document (EAD), the work permit would remain valid until the date of expiration but would not be extended.

Given such uncertainty, advocates like Gregory Chen, the director of advocacy of the American Immigration Lawyers Association, are cautioning “Dreamers” from enrolling in the DACA program. According to Chen, “the main risk is bringing attention to yourself” (Nakamura, 2017). On the other hand, according to Susan Church, the chair of the American Immigration Lawyers’ Association New England chapter, “people already in the [DACA] system are not risking as much as those who are not in the system.” Church recommends that undocumented students speak to a reputable immigration lawyer before making any decisions, given the fluidity of the situation. “It is a unique and a difficult time and my advice today could be different than tomorrow.” Further, “any attempt to withdraw DACA would be challengeable in court.”

Undocumented students are a vulnerable but an important part of New England’s future workforce, economy and citizenry. The 639 college presidents who have pledged their support for the DACA program and stand with our undocumented students are right to do so. The Trump administration’s actions have the potential to be damaging to the communities we serve and especially, to our regional economy. New England, as a higher education hub, is inextricably tied to its international and immigrant communities. In an increasingly competitive global economy, providing access to higher education for all students irrespective of their immigration status and enabling them to become contributing members of our community only serves to strengthen our workforce – one that in New England is indisputably challenged by population decline.

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New England  
Board of Higher  
Education

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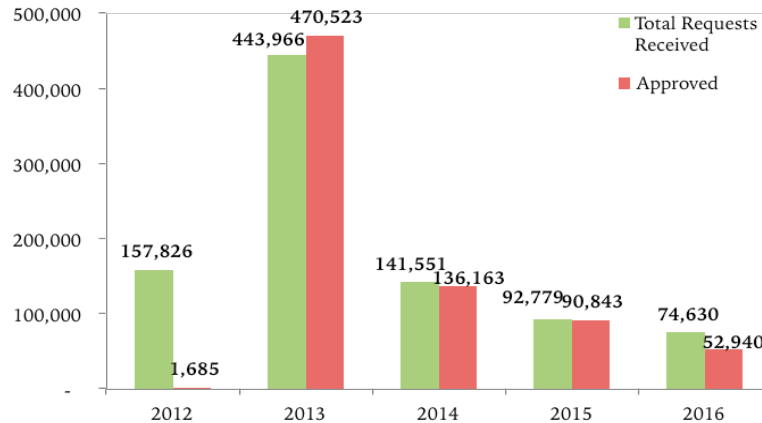
## DACA background

Following unsuccessful attempts in Congress to provide a legal pathway to citizenship for undocumented immigrants, including the DREAM Act of 2010, President Obama introduced an executive branch action. The Deferred Action for Childhood Arrivals (DACA) was enacted in June 2012. Today, the term “Dreamer,” coming from the 2010 legislation, is often associated with DACA beneficiaries. DACA grants unauthorized immigrants who came to the U.S. before age 16 an opportunity to stay in the country to study or to work, if they meet certain criteria such as having lived in the U.S. for five years, obtained a high school diploma or general education development (GED) certificate, and not having a serious criminal record. Those who are approved receive a work permit and social security number and are eligible to obtain a driver’s license. At the end of two years, DACA recipients can reapply to continue to legally remain in the U.S.

## How many DACA beneficiaries are there?

From 2012 to 2016, the DACA program received a total of 910,752 first-time applications, also referred to as initial applications, and over that period, 752,154 applications were approved (Figure 1). In order to remain eligible, the DACA program requires beneficiaries to renew their work permits every two years. Since the program’s implementation 78% of the total recipients have applied for DACA renewal.

Figure 1: Number of DACA Initial Applications, 2012-16

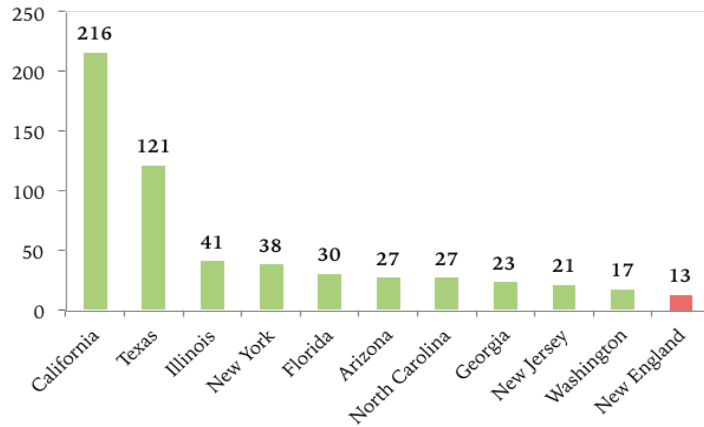


Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Biometrics Capture Systems, CIS Consolidated Operational Repository (CISCOR), September 2016

## Where do DACA recipients reside in the U.S.?

Figure 2 shows the number of first time applicants who were approved for DACA authorization by region. California and Texas are home to approximately half of all DACA beneficiaries. This compares to a relatively small number of DACA beneficiaries living in New England. From 2012 to 2016, approximately 2% of total DACA beneficiaries resided in New England. The national distribution of DACA beneficiaries aligns closely with the estimated population distribution of undocumented immigrants in the U.S. According to the Pew Research Center, 20 metro areas are home to an estimated 6.8 million or 61% of undocumented immigrants in the U.S. Areas in and near New York, California, Texas, and Florida top the list with Boston-Cambridge-Newton, MA-NH ranking 12th with approximately 180,000 people (Passel & Cohn, 2017).

**Figure 2: Number of DACA Initial Applications Approved, 2012-16 (in thousands)**

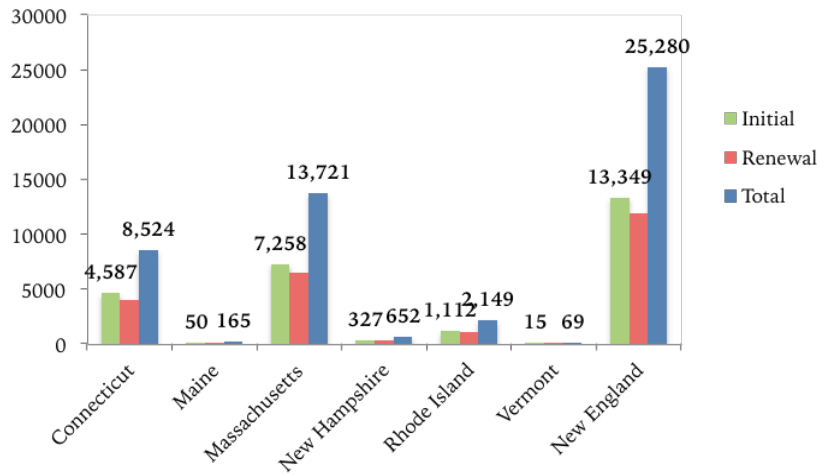


Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Biometrics Capture Systems, CIS Consolidated Operational Repository (CISCOR), September 2016

### Where do DACA recipients reside in New England?

In New England, 8 of 10 young people who apply for DACA are approved. Figure 3 shows the breakdown of DACA beneficiaries by New England states. The “initial” DACA status denotes first-time applicants and “renewal” denotes those who applied for renewal after receiving two years of DACA benefits. Massachusetts is home to 54% of the region’s DACA beneficiaries. Connecticut and Rhode Island follow with the second and third largest populations of DACA recipients in the region, respectively. Between 2012-16, over 13,000 New England residents have participated in the DACA program—approximately 12,000 of whom applied for renewal to continue living in the region legally.

**Figure 3: Approved Deferred Action for Childhood Arrivals (DACA) in New England, 2012-16**

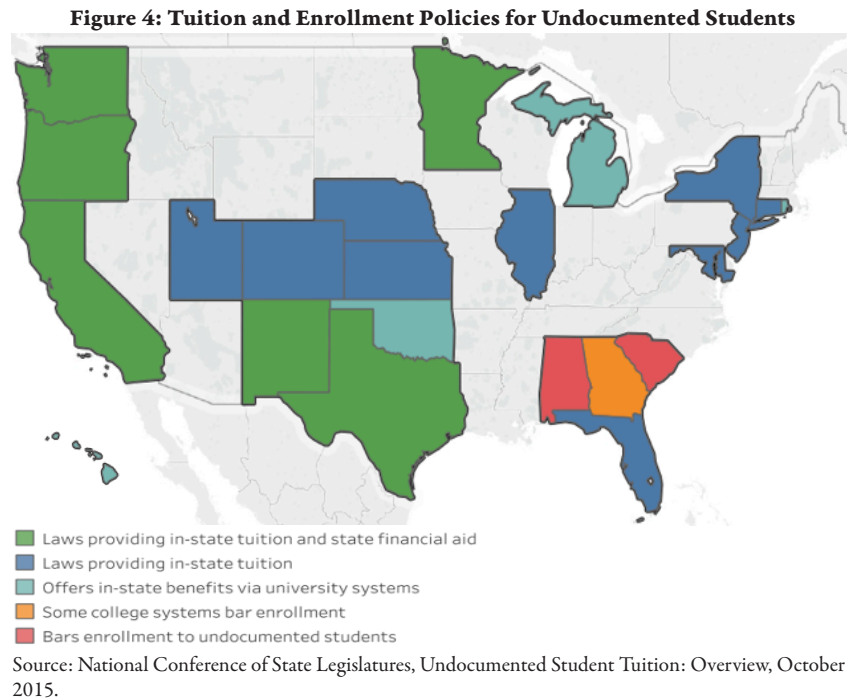


Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Biometrics Capture Systems, CIS Consolidated Operational Repository (CISCOR), September 2016

Note: The “initial” DACA status denotes first-time applicants and “renewal” denotes those who applied for renewal after receiving two years of DACA benefits. “Total” represents an estimate of the number of DACA approvals up until 2016.

## Current aid guidelines

Undocumented students are ineligible for federal financial aid programs such as the Pell Grant, work study and government loans (Eusebio & Mendoza, 2015), which creates a financial hurdle that is nearly impossible for many undocumented students and their families to overcome. States, however, do have the power to offer in-state tuition rates to undocumented students, as well as tuition grants and loans. As of March 2017, 20 states offered in-state tuition to undocumented students. Six of those 20 state offer state financial aid. For instance, in California, undocumented students are eligible for state and institutional aid, which include grants, need-based scholarships, loans, and work-study. In New England, only Connecticut and Rhode Island offer in-state tuition and no state in the region offers financial aid to undocumented students.



## Recently proposed state legislation

In February 2017, Georgia's House of Representatives passed a bill with overwhelming support to withhold state funds and state-administered federal funds from higher education institutions that adopt a "sanctuary policy." Alabama House of Representatives passed a bill that would withhold funds from public colleges that fail to comply with federal or state immigration laws. The Alabama bill also mandates that colleges cooperate with federal or state authorities in enforcing immigration policies. A similar Texas bill calls for the state to impose a fine of \$1,000 for the first offense and \$25,000 for each subsequent violation against institutions of higher education that adopt policies discouraging the enforcement of immigration laws. Similar bills were introduced in North Carolina and Pennsylvania (Schmidt, 2017).

## Recently proposed federal legislation

In light of the uncertain future of the DACA executive order, Senators Dick Durbin (D-IL) and Lindsey Graham (R-SC) introduced the Bar Removal of Individuals who Dream and Grow our Economy (BRIDGE) Act in December 2016. If passed, this bill would allow DACA beneficiaries who received deportation reprieves and work permits under the Obama administration to retain those benefits for three more years (Kim, 2016). Representatives Mike Coffman (R-CO) and Luis V. Gutierrez (D-IL) introduced companion legislation in the House of Representatives. This bill is also co-sponsored by both Republican and Democratic representatives. A number of higher education associations have come out in support of the BRIDGE Act.

## Higher education's support for DACA students

Given undocumented students' ineligibility in accessing federal financial aid and, in most cases, state financial aid, TheDream.US has emerged as the largest scholarship organization for Dreamers. TheDream.US has partnered with more than 75 schools in 14 states and Washington, D.C. to ensure that students from "locked-out" states—states that deny in-state tuition and, in some cases, bar undocumented students from enrolling, have access to affordable higher education.

Identifying the gaps in access, Connecticut Gov. Dan Malloy (D) and Delaware Gov. Jack Markell (D) have joined forces with presidents from Eastern Connecticut State University and Delaware State University, respectively, to provide affordable, high-quality education to undocumented students who live in "locked-out" states. Malloy and Markell's intervention ensures that academically qualifying undocumented students have at least one open route to accessing affordable higher education (Coatney, 2016). Funding for these students comes from TheDream.US. Since its inception, the organization has funded 1,700 scholars distributing \$42.8 million in scholarships ("Our Impact," 2016).

College and university presidents across the U.S. have taken a similar approach. While higher education institutions are hesitant to use the term "sanctuary campus," presidents across multiple higher education sectors have reaffirmed their commitment to protecting all students. In a letter shared with campus communities, Connecticut State Colleges and Universities (CSCU) President Mark Ojakian reaffirmed the system's support for DACA and undocumented students in Connecticut. The letter reiterated CSCU's commitment to social justice, celebrating diversity, fostering a climate of inclusion and vowing to protect CSCU's most vulnerable students.

As noted above, Ojakian also signed a letter of support for the DACA program with 639 college and university presidents across the U.S. The letter, initiated by Pomona College, urges the country's leaders to uphold, continue and expand the DACA program, declaring DACA a "moral imperative" and a "national necessity" because America needs talent. One of the signatories of this letter is current president of the University of California and former secretary of Homeland Security, Janet Napolitano. President Obama's DACA order was signed under Napolitano's tenure at the Department of Homeland Security. Her message to Trump: "Why waste resources trying to deport good students who've done everything right?" Throughout New England, we should be echoing President Napolitano's sentiment to the undocumented, immigrant and international students pursuing higher education, as well as to President Trump.

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## Part II: A Chance at Life -- The Value of Legislative Action and Institutional Leadership for DACA Students

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A Massachusetts resident, Faustina began working on her college applications last August. In the beginning, the process was going well. However, as she began receiving acceptance letters and financial aid award letters, things became difficult. As an undocumented student, Faustina did not have a permanent residency card, which most colleges need in order to provide financial aid. Unwavering in her efforts to pursue a higher education, Faustina hoped to receive financial support from private institutions but, often, they could not meet her need.

As a Deferred Action for Childhood Arrivals (DACA) beneficiary, Faustina was ineligible for federal financial aid and, in most cases, state financial aid. Signed under the Obama administration, DACA grants a working permit to those who entered the U.S. before age 16, allowing students to enroll at institutions of higher education and join the military. In June 2017, the head of the Department of Homeland Security, John Kelly said that the DACA program would remain in effect, however, the long-term viability of the program remains unknown. While DACA allowed students like Faustina to come out of the shadows and apply to college, there is a long way to go to ensure that all academically qualified students have access to a quality and affordable higher education.

Undocumented students are ineligible for federal financial aid programs such as the Pell Grant, work study and government loans. As a result, these students rely almost exclusively on state support. Twenty states offer some form of financial aid to undocumented students, and most extend in-state tuition to undocumented students. Six states provide both in-state tuition and state financial aid. In New England, only two states offer financial support. Connecticut and Rhode Island extend in-state tuition to undocumented students if they meet certain criteria such as having attended a state high school for two or more years and graduated. Connecticut State Colleges and Universities President Mark Ojakian has taken a personal interest in the matter. “We support all students’ educational goals and dreams, not only because it is the right thing to do, but because investing in all our students improves the sustainability of our communities and the economic competitiveness of our state.”

### Legislative action in New England

In Connecticut, the Higher Education and Employment Advancement committee, chaired by state Rep. Gregg Haddad (D-Mansfield), has introduced An Act Equalizing Access To Student-Generated Financial Aid, HB 7000. The bill allows students to have equal access to institutional financial aid regardless of immigration status. “Institutional financial aid” includes tuition waivers, tuition remissions, grants for educational expenses and student employment.

“The dreamers [undocumented students] themselves have been pushing this [legislation],” according to Haddad. Members of the CT Students for the Dream—an organization devoted to advocating for the rights of undocumented student—have played a crucial role in propelling the legislation, Haddad said. “They’re here, they have study-ins in the capital. They lobby extensively. They are unbelievably unafraid to identify themselves as undocumented residents.”

In addition to the students, “institutions in Connecticut have reacted so differently than institutions elsewhere” reported Haddad. For instance, in fall 2016, Eastern Connecticut State University admitted the first cohort of Opportunity Scholars. These scholars come from seven “locked-out” states—states that deny in-state tuition and, in some cases, bar undocumented students from enrolling—as well as 13 different countries. According to Eastern President Elsa Núñez, “no public funds are being used to support Eastern’s Dreamers, and no in-state students are being denied admission because of the program.” Instead, the 42 scholars in the cohort, in addition to five DACA students from Connecticut, are being funded by the Dream.US Scholarship program. In regard to continuing the program, “applications are already being accepted for fall 2017, and Eastern will likely enroll another 75 Opportunity Scholars,” according to Núñez.

There is a moral and an economic imperative to Connecticut’s support of undocumented students. The state faces a major budget deficit and struggles with the lack of an urban center that draws young people, putting the state’s vitality at risk. Therefore, Connecticut hopes to attract young people of all backgrounds.

While the leadership of the Connecticut State Colleges and Universities, and Eastern in particular, is admirable, more needs to be done at the legislative level to ensure that undocumented students have access to affordable education. HB 7000 is a step in

the right direction but its future remains uncertain. The bill did not come to a vote during the 2017 legislative session but Haddad hopes to bring the bill back when the Legislature reconvenes. As Haddad continues to persist, Massachusetts state Sen. Sonia Chang-Diaz (D-2nd Suffolk District) hopes to pave new ground in her state.

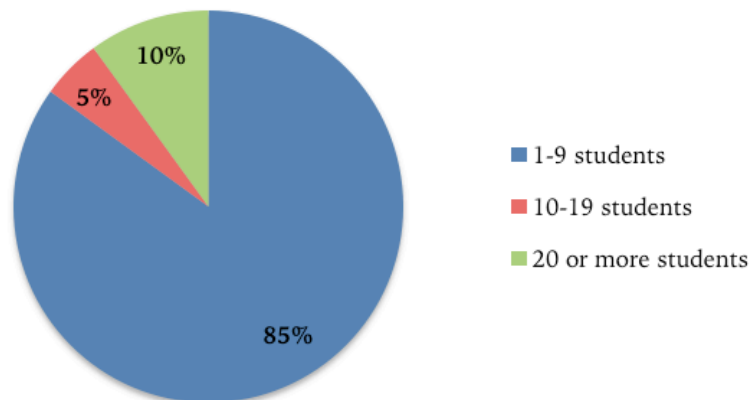
Massachusetts has the highest number of DACA beneficiaries in the New England region with 7,258 individuals benefiting from the executive action. Still, Massachusetts has not passed legislation extending in-state tuition. Aiming to change the status quo, Chang-Diaz introduced An Act Providing Access To Higher Education For High School Graduates In The Commonwealth, S. 669. The bill extends in-state tuition and eligibility for state-funded financial assistance to any person who has attended high school in the Commonwealth for three or more years and has graduated from high school or has a General Equivalency Diploma (GED), with stipulations such as providing an individual taxpayer identification number (ITIN) in lieu of a social security number and signing an affidavit stating that the person has applied or will apply for citizenship or legal permanent residence within 120 days of eligibility. If passed, this bill would remove a major financial barrier to higher education for undocumented students, allowing them to enroll at a Massachusetts public institution with a more affordable price tag.

## Survey results

To better understand undocumented students' access to affordable higher education in the region, the New England Board of Higher Education (NEBHE) conducted a survey of undergraduate institutions in Connecticut, Massachusetts and Rhode Island. Out of 144 bachelor's-degree granting institutions in these three states, 50 institutions responded to the survey. The majority of the survey respondents were 4-year private, nonprofit institutions followed by 2-year public and 4-year public institutions, respectively.

Of the institutions that responded, 72% reported admitting undocumented students in the 2015-16 admission cycle. Although because of the response rate, the results overall have no statistical significance, the responses reveal a broad range of attitudes toward undocumented students.

**Figure 1: Number of Undocumented Students Reported Admitted in the 2015-16 Admission Cycle**

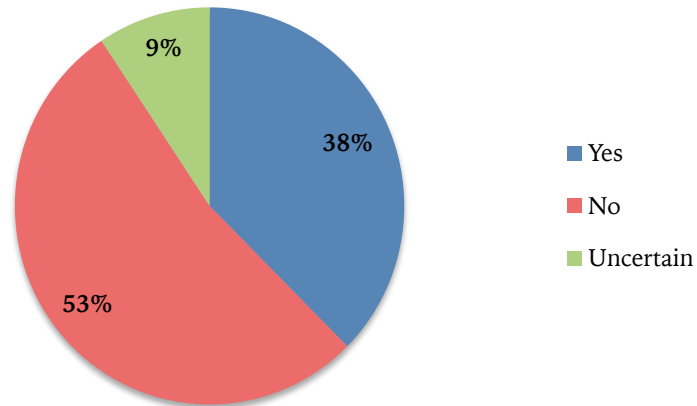


Source: NEBHE survey of higher education institutions in Massachusetts, Rhode Island and Connecticut, 2017

Three 2-year public institutions admitted between 1-9 undocumented students in the 2015-16 admission cycle with one institution admitting more than 20 undocumented students. Given the financial challenges facing this group of students, this trend is not altogether surprising. Undocumented students tend to come from lower socioeconomic backgrounds and 2-year public institutions often provide a more affordable education than other alternatives. Comparatively, 11 4-year nonprofit private institutions admitted between 1-9 students and one reported admitting 10-19 students. Again, given the financial constraints facing this particular group of students, a 4-year nonprofit is more likely to offer them the financial support they need than a 4-year public institution.



**Figure 2: Does Your Institution Identify and Track Students?**



Source: NEBHE survey of higher education institutions in Massachusetts, Rhode Island and Connecticut, 2017

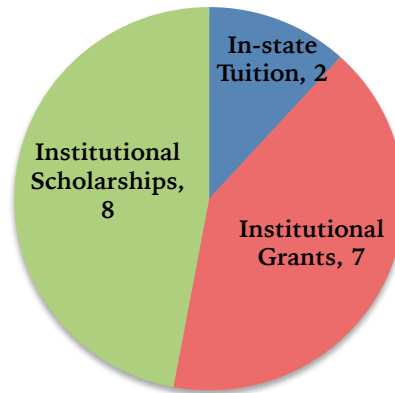
Of the institutions that responded to the survey, the majority do not identify or track undocumented students (Figure 2). For institutions that do identify these students, they use a wide array of classifications ranging from “domestic student” to “non-eligible non-citizen” to being designated as a part of a “cohort.” One institution tracks these students as “DACA eligible” for in-state tuition purposes.

Forty-six percent of the institutions that answered the survey said that they provide resources specifically designated for undocumented students such as legal aid, student organizations focused on immigration and staff members whose mission is to support undocumented students. One institution formed an “Undocumented Student Task Force” focused on identifying barriers and developing solutions. Another—a private institution located in Massachusetts—created a list of alumni who are willing to offer legal and social service support to undocumented students and their immediate family members. This institution also fully covered undocumented students’ health insurance. Due to strong institutional support, the net cost of yearly attendance for the undocumented students was between \$0 and \$1-4,999. However, not all institutions have the resources to be able to serve undocumented students in this capacity. For instance, another private institution in Massachusetts reported admitting undocumented students and providing financial aid of \$35,000 or more but the net cost for the student was still \$20,000 or higher.

Of the responding institutions that admitted undocumented students, 52% reported providing financial aid. Financial aid in this case includes in-state tuition, grants or scholarship. A majority of colleges and universities offer institutional grants and scholarships (Figure 3), with some in Connecticut and Rhode Island relying on in-state tuition. Both responding Rhode Island public institutions provided financial aid in the form of in-state tuition. Of two Connecticut public institutions that provide financial aid, one offered in-state tuition while the other provided foundation-funded scholarships such as TheDream.US aid program. Conversely, no public institutions in Massachusetts provided financial assistance to these students.

Overall, the survey results shed light on the powerful impact of institutional leadership. Absent affirmative legislation or state policy in Massachusetts, individual institutions have taken it upon themselves to provide support for undocumented students. A subsection of Tufts University’s admissions page is specifically geared towards undocumented students, stating that “undocumented students, with or without Deferred Action for Childhood Arrivals (DACA), who apply to Tufts are treated identically to any other U.S. citizen or permanent resident.” Recognizing that undocumented students are ineligible for federal financial aid, Tufts provides institutional financial aid, meeting 100% of the demonstrated student need. While not all institutions make information available online, often, private nonprofit institutions do assist undocumented students by providing institutional aid and connecting them with private scholarships. While this is admirable, not every institution has the financial means to support undocumented students. Given such disparities, legislation plays a crucial role in bridging the gap to ensure all qualified students have access to quality higher education.

**Figure 3: What Financial Aid is Available for Undocumented Students?**  
(Aid type, number of institutions)



Note: Responses are not mutually exclusive.  
Source: NEBHE survey of higher education institutions in Massachusetts, Rhode Island and Connecticut, 2017

## The face of DACA

Faustina was fortunate to have the support of her school counselor. “She was determined to send me to college ... you are going to college.” she said. She gave me hope which was something that I needed most at the moment.” Faustina’s school counselor was unwavering in her support—contacting everyone from her personal friends to people in the mayor’s office. Fortunately, Faustina was able to receive support from Clark University and plans on enrolling in fall 2017. Even with a college acceptance in hand, Faustina’s concerns about affordability are far from over. “Now that I am about to attend Clark, my only concern is finding a co-signer for my loans. I am still waiting to hear back from scholarships but so far I have a gap of \$12,510 per year which is not bad considering my circumstances.”

“I am not embarrassed to tell people my immigration status because at the end of the day, I know that it does not determine my future or who I am. There is always going to be another way to reach my goal and get a higher education.” Faustina hopes to pursue actuarial science or computer science, at Clark. “I am just grateful to get the support that I needed from people who wanted to help [and] give me a chance at life and higher education.”

Faustina’s story is that of resilience and hope. Students like Faustina are the future of New England—we need to continue doing our part in making the higher education dream a reality for all students. While institutional leadership will continue to play a large role in enrolling, retaining and graduating undocumented students, state policy or legislative action is crucial to laying the foundation for extending financial support to these students.

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### **About the New England Board of Higher Education (NEBHE)**

*Established in 1955 by six visionary New England governors, NEBHE is a regional compact that works across New England to: help leaders assess, develop and implement education practices and policies of regional significance; promote regional cooperation that encourages efficient sharing of education resources; and strengthen the relationship between higher education and the regional economy. Learn more at [www.nebhe.org](http://www.nebhe.org).*



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