

# PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

## Supporting DACA Recipients on Campus: Top 5 FAQs for Public and Private Colleges and Universities<sup>1</sup>

November 2019

### 1. When should DACA recipients renew their DACA in light of a potential negative decision by the Supreme Court?

- DACA recipients should seek [qualified legal counsel](#) to receive individualized legal advice about their case, including whether they should renew their DACA and whether they are eligible for a more permanent form of relief.
- While USCIS recommends that DACA recipients submit their renewal requests 120 to 150 days before expiration, USCIS is accepting and eventually adjudicating renewals submitted within 365 days before expiration.
- Generally, DACA recipients whose DACA expires within 365 days or less should submit their renewal request as soon as possible to obtain an additional two-year grant or at least be grandfathered in (see below) in light of a negative decision.

### 2. What will happen to pending applications if the Supreme Court issues a negative decision?

Sometime between January and June of 2020, the Supreme Court will issue a decision on whether the administration can legally end DACA. If the Supreme Court allows the administration to end DACA, it is unknown how that rescission will take place.

- The worst potential outcome is that the administration will deny all pending applications and retract all existing grants of DACA.
- Another scenario is that the administration will deny all pending applications but allow existing grants of DACA to gradually expire.
- The best scenario is that the administration will process all DACA renewal requests pending on the date of the decision and allow existing grants to gradually expire.

Thus, in certain cases it may be beneficial for DACA recipients to submit their renewal application in case the administration adjudicates all pending applications.

### 3. What other employment options will DACA recipients have if their DACA expires or is terminated?

DACA recipients should educate themselves and explore alternatives to employment in the case DACA expires. These options include exploring the feasibility of transitioning their current position to an independent contractor position, starting a small business, and/or operating as independent contractor generally. These options do not require an employment authorization document. For more information on these options, check out Immigrants Rising resources on [Working for Yourself](#) and [5 Tips to Get Started as an Independent Contractor](#).

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<sup>1</sup> For questions regarding this document, contact [jose@presidentsalliance.org](mailto:jose@presidentsalliance.org).

National organizations and community-based groups offer information and webinars on how to set up as an independent contractor. For example, [Democracy at Work Institute](#) (DAWI) is spearheading a Rapid Response Cooperative (RRC) Development Project, which “aims to create replicable, out-of-the-box worker-owned businesses that provide a pathway to work for DREAMers and undocumented individuals.” See more information [here](#). This may be an excellent resource for staff, students, or alumni, and DAWI can provide technical assistance and guidance on how to set up these business. Also see the related website, [Radiate Consulting Cooperatives](#), for information about the services and members.

#### **4. What impact will the end of DACA have on access to in-state tuition, financial aid, and scholarships?**

Depending on the state, the loss of DACA may or may not affect access to in-state tuition and financial aid. Some states base in-state tuition and financial on non-DACA criteria, including residency and graduation from a state high school. For more details, see the Presidents’ Alliance November 2019 FAQ, entitled, [Higher Ed Guide to Tuition, Financial Aid & Other Funding for Undocumented Students: FAQs for Public and Private Colleges and Universities](#). For more detailed state information, consult [uLead’s online resource](#). Similarly, different scholarships have different criteria, with many scholarship and fellowship organizations likely to update their criteria to open their funding to non-DACA scholars.

#### **5. What does the forthcoming nationwide implementation of REAL ID mean for a DACA recipient’s ability to obtain identification and driver’s licenses?**

REAL ID is a federal law that requires states to verify the citizenship and identity status of their residents before issuing driver’s license or identification for certain federal purposes. On October 1, 2020, non-REAL ID forms of identification will no longer be accepted at federal buildings and for domestic flights. As always, documents issued by foreign governments, such as passports and the Mexican Matricula, are acceptable forms of identification to fly on domestic flights and will remain so. REAL ID-compliant identification cannot be issued to undocumented immigrants, including DACA recipients. For more information regarding REAL ID, please see National Immigration Law Center’s resources, [The REAL ID Act: Questions and Answers](#) and [Basic Facts About REAL ID](#).

Partially in response to REAL ID, many states have begun to issue driver’s licenses or identification that are not REAL ID compliant, e.g. specifically for undocumented immigrants. In the case DACA ends, you should see what state-specific forms of identification your state offers for noncitizens. For information on what states offer identification and driver’s licenses for undocumented immigrants, see the National Immigration Law Center’s resource, [State Laws Providing Access to Driver’s Licenses or Cards, Regardless of Immigration Status](#).