Supporting Undocumented Students at U.S. Institutions of Higher Education

Teri Albrecht, Ph.D., Director, International Student & Scholar Services
Deana Williams, Assistant Director, Graduate & International Admissions Center
The University of Texas at Austin

Undocumented students have been enrolling in increasing numbers at U.S. institutions of higher education. With more undocumented students having access to higher education, especially in the states that provide in-state tuition, institutions are often challenged by their own policies and procedures in working with this population of students. While some students will self-identify as undocumented and proactively seek assistance, others may hide in the shadows. Higher education administrators should be aware that the undocumented student population faces unique challenges, much different from any other student population on campus. Below is a list of frequently asked questions about how institutional policies and procedures intersect with providing the best information and services for undocumented students.

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1. Can my institution admit undocumented students? Will I get in trouble if I do?

Unless your state has passed specific laws prohibiting admission of undocumented students, there are no restrictions on admitting undocumented students and a number of states have laws allowing undocumented students access to in-state tuition and state funded financial aid. You should consult with your institution’s legal counsel to ascertain your state’s legal environment, verify that your state has no legal prohibitions, and that admitting students without legal status is consistent with your institutional policy.

2. Are there any admission barriers for undocumented students?

For undocumented students the first admission barrier is deciding whether to apply as a domestic or international applicant. Without clear guidance on application procedures, undocumented students often are unsure which application path to follow and consequently which admission documents and test scores are required (domestic or international). Clear information should be provided on all web pages and printed materials to instruct students without status on how they should apply to your institution.

3. Are there barriers to students taking tests like SAT, GRE, GMAT, etc.?

There have been instances of undocumented students not meeting identification requirements for these tests. In some cases, the testing agency would not accept alternate ways for the student to prove his/her identity. When testing agencies cannot provide flexibility, institutions and academic departments will have to make a policy decision to determine whether or not test scores could be waived for admission.
4. Should we have specific materials or resources for undocumented students, their parents and high school counselors?

Getting information out to undocumented students, their families and counselors is challenging. Since undocumented students often do not fit easily into either domestic admission or international admissions categories, an institution can consider developing web pages and printed materials that provide clear and concise information on the admission process. Recruitment personnel and counselors can be trained to inform undocumented students and high school counselors of the institution’s procedures and benefits available to these students. A consideration should be given to providing bilingual instructions and advising for undocumented students (most commonly in Spanish).

5. What challenges are specific to undocumented students in graduate programs?

Graduate students can face issues that undergraduate students don’t often face. For example, since so much graduate funding comes from research grants, and future employment objectives are often tied to the educational program, it is possible that a student without work authorization may be denied admission to the program. Because there are fewer funding options (state funding is often reserved for undergraduate students and graduate funding mainly comes from employment), undocumented students in graduate programs may face larger financial issues.

6. Is financial aid available for undocumented students?

Undocumented students are not eligible for any federal financial aid monies (loans, grants, work-study, etc.). In some states, undocumented students are eligible to apply for state financial aid. Colleges and universities may have institutional scholarship and grant money available to students for which undocumented students may be eligible. Some national agencies, like MALDEF, compile lists of financial aid opportunities that don’t require disclosure of one’s immigration status. One of the main hurdles to awarding financial aid is making a cash disbursement to students who don’t have an SSN or ITIN.

7. Can an undocumented student receive an SSN or ITIN?

SSNs are not available to undocumented students, unless granted deferred action status and employment authorization. ITINs for undocumented students may be possible, especially if the student is receiving a scholarship that needs to be dispersed.

8. How should our ISSS office interact with these students, or should we?

This depends on how your institution is structured. If there is an office on campus that undocumented students can go to for assistance, then an office other than the ISSS Office is more appropriate. On some campuses, undocumented students are classified as international students (because they are not U.S. Citizens or Permanent Residents). ISSS offices may also have more connection with advocacy efforts related to the DREAM Act and can be seen as a resource to students. Whatever the situation is
on one’s campus, undocumented students do need support and identifying an office would be helpful for the students.

9. **Should undocumented students be paying international student fees or participate in international student orientation?**

Each institution will have its own policy on fee assessment. Many undocumented students struggle financially and their family contribution to their college studies is generally low. Some university systems have deemed that undocumented students should be treated as residents of the state and pay only the fees that would be assessed to resident students. Some issues to think about:

- Do undocumented students pay international student fees like an orientation or an ISSS services fee? Is this fee appropriate for this population? Should they be waived from paying international student fees?
- If your university has a mandatory insurance policy for international students, are your undocumented students charged for health insurance? If they are, do they have an option to waive out of the insurance policy?

10. **Should undocumented students be added into SEVIS?**

The short answer is: No. SEVIS is a database to record F/M students and J-1 exchange visitors in the United States. Undocumented students should not be issued I-20s or DS-2019s unless the student is in consultation with an immigration attorney who is advising the student accordingly.

11. **How should undocumented students be advised?**

Students should be advised to seek legal advice regarding their situation. Legal advice can come from community non-profit agencies that specialize in immigration assistance or immigration attorneys. Students should not be advised to leave to country to correct their status. Undocumented students who leave the U.S. could face a ten-year bar of re-entering the U.S. International student advisors should serve as a resource to help students find community assistance. Additionally, students should feel safe in seeking assistance from ISSS advisors and feel confident that the office’s role is to support rather than report these students presence on campus.

12. **How can undocumented students find immigration assistance?**

If a student has the financial resources to do so, an immigration attorney should be consulted. If finances are a barrier, then community agencies like Catholic Charities or other immigrant-support organization may be able to help. Additionally, if there is a Law School in your area, the Law School may run an immigration clinic.
13. **What academic barriers do undocumented students face?**

Student who pursue majors that require internships (even unpaid), practicums, and study abroad experiences may find barriers to completing their degree. For students that need to complete internships that require background checks (student teaching, medical fields), depending on the systems used, background checks may not be possible. Or, students may want to avoid the possible scrutiny of their status due to a background check. Study abroad opportunities are not an option for undocumented students due to the fact that they would likely face a ten-year bar from returning to the United States. Students may also feel insecure in traveling to professional conferences or attend student-organized trips due to lack of official identification or for fear of being requested documents when traveling to other states. Deferred action recipients who apply for and receive advance parole may be eligible to travel outside the United States for educational purposes, but DACA recipients thoroughly discuss with and seek advice from an experienced immigration attorney regarding any travel plans.

14. **Special considerations for undocumented students in border states.**

Undocumented students should be aware that states along U.S. borders have interior traffic checkpoints, usually 25 to 100 miles inland from the border. The U.S. Supreme Court has held that Border Patrol agents may stop a vehicle at fixed checkpoints for brief questioning of its occupants even if there is no reason to believe that the particular vehicle contains undocumented individuals. **[U.S. v. Martinez-Fuerte, 428 U.S. 543 (1976)]**. (In contrast, the Court held that Border Patrol agents on roving patrol may stop a vehicle only if they have reasonable suspicion that the vehicle contains undocumented aliens. **[U.S. v. Brignoni-Ponce, 422 U.S. 873 (1975)]**)

15. **Community challenges**

Undocumented students also face challenges in the cities where they live. City and other local policies can affect students on a daily basis. For example, apartment complexes may use rental contracts that require a background check or social security number; students might not be eligible to receive a driver’s license or state identification card; bank accounts may be difficult to open based on the identification required. Providing students with information on how to find alternate ways to access services is an area of advising the students are often in need of.

16. **What’s the best way to support undocumented students?**

Educating your campus community about the undocumented student population and who these students are is probably one of the best ways to support the students on your campus. By informing advisors that work with students and staff of campus services offices, the campus environment will, hopefully, become more understanding of this population’s challenges and specific advising needs. Providing accessible information for the students themselves is also a great support. Most often, undocumented students report that they can ultimately find the information that they need but it is often so scattered across offices that a central point of information is helpful.
17. Should undocumented males complete the selective service form?

Yes. Undocumented males who are at least 18 years old but are not yet 26 years old must be registered with Selective Service, just like U.S. citizens.

18. If undocumented students are enrolled in university courses, can they still be deported?

Students should never be advised that their status is “safe” in the U.S. Questions regarding legal status should be referred to an experienced immigration attorney.

19. Does the Deferred Action policy change everything?

Yes and no. For many students, the Deferred Action for Childhood Arrivals (DACA) policy may have a substantial effect on their way of life. However, there will still be many students who don’t qualify under the terms of DACA, and these students should not be forgotten as they will continue to face the same challenges that they have been facing already.

Background on DACA

Pursuant to a June 15, 2012, memorandum from Secretary of Homeland Security Janet Napolitano, individuals who came to the United States before they were 16 years of age and who meet certain other conditions will be considered for relief from removal from the country or from being placed into removal proceedings. Those who can prove through verifiable documentation that they meet the criteria will be eligible to receive deferred action, on a discretionary, case-by-case basis, for a period of two years, subject to renewal, and will be eligible to apply for work authorization. This process is being referred to as Deferred Action for Childhood Arrivals (DACA). NAFSA applauds this step, as it has long advocated that DHS should establish an official deferred action policy for DREAM Act-eligible individuals. NAFSA’s Connecting Our World grassroots advocacy community has been instrumental in urging the administration to resolve the plight of undocumented students and to undertake much-needed comprehensive reform of U.S. immigration policy.

According to USCIS, you may request DACA consideration if you:

- Were under the age of 31 as of June 15, 2012;
- Came to the United States before reaching your 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;
- Entered without inspection before June 15, 2012, or your lawful immigration status expired as of 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, three or more other
misdemeanors, and do not otherwise pose a threat to national security or public safety.
• Are at least 15 years of age at the time of filing for deferred action (although you do not need to
be 15 years of age or older at the time of filing your request if you are in removal proceedings,
have a final removal order, or have a voluntary departure order).

Additional information and application forms are available on the USCIS Deferred Action page,
www.uscis.gov/childhoodarrivals. Applicants can mail their requests to specified USCIS lockbox facilities.
The basic application consists of three forms, a fee of $465, and probative documentation that clearly
establishes eligibility for deferred action benefits.

The forms are:

• Form I-821D, Consideration of Deferred Action for Childhood Arrivals (view form instructions
here);
• Form I-765, Application for Employment Authorization (view form instructions here); and
• Form I-765WS, Form I-765 Worksheet, to establish the economic need for requesting
employment authorization

Applicants can also choose to be notified that their forms have been accepted by filing Form G
1145, E-Notification of Application/Petitioner Acceptance. After USCIS determines the completeness of the filing
it will send a receipt notice to the applicant, begin a background check, and send an appointment notice
for the applicant to appear at a USCIS Application Support Center (ACS) to have biometrics collected.

Caution. This is a discretionary benefit for individuals who would otherwise be removable from the
United States. USCIS will decide applications on a case-by-case basis. Although student advisers may
wish to be generally aware of how the program works, individuals who wish to assess their eligibility or
to apply for DACA benefits should be counseled to consult an experienced immigration lawyer or
recognized/accredited organization or representative for legal advice or for legal assistance in applying
for this benefit. Individuals who believe they are eligible should also be aware of immigration scams.
USCIS urges individuals to visit www.uscis.gov/avoidscams for tips on filing forms, reporting scams and
finding accredited legal services. Advisers may also want to direct people to the American Immigration
Lawyers Association’s (AILA) AILA Consumer Advisory: Deferred Action for Certain Young Immigrants:
Don’t Get Scammed!

20. Resources

Online resources are available to assist undocumented students and for those that advise
undocumented students. These resources include:
• **The College Guide for Advising Undocumented Students - Fall 2011**


• University of Texas at Austin’s [Longhorn Dreamers Project](http://www.utexas.edu/udo/dreamers/). A collaborative effort between University of Texas at Austin’s University Leadership Initiative (ULI) and the UT Austin International Student & Scholar Services office in the International Office.

21. **DACA Resources**

• USCIS Deferred Action Page: [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals)
• [USCIS DACA Guidelines and FAQs](http://www.uscis.gov/childhoodarrivals)
• [USCIS Deferred Action Brochure](http://www.uscis.gov/childhoodarrivals)
• [USCIS Deferred Action flyer](http://www.uscis.gov/childhoodarrivals)
• [June 15, 2012 memorandum](http://www.sapo.gov) from Secretary Napolitano
• [DHS June 15, 2012 press release](http://www.dhs.gov)
• [June 15, 2012 address by President Obama](http://www.whitehouse.gov)
• [DHS Memo: Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children](http://www.dhs.gov) (144KB PDF)
• NAFSA’s [Reaching for a Dream page](http://www.nafsa.org) on Connecting Our World
• [NAFSA's August 15, 2012 Press Release](http://www.nafsa.org) on letters sent to President Obama and candidate Romney
• [NAFSA's June 15, 2012 Press Release](http://www.nafsa.org) on the deferred action policy announcement
• [NAFSA’s 2010 call for DHS to make deferred action formal policy](http://www.nafsa.org) for DREAM-Act-Eligible students
• [AILA Consumer Advisory: Deferred Action for Certain Young Immigrants: Don't Get Scammed!](http://www.aila.org)
• [AILA DACA Resources](http://www.aila.org)
• [American Immigration Council Practice Advisory](http://www.aila.org)
• Web site of the [Own The Dream](http://www.ownthedream.org) coalition