

UNIVERSITY OF MINNESOTA

Global Programs and Strategy Alliance

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Submitted via www.regulations.gov

Andria Strano
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Division of Humanitarian Affairs
U.S. Citizenship and Immigration Services
Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

Re: DHS Docket No. USCIS-2021-0006, Comments in Response to Deferred Action for Childhood Arrivals

Dear Chief Strano,

On behalf of the Immigration Response Team at the University of Minnesota, I submit this comment letter in response to the U.S. Department of Homeland Security's (Department) proposed rule, Deferred Action for Childhood Arrivals (DHS Docket No. USCIS-2021-0006), published September 28, 2001. I write in support of the proposed rule and offer further methods to strengthen and fortify the DACA program.

As a land grant research university, the University of Minnesota's five campuses are home to over 67,000 students and 26,000 employees. DACA recipients can be found at all levels of the institution including undergraduate students studying family social science and public health to PhD candidates researching chemistry and engineering and employees working in student services and communications.

Support is strong for DACA recipients throughout the University of Minnesota system. Students, staff, and faculty members from all five campuses have contributed to a Dream Fund scholarship that provides emergency funds to DACA recipients and other immigrants, and staff members on the Twin Cities campus worked together to create a DACA Student Affinity Group for students to gather and discuss their concerns. Additionally, the Immigration Response Team was created to provide support to students, examine the potential impact of policies on the University of Minnesota, and share information with University of Minnesota community members.

When students have DACA, they are better able to utilize the resources made available at the University of Minnesota. They have greater incentive to enroll and continue their education as they have greater certainty that they will be able to work after graduation. This means they will use their knowledge and skills to support themselves and their families while also being valuable members of their communities, the state of Minnesota and the United States.

Sharing The Experiences of University of Minnesota Students and Employees

In my role as the Director of the University of Minnesota's Immigration Response Team, I have had the opportunity to work with many DACA recipients. I would like to share a few of their stories in this comment along with actions to take to address concerns. These stories both illustrate what DACA has meant for them, and they also explain how the unpredictability of DACA has shaped their academic careers and lives.

Those Who Missed the Eligibility Date

I have worked with students who have been greatly impacted by arbitrary barriers to DACA eligibility. One such group of students are those who had the misfortune of only becoming old enough to apply for DACA after the process began to rescind its protections. These students were ineligible to apply for DACA for years while litigation made its way through the courts. They have only very recently been granted DACA (having been fortunate enough to have their cases approved before the processing of new applications was once again put on hold in 2021).

This delayed approval, however, meant they were unable to work for most of their college careers, making it difficult (or near impossible) for them to afford tuition. These students include aspiring doctors and computer scientists, bright and motivated students who haven't been certain from semester to semester whether they will be able to afford to continue their studies. I also work with students who are ineligible for DACA because they arrived in the U.S. after the original eligibility date outlined in the 2012 memo. In every other way, these students are identical to other DACA recipients, but they are excluded from the benefits that DACA provides due to the end date.

All of these students who have been prevented from accessing DACA's protections face a uniquely difficult challenge and uncertainty as they are both 1) unable to work to pay for college

tuition and 2) facing a future where it seems unlikely that they will be able to use their degrees to work in the U.S. We cannot truly fortify DACA if the door is closed to future participants who otherwise meet its requirements, and, at a time when we are facing a labor shortage in the U.S., it would be shortsighted and self-defeating to turn away these individuals who have been educated and raised in the U.S.

Those Hurt By Delays in Renewal

I have also worked with University of Minnesota students and employees who have been negatively impacted by the manner in which DACA renewal applications are processed by USCIS. DACA renewal application timing is both variable and unpredictable. DACA recipients are forced to choose between 1) applying far in advance and risk losing some of their DACA total eligibility (by having the renewal granted far in advance of the expiration of the current authorization, meaning that their overall time is shortened), or 2) applying closer to the expiration date, while risking the possibility that the current authorization will expire before the renewal is granted (leaving them without work authorization, with an expired drivers license, etc.).

The benefits of the DACA program can be truly fortified by ensuring consecutive renewals for eligible DACA applicants, as well as automatic renewal for pending DACA and work permit applications. When students and employees are uncertain of whether their pending DACA renewal will be approved (or how long the renewal period will last), they are less able to plan for the future. Due to delayed EAD renewals for DACA recipients, I have worked with University of Minnesota employees who were forced to take leaves of absence or resign their jobs, and I have also worked with students who were unable to pay tuition or start graduate assistant positions. These were excellent students and employees, but the delay meant disruption for both them and the institution. There are other categories of employment authorization that allow for the benefits to be automatically extended once the renewal application is received, and it would be beneficial to extend this practice to DACA recipients as well.

Those Who Wish to Study Abroad

Another area that will benefit from fortifying DACA's protection is advance parole. I have worked with DACA students who have painstakingly planned their academic careers with the hopes of participating in a study abroad program that is intrinsically tied to their field of study. They have

applied to the program, saved and planned for their expenses, and applied to USCIS for advance parole.

In some cases, due to the precarity of the DACA program, they have been unable to attend even when all of the other pieces of the puzzle are in place because they could not get advance parole (such as when DACA was initially rescinded during the early part of the Trump administration). In other cases, students were forced to cancel their plans as they did not know whether their advance parole would arrive in time for them to travel due to USCIS's uncertain processing times.

One way to reduce these burdens on both the applicant and the government is to expand the grounds for advance parole to include any reason for travel. Doing so would allow DACA recipients to apply for advance parole at the same time as their DACA application or renewal. Such a change would align DACA advance parole with other programs including Temporary Protected Status (TPS). Requiring DACA recipients to have narrowly defined reasons for pursuing advance parole not only places an unnecessary barrier unique to DACA recipients, but creates additional work and time for the USCIS adjudicator.

Those Who Have Not Been in Unlawful Immigration Status

Finally, I would urge DHS to remove the prior unlawful immigration status requirement from the DACA rule. In my role at the University of Minnesota, I have worked with students and families who have been in the U.S. for many years. Their parents are often working in the U.S., awaiting their eligibility for a backlogged immigrant visa, and in that time, the children have grown up here. As they approach their 21st birthdays, these children are left with very few viable immigration-status options. Removing the requirement that applicants had unlawful status as of a set date would make these individuals eligible for DACA, solving a problem that surely was not intended in the creation of DACA or the employment-based permanent residency process. By removing this requirement, thousands of young people who grew up in the United States as dependents of nonimmigrant visa holders and had lawful status on June 15, 2012, would be afforded protection.

In all cases, fortifying DACA will provide these students with some measure of certainty. They will benefit from the knowledge that their efforts and sacrifices toward higher education are worthwhile, other students will benefit from the experiences and insights these students bring to

the University, and we will all benefit from their ability to put their hard-earned education into practice after they graduate. I appreciate the opportunity to comment on the proposed DACA regulation.

Sincerely,

Marissa Hill-Dongre
Director, Immigration Response Team
University of Minnesota