

PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

FAQs on HIGHER EDUCATION ACCESS and UNDOCUMENTED STUDENTS

With the rescission of DACA on September 5, 2017 and the failure to pass any legislative solution since then to provide DACA recipients and other undocumented students with a pathway to residency or citizenship in the United States, it has been important for colleges and universities to reaffirm their full commitment to enroll, educate, and support Dreamer students.

The purpose of these FAQs is to address some questions that have arisen regarding enrollment, recordkeeping, and support. For more information and links to an array of resources on access to higher education, see the *Informed Immigrant website*, and its section on “Access to Higher Education and Campus Safety for Students.”

Are there any prohibitions against the enrollment of undocumented students?

Federal immigration law does not prohibit education of undocumented immigrants, and does not prohibit undocumented students from enrolling in public school or private school. In the absence of a state law to the contrary, public and private educational institutions may enroll undocumented students.

Several states have enacted laws or rules that affect access to public education by undocumented students, though DACA recipients may continue to have access. You can review state policies on the *ULead website*.

Should institutions ask about the immigration status of enrolled students? How can Institutions support undocumented students while being mindful of their privacy?

Some institutions of higher education do not inquire about immigration status in the application and admission process or gather immigration information from enrolled students. The major exception is that institutions authorized to sponsor F-1 international students and/or J-1 exchange visitors are required to maintain detailed information for F-1 students and J-1 participants.

Advocates and researchers recommend that, to the extent possible, colleges and universities should make their institutional and state policies visible to prospective and current undocumented students, while proactively providing support for those students. This includes information on websites about relevant institutional and state policies or financial assistance for prospective students. Developing staff support or centers for undocumented students, appointing key staff liaisons and campus committees or taskforces on immigration support, establishing peer support programs, creating informational websites, providing or identifying legal assistance, and ensuring regular communications with that subset of students are examples of sustained, visible support. Campuses that would like individualized consultations about their support structures can contact the Presidents' Alliance for information and suggestions (info@presidentsimmigrationalliance.org).

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With the primary exception of F-1/J-1 sponsor requirements, information regarding students' immigration status is covered by FERPA (Family Educational Rights and Privacy Act), as is other non-directory, personally identifiable information. Institutions should ensure they have clear procedures in place to protect student privacy (for FERPA protections and immigration status, also see these [ACE FAQs](#).) Depending upon the state and local context, it may be recommended that an institution not retain unit level documentation about undocumented or DACA students within their campus populations.

F-1 and J-1 programs are subject to extensive compliance requirements. The institution's F-1 and J-1 compliance requirements are the responsibility of the institution's F-1 Primary Designated School Official (PDSO) and any alternate Designated School Officials (DSOs), and J-1 Responsible Officer (RO) and alternate ROs. The DSOs and ROs on campus work with international students and scholars and immigration regulatory agencies on a daily basis.

Students may enroll in US institutions in many other immigration status categories, if they are living in the United States as dependents of temporary workers or government or diplomatic staff with work visas. Some institutions consider their population of "international students" to include all non-US nationals, while others only include those in F-1 or J-1 status sponsored by the school.

Should undocumented students be classified as "international" students or "domestic" students?

Having grown up and been educated in the United States, undocumented students and DACA recipients don't fit into either of the above-mentioned categories (F-1/J-1 sponsored students and scholars or "all other" non-US nationals). As noted in poll data, for the majority of Americans, undocumented or "Dreamer" students are considered American in all but legal status. It can be important for institutions to provide specific state and institutional information for undocumented students, and not group them with international students for the purposes of admission, financial aid, and other kinds of campus support. At the same time, international students services staff are often useful experts and important resources regarding immigration regulations for Dreamer students, and, given the issues facing international students, key members of campus committees related to immigration support.

Over [20 states](#) provide access to in-state tuition (at the state, institutional, or system level) to undocumented students who meet residency requirements, and at least [5 states](#) provide some state financial assistance.

A growing number of private institutions treat undocumented students as domestic students for the purposes of admission and financial aid. With the rescission of DACA, it is important that institutions review if the eligibility for institutional or other funding is dependent on a student's eligibility for DACA, and, if so, to revise accordingly if possible (so eligibility is not reliant on DACA status).