

# UNIVERSITY OF NEBRASKA FREQUENTLY ASKED QUESTIONS

## Rescinding Deferred Action for Child Arrivals (DACA)

### BACKGROUND

On June 15, 2012, the Secretary of Homeland Security established the program known as Deferred Action for Childhood Arrivals, or DACA, which allowed certain people who came to the United States as children and met several key guidelines to be protected from deportation for two years, subject to renewal. It also provided that recipients were eligible for work authorization. DACA never granted legal status to eligible participants.

On Sept. 5, 2017, President Trump ordered an end to the administratively issued DACA, but the enforcement of that decision is delayed for six months, giving Congress time to craft a bill to replace DACA.

### UNIVERSITY LEADERSHIP RESPONSE

Hank Bounds, president of the University of Nebraska system, released the following statement: <http://bit.ly/2jbuhig>

Ronnie Green, chancellor of the University of Nebraska-Lincoln, released the following statement: <http://bit.ly/2gI6zcv>

### INFORMATION FOR STUDENTS WHO WERE DACA ELIGIBLE OR DACA RECIPIENTS

**Q: I am a DACA recipient currently attending the university. Should I be doing anything differently?**

**A:** Our advice to you is to keep attending classes as you normally would. A variety of support services are listed in this document if you need them.

**Q: I have not applied for DACA but I was eligible based on the initial criteria. Can I still apply for DACA benefits?**

**A:** No. The Department of Homeland Security stated in its Sept. 5, 2017, memorandum on Rescission of Deferred Action for Childhood Arrivals that it will not process any applications that have not been received by the department. All initial applications not already filed will be rejected.

**Q: I have an initial DACA application currently pending. Will it be denied?**

**A:** We don't know for certain. The Department of Homeland Security stated in its memorandum that it will continue to process all pending applications and make decisions on a case-by-case basis.

**Q: I am a current DACA recipient, but my benefits will expire before March 5, 2018. Is there anything I should do?**

**A:** The Department of Homeland Security stated that it will process all renewal requests for beneficiaries whose benefits expire between Sept. 5, 2017, and March 5, 2018, and make decisions on a case-by-case basis, so long as those applications are received by Oct. 5, 2017. All DACA recipients who fall into this category are encouraged to contact an immigration attorney to review their specific case and determine if they should renew their DACA. Contact information for individuals and organizations who can help connect DACA recipients to legal experts are at the bottom of this document.

**Q: Will my DACA status be revoked before its expiration date?**

**A:** The Department of Homeland Security stated that it will not terminate grants of previously issued deferred action or revoke Employment Authorization Documents. However, United States Citizenship and Immigration Service, or USCIS, still retains discretion to cancel DACA and other immigration benefits on a case-by-case basis.

**Q: What will happen to my personal information currently on file with USCIS?**

**A:** The Department of Homeland Security has stated that the information will be retained by USCIS, which may provide the information to ICE if there is a concern regarding national security.

**Q: What if I have a work permit based on DACA?**

**A:** Employment Authorization Documents, or EADs -- also known as work permits -- are generally valid until they expire or the government demands they be returned. The Department of Homeland Security in its Memorandum stated it will not revoke a valid EAD before it expires. For more information about your rights as an employee under DACA see this advisory by the National Immigration Law Center: <https://www.nilc.org/issues/daca/daca-and-workplace-rights/>.

**Q: What if I am currently traveling abroad or have plans to travel abroad on advance parole granted under DACA?**

**A:** DACA recipients should be cautious about traveling abroad on advance parole.

If you are currently outside the country with advance parole, you are encouraged to return as soon as possible and must return while your advance parole and EAD are valid. The Department of Homeland Security in its Memorandum stated it will generally honor the stated validity period for previously approved applications for advance parole. However, even with valid entry documentation, admission to the United States is discretionary to Customs and Border Patrol at the time of entrance.

If you have been granted advance parole under DACA but have not yet left the United States, you are encouraged to speak with an immigration attorney to determine potential risks before making a decision.

**Q: Will the university continue to accept students who were eligible for DACA?**

**A:** There are currently no status restrictions on admitting students to a U.S. college or university. The university does not ask for immigration status upon acceptance.

**Q: Will I lose my in-state tuition because DACA is revoked?**

**A:** No. In state-tuition eligibility is determined based upon state statute and Board of Regents policy, and it is not tied to DACA status. It predates DACA and should not be affected.

**Q: Will the university release personal information contained in DACA applications?**

**A:** The university does not have access to federally issued and administered DACA applications. The university had no obligation to know which of its students had applied for DACA, it did not request that information and it does not specifically know which of its students were granted the benefit. Additionally, as required by federal law, the university does not release personally identifiable student information.

**Q: What does the University of Nebraska recommend for students who have questions regarding DACA or need to discuss any personal situation?**

**A:** Students who have questions are encouraged to call the identified designee at their respective institution, listed below, who can further direct you to the person best able to assist you.

University of Nebraska-Lincoln

Students can contact Charlie Foster, assistant to the vice chancellor for student affairs, at 402-472-5500.

University of Nebraska at Omaha

Students can contact Jonathan Benjamin-Alvarado, assistant vice chancellor for student affairs, at 402-554-4859.

University of Nebraska at Kearney

Students can contact Juan Carlos Guzman, director of the Office of Multicultural Affairs, at 308-865-8127.

University of Nebraska Medical Center

Students can contact Dr. Phil Covington, interim assistant vice chancellor of academic affairs and interim director of student services, at 402-559-2792.

**COUNSELING SUPPORT**

DACA students who need to discuss a personal situation, feel distressed or feel they may need counseling are encouraged to reach out to their institution's counseling and psychological

services offices. These offices offer a safe, confidential place where a student can get support.

University of Nebraska-Lincoln

Counseling and Psychological Services, 402-472-5000

University of Nebraska at Omaha

Counseling and Psychological Services, 402-554-2409

University of Nebraska at Kearney

Student Health and Counseling, 308-865-8248

University of Nebraska Medical Center

Counseling and Student Development Center, 402-559-7276

**Q: What is the best way to find out my legal options?**

**A:** Talk to an immigration services provider to understand your legal options and avoid fraudulent service providers. When contacting a service provider, make sure you confirm their credentials, ask for a written contract and a receipt for any payments, and, if you have doubts, get a second opinion.

Low-cost immigration legal services can be found at <https://www.immigrationlawhelp.org>.

**Q: Where is the best place to get updates from reliable sources?**

**A:** Follow the news carefully and go to reliable sources for information on the status of DACA and other immigration programs. Be cautious of scams such as new fees related to DACA or false information that may circulate.

Sources of information include:

[www.unitedwedream.org](http://www.unitedwedream.org)

[www.informedimmigrant.com](http://www.informedimmigrant.com)

[www.defenddaca.com](http://www.defenddaca.com)

[www.ilrc.org](http://www.ilrc.org)

[www.nilc.org](http://www.nilc.org)

[www.weareheretostay.org](http://www.weareheretostay.org)

**INFORMATION FOR UNIVERSITY DEPARTMENTS**

**Q: Will the university cooperate with Immigration and Customs Enforcement or other law enforcement agencies?**

**A:** The university is an educational institution and not a law enforcement agency. Of course, the university will comply with federal law and lawful subpoenas. We will also proactively protect our educational mission so members of our university community can continue to learn and conduct research with minimal disruptions to the institution.

**Q: Who should be contacted to answer legal questions regarding DACA eligible students enrolled at the university?**

**A:** Do not attempt to provide legal advice to students about their status or continued status as students. Students with specific DACA related questions should be encouraged to speak to an immigration attorney. University employees who need further guidance on responding to issues related to DACA should contact the Office of the Vice President and General Counsel at 402-472-1201.

### **ADDITIONAL CAMPUS RESOURCES FOR STUDENTS**

University of Nebraska-Lincoln  
Immigration Clinic, 402-472-3271

The Immigration Clinic handles certain types of immigration cases. The final decision regarding which types of cases and how many cases will be accepted by the Immigration Clinic rests with the faculty supervisor. The Immigration Clinic does not accept any deportation cases in which the client is being detained (held in custody) by Immigration and Customs Enforcement.

Jackie Gaughan Multicultural Center, 402-472-5500

Define American Chapter, [defineamericanchapter@gmail.com](mailto:defineamericanchapter@gmail.com)

University of Nebraska at Omaha  
Office of Multicultural Affairs, 402-554-2248

University of Nebraska at Kearney  
Office of Multicultural Services, 308-865-8127

### **STATE AND NATIONAL EXTERNAL RESOURCES FOR STUDENTS**

Nebraska Appleseed

[www.neappleseed.org](http://www.neappleseed.org)

Justice for Our Neighbors Nebraska

<http://jfon-ne.org/>

Immigrant Legal Resource Center

<https://www.nilc.org>

United We Dream

[www.unitedwedream.org](http://www.unitedwedream.org)

Informed Immigrant

[www.informedimmigrant.com](http://www.informedimmigrant.com)

Defend DACA

[www.defenddaca.com](http://www.defenddaca.com)

National Immigration Law Center

[www.ilrc.org](http://www.ilrc.org)

We Are Here to Stay

[www.weareheretostay.org](http://www.weareheretostay.org)

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Reference material for this document is credited to the National Immigration Law Center and the Immigrant Legal Resource Center.