

Immigrant Student National Position Paper Report on Findings

A Study Funded by the Ford Foundation

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I. Overview

Every year, approximately 65,000 undocumented students graduate from American high schools¹ to face a future of uncertainty. Many were brought to the United States as young children by parents who either overstayed a legal visa or entered the country without inspection. Having broken no law themselves, these undocumented students face young adulthood without the benefit of U.S. citizenship and face tremendous legal barriers in seeking lawful immigration status. An estimated 5-10% of these students enter post-secondary education.² A handful at the top of their graduating class are awarded merit-based scholarships or otherwise find a way to finance attendance at a Jesuit university or college – institutions with a storied history of serving immigrants and first-generation populations.

This Immigrant Students National Position Paper is a study of the situation of undocumented students at Jesuit colleges and universities in the United States and the institutional practices that affect those students. The research for this paper was conducted over two years (2010-2012) by legal and social science research teams at Fairfield University in Connecticut, Santa Clara University in California, and Loyola University in Chicago. The study employed a mixed methods research model, as follows:

1. In-depth structured interviews with key staff at six Jesuit colleges and universities.

This six-campus study included two schools in the Eastern region, two in the Midwest, and two in the West. The three lead institutions - Fairfield University in Fairfield, Connecticut; Loyola University in Chicago, Illinois; and Santa Clara University in Santa Clara, California - each partnered with another Jesuit university in their geographical area. Together, the six institutions represented the breadth and depth of Jesuit education, from a research university with graduate programs, law schools, and a medical school, to an all-undergraduate university with a large number of commuter and part-time students.

Staff from admissions, financial aid, student support services, and campus ministry participated. A total of 47 interviews were completed, recorded, transcribed, and then qualitatively analyzed with NVivo® software.

2. Online staff survey.

An online survey was designed to explore practices and attitudes toward the undocumented at all 28 Jesuit colleges and universities across the country. An email list of approximately 200 key staff (admissions, financial aid, student services) from all 28 institutions was compiled, and all were invited to go online to complete the survey; a total of 110 responded. The survey questions included both fixed-choice answers and open-ended questions.

3. In-depth structured interviews with undocumented students.

In-depth personal interviews were conducted with 26 undocumented students who were attending Jesuit institutions in the U.S. at the time of the study. The interviews explored the student's journey through the admissions process, financial aid issues, and then experiences on campus. The students were also asked to describe their family backgrounds. The interviews were transcribed and analyzed.

All students interviewed were primarily raised in the United States, arriving in the country from as young as 40 days to no older than nine years. Many had younger siblings who were born in the U.S. and were legal citizens. All individual interview information remains strictly confidential. To protect their confidentiality, each interviewee was assigned an identification number. All interview transcripts were stored on a secure server by ID numbers and all personal information removed.

Each student signed a consent form before the interviews began. An effort was made to select quotes that could not lead back to any one person. In addition, shadow graphics were randomly paired with the selected quotes in this report and do not necessarily represent the gender of the person quoted.

4. In-depth structured interviews with community advocates.

A limited number of interviews were conducted with "community advocates" who often play a key role in encouraging undocumented students to apply and enroll at Jesuit institutions.

II. Background and Context

Who could have predicted when John Carroll founded Georgetown University in 1789 that by 1922, when the U.S. began closing the door to mass immigration, there would be 25 more Jesuit colleges and universities in the United States?³ The high level of Catholic immigration over several decades at the turn of the 19th century – similar to the latest wave at the turn of the 20th century – propelled the Jesuits to found these schools to ensure that first-generation immigrant students could have access to higher education. The colleges, like the Catholic Church itself, provided important avenues for the integration of immigrants into American society. The descendants of these immigrants gradually but successfully entered the American mainstream, and third and fourth generation descendants of Catholic immigrants are today among the most affluent groups in the country. Fully assimilated into American life, they sometimes have let their social memory slip or lay dormant. Some have strong opinions about immigration – especially illegal immigration.

Today, the issue of illegal immigration in the United States involves a turbulent mix of economic, political, demographic, security, and legal concerns at the local, state, and federal levels. Within this explosive issue there exists a special subsidiary social problem that begs for the attention of private higher education, and especially the attention of faith-based institutions: the plight of undocumented students. Many of these students have spent their most formative years in the United States, and some do not even speak the language of their parents' country of origin. It is not unusual for these students to first learn of their citizenship status when they start applying to colleges and, unlike their peers and classmates, find out they do not have social security numbers and are barred from applying for federal financial aid (FAFSA).

Prior to their high school graduation, undocumented students are guaranteed a free K-12 public education under the Equal Protection clause of the 14th Amendment pursuant to the 1982 U.S. Supreme Court decision, *Plyler v. Doe*. At the time of the decision, Justice William Brennan, speaking for the majority of the Justices, said that undocumented students - even those whose presence in this country is unlawful - have long been and were to be recognized as "persons" guaranteed due process of law and equal protection of the laws by the 5th and 14th Amendments. In ruling that the Equal Protection Clause has been violated by the imposition of the burden of tuition on undocumented students in K-12 public schools, Brennan cited another Supreme Court ruling (*Weber v. Aetna Casualty and Surety Co.*, 406 U.S.164 1972):

"Imposing ... condemnation on the head of an infant is illogical and unjust. Moreover, imposing disabilities on the ... child is contrary to the basic concept of our system that legal burdens should bear some relationship to individual responsibility or wrongdoing. Obviously, no child is responsible for his birth, and penalizing the child is an ineffectual – as well as unjust – way of deterring the parent."

For Jesuit schools, this problem articulated by the Supreme Court becomes a matter of social justice and institutional identity. Education has been a defining characteristic of the

Society of Jesus since the 16th century. Inclusion and access were innovative and groundbreaking characteristics of Jesuit education from its inception. The Jesuits created a worldwide network of colleges and universities anchored in a humanistic education and a common concern for the moral development of students. The founder of the Society of Jesus, Saint Ignatius of Loyola, intended Jesuit education to be free and open to all social classes, supported by benefactors who believed in these principles. This hope was tempered by the realistic demands for exponential growth of the education system. It became quickly impractical to provide free education. Even today, like our early Jesuit brothers, we all struggle to achieve balance in providing transformative education across the socio-economic spectrum of society while fully recognizing the financial and social constraints that each of our institutions face moving forward.

Yet the interest today of Jesuit institutions in undocumented students is not only an historical one, for Catholic Social Teaching makes clear that issues of social justice, the common good, the dignity of every human person regardless of birthplace, and the right of people to migrate and seek social advancement are divinely inspired. Jesuit colleges and universities hope to instill in their students, both citizens and not, the notion of displaying *cura personalis* (care for the entire person) which views education as the holistic development of the human person, not merely pre-professional credentialing. In addition, all Jesuit schools today have common commitments to educating for justice, helping students to become generous and magnanimous “men and women for others,” and a habit of discerning the *magis* - a “better” way of proceeding based on the most sound moral principles. Such a common standard lays the moral groundwork for our schools to create a significantly more welcoming environment for the undocumented youth in our society.

It stands to reason, then, that we should question why educating immigrants no longer figures as an explicit priority for many colleges and universities associated with the Church, even as immigration levels have once again risen to the historic high levels found at the turn of the 19th century. To some degree, Jesuit higher education has lost its special connection with immigrants now that their student profile has dramatically changed, with many more natural-born Americans than immigrants amongst its students, alumni, and parents. This disconnect with our immigrant roots is exacerbated when many among the current university constituents question why institutional aid should be awarded to undocumented students instead of to those with U.S citizenship.

However, in the 2010 ACJU mission and apostolate statement, the U.S. Jesuit presidents reaffirmed their commitment to “continuing the historic mission of educating first generation students....[and to] prioritize the education of these often vulnerable and underserved students.”⁴ In addition, with solidarity as a guiding Jesuit principle, we have a global and local responsibility to help one another as co-travelers on the path of life. The Church teaches that we have a moral responsibility to help others, especially the poor and the most vulnerable, and not restrict that responsibility to our fellow American citizens but to extend it to all men and women. As citizens of the world and members of the human family, we must work toward the greater good in practical and meaningful ways.

This study takes an in-depth look at where we are today with undocumented students. What are the practices, attitudes, challenges, and opportunities in our current institutions?

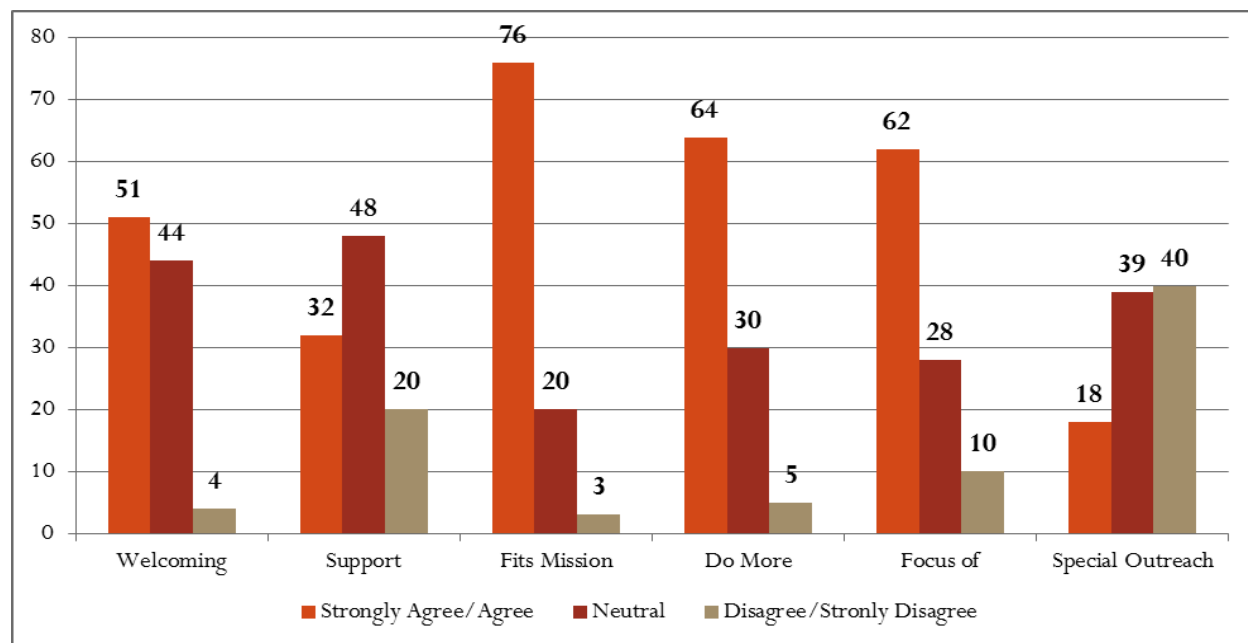
How do current federal and state laws and practices impact the undocumented student's college experience? Finally, how can we, as a morally-committed network of Jesuit higher education institutions, join together to collaboratively support the human dignity of undocumented students who find themselves adrift in a world hostile to their future because of a past they did not choose for themselves?

III. Mission and Identity of Jesuit Institutions

The mission statements of the Jesuit colleges and universities specifically address the issue of social justice. Implicitly, the Jesuit mission is focused on providing opportunities for all students, including the undocumented.

The staff interviewed at the six institutions and those who completed the online survey were extremely supportive of helping the undocumented and view this support as part of the mission of their university. Staff overwhelmingly agreed that enrolling undocumented students is compatible with the mission of their institution, with over 60% supporting the idea that educating undocumented students should be an institutional priority. However, most staff recognized that their institutions do not publicly identify their support for the undocumented, and few have specific outreach programs to encourage undocumented students to apply.

Staff Survey: Undocumented Students & Jesuit Mission



Original Staff Survey Statements of the Above Chart:

- Welcoming** Our institution is welcoming to students who are undocumented
- Publicly Support** Our institution publicly supports students who are undocumented
- Fits Mission** Admitting, enrolling, and supporting undocumented students fits within the mission of the institution
- Do More** Institutions should do more to support students who are undocumented
- Undocumented Focus** Educating undocumented students should be a focus of Jesuit colleges and universities
- Outreach Programs** Our institution has special programs and/or outreach to undocumented students

IV. Admissions Process for Undocumented Students

Student Experiences

I didn't use the electronic application because I couldn't...it wouldn't go through... Most



of my graduating class from high school...applied through electronic applications. I was basically the only one who applied on paper, and they were kind of suspicious why. I just didn't say anything.

My family has always been on top of me when it comes to school and education. That's our main goal. That's number one. Nothing else but school and education. So, I worked [very] hard...I did everything I could have [and then to find out] that I



couldn't attend college, or that I couldn't have any financial aid because I didn't have a number - which is just basically a number - it really affected me a lot, emotionally and mentally. It played so much within myself and within my family, because now that I'm getting older...I have to respond for my whole family. .

Underlying the admissions process for undocumented students is the ongoing fear of exposure of their citizenship status - for themselves and especially for their families. From application to graduation, they are worried about who they can trust and whether this detail will "slip" and change their life or a family member's forever.

Another major barrier to higher education access for undocumented students is finances, as they cannot apply for or receive any federal aid, including federal work-study stipends, and state aid is limited or non-existent for them. Scholarships are therefore essential as their families simply do not have the financial resources to pay for college. The undocumented students at Jesuit universities receive very generous merit-based scholarships, and those interviewed were among the highest academic achievers in their high schools. However, even with such scholarships, undocumented students still struggle financially, with even modest costs such as books presenting additional financial strain.

All of the undocumented students interviewed for this study found the admissions process challenging. Most were first-generation college students so their parents did not have the experience to guide them. Instead, they relied on an informal network of community advocates, high school advisors and teachers, university admissions staff, community organizations, peers, and their own hard work to find their way to the Jesuit universities. Furthermore, most Jesuit universities use the Common Application, which includes questions about citizenship and space to provide a social security number. While most of the schools do not require an answer to either question, all the undocumented students faced a key dilemma regarding whether or not to reveal their citizenship status during the admissions process, and many were unsure of what to do with the space requesting a social security number.

Institutional Practices/Policies



I wish there was just a defined process in what we can do [so we can] be more up front with how these students can get some of this figured out. Each time it's another conversation.... another process to do it - and this has been going on for years."



If the student contacts me directly or sometimes if the main office staff receives an application on a student and they don't know if the student is undocumented, domestic, international - they generally give me the file. And then I tactfully... contact the student and find out, "Are you by any chance one of these categories so I can best process your file. Are you an international student seeking a student visa? Are you a U.S. citizen or a resident or other?" And I kind of use the term "other" because I don't want to basically say, "Are you undocumented?"

Across the 28 Jesuit institutions in the United States, one finding from our research is clear: there is no consistent policy regarding undocumented students. Instead, informal, ad-hoc systems involving a small number of university staff are commonplace. Those staff members aware of the informal process describe it as primarily one involving the admissions or financial aid offices, with some describing it as "a word of mouth network" or one that works "under the radar."

Regarding recruitment, few Jesuit institutions have an admissions outreach program directed at undocumented students, although some work with community advocates who help these students through the initial contact with the university. Typically admissions staff do not verify citizenship status, although most are tipped off when the social security question is left blank.

At most Jesuit institutions, the only financial aid available to undocumented students is merit-based aid, which constitutes a limited institutional resource. As a finite resource, such merit-based aid is fiercely competitive; applications are scrutinized and ranked, with only "high achieving students" and "the best of the best, the crème de la crème" selected. A few institutions use development funds or special funding available through the President's office to support undocumented students. Those who hold the ability to make such funding decisions are usually able to do so creatively (i.e. with scholarships specifically from Jesuit donations, such as the Hurtado Scholarship that is managed and maintained by the Jesuit Community located at Santa Clara University which provides need-based aid and educational support to undocumented students); however, the responsibility for deciding on institutional aid for undocumented students is not centralized at any surveyed university.

Legal Issues

Admission

Confusion surrounds the legality of admitting students into institutions of higher learning, both private and public. The case of *Plyler* only guarantees the undocumented population a free public K-12 education under the Equal Protection Clause of the Fourteenth

Amendment. It did not address the issue of access to higher education. A categorical statement on the legality of admission will inform the action of admissions staff in properly dealing with the undocumented applicants, and the action of undocumented applicants in filling their application forms.

Federal law does not prohibit the admission of undocumented students to public universities or colleges; however, states may admit or bar undocumented students from enrolling in public post-secondary institutions as a matter of policy or through legislation. A vast majority of states do not prohibit the admission of undocumented students to public institutions. Private universities are free to admit undocumented students, regardless of state laws.

Currently, undocumented students do not need to identify themselves as such during the college application process. There is no legal obligation on the part of universities to require students to provide it. The Department of Homeland Security does not require a college either to determine a student's immigration status or to report it if it comes to light (except that in the case of a person who came on an international student visa, the school is required to report the termination of the student's academic status which may impact her or his nonimmigrant status). The Privacy Act of 1974 states that public institutions may not deny a benefit to a person who refuses to provide a social security number.⁵ Accordingly, the common application form for undergraduate college admission states that a social security number is required only for U.S. citizens and permanent residents applying for financial aid via FAFSA. Still, many undocumented students are asked about their social security number during the application process. Hence, they and their families fear they will be reported nonetheless, barring many qualified students from applying. Note, however, that an individual with Deferred Action status and employment authorization may now be eligible for a social security number, although still not eligible for federal financial aid.

Financial Aid

Undocumented students do not qualify for federal financial aid because of a prohibition under federal law. However, federal law does not prohibit states from providing in-state tuition to undocumented immigrants. In-state tuition eligibility varies from state to state. Currently, 14 states allow it, with most requiring some combination of years in residence and graduation from an in-state high school. The 14 states are:

California	***Massachusetts	*Rhode Island
Connecticut	Nebraska	Texas
Illinois	New Mexico	Utah
Kansas	New York	Washington
**Maryland	Oklahoma	

* *Decided in a Board of Regents Resolution*

** *Decided by popular vote*

*** *Decided in a Governor's directive to the state's Board of Education*

California, Texas, and New Mexico state laws award state financial aid to undocumented students. In addition, California and Illinois award DREAM Act private scholarships administered by the state. On the other hand, Georgia, Arizona and Ohio state laws explicitly prohibit allowing undocumented immigrants to pay in-state tuition.

Private universities may offer both merit-based and other scholarships to undocumented students. Within the Jesuit network, the Jesuit community at Santa Clara University offers the Hurtado Scholarship, which provides aid and educational support to undocumented students. Such private scholarships are legal and a highly effective recruitment tool for attracting high-achieving undocumented students.

Key Findings & Recommendations

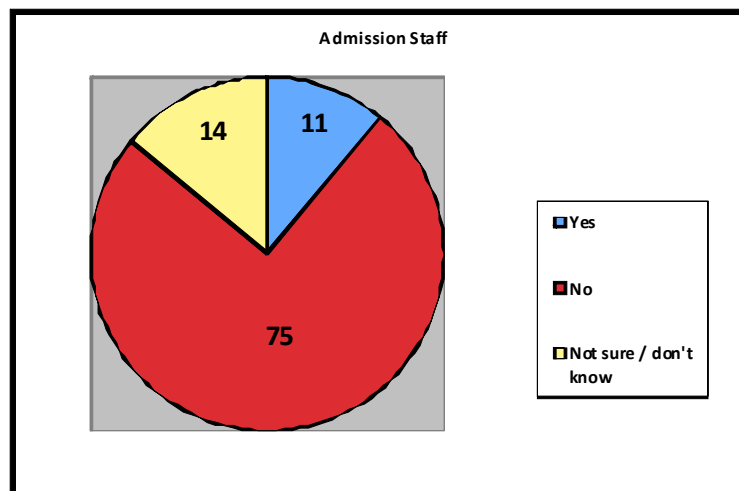
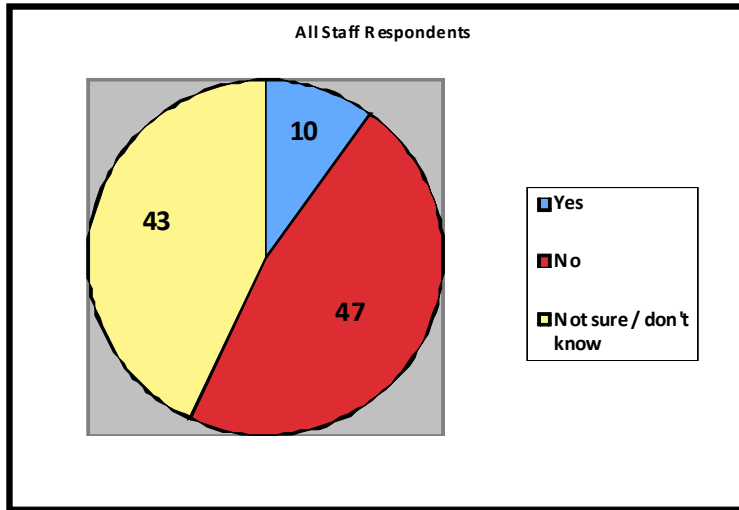
A Formal, Centralized Admissions Process

According to the staff interviews, university admissions' officers act as the "front door" for undocumented students to access Jesuit universities, working with each student "side by side," "in the trenches" to figure out "how [to] make this work" from the time a student is accepted through funding their college education and enrolling as an undergraduate student.

The consequence of this wide array of informal procedures is inconsistency. Often, an individual on a particular campus helps undocumented students navigate these difficult seas. However, staff, faculty, and administration turnover can basically paralyze or eliminate a network system so loosely constructed.

When asked about formal institutional practices that could be adapted to assist undocumented students, various suggestions were offered during the staff interviews. Most prevalent was the push for a centralized form of support for undocumented students with selected staff specifically trained to work with this population. The role of the trained staff would be to address the needs of individual undocumented students as well as educate other faculty, staff, and administrators at the university to develop specialized skills and training.

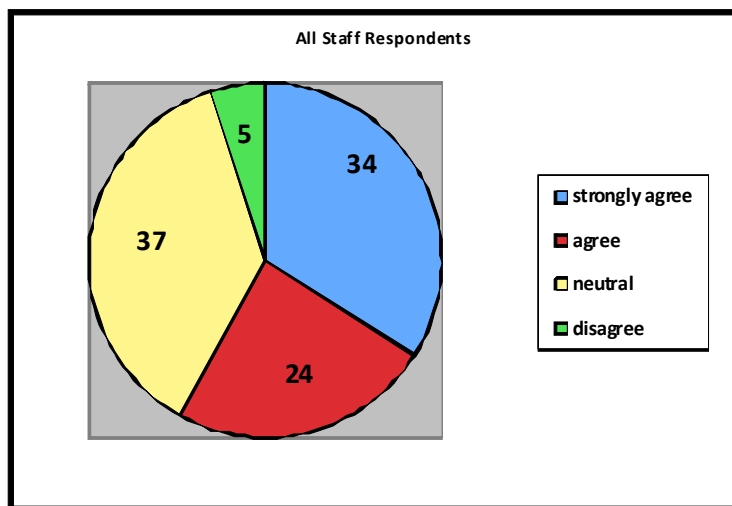
Staff Survey: Formal Enrollment Processes for Undocumented Students



A Common Fund

Among the 28 Jesuit institutions surveyed, as well as the Foundation that supported this research, there is interest in exploring the idea of creating a "Common Fund" to raise money to support undocumented students at all Jesuit universities. A Common Fund would function as an outside funding source. The idea received support from 58% of respondents, with 37% neutral (they neither supported or opposed) and only 5% disagreeing with the idea. However, this may be but one option as we continue to research various ways to help support students financially.

Staff Survey: Institution Would Be Interested in a "Common Fund" for Undocumented Students



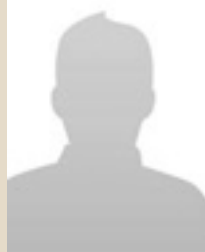
Clear Application Policy

Students interviewed for this study requested that Jesuit universities make their policies involving undocumented students public so more will apply. They also recommended that the questions about citizenship and a social security number on applications be clearly labeled "optional."

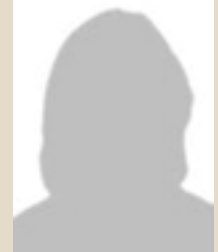
V. On-Campus Experience of Undocumented Students

Student Experiences

Sometimes it really depresses me because I feel like I'm not valued as an individual...like I'm not worth as much as everyone else...I want to do stuff that everyone else is doing, and I can't...People who have all the doors open, are born here, don't do anything and all they have to do is move themselves, move a finger. And I am pretty much stuck just waiting for my chance, waiting for my opportunity.



I remember one day (in my Political Science class) we talked about immigration policy... There were a lot of students in the class who were like, "Oh, we should just deport them all, there should be someone there just to shoot them," or something like that. I'd never been in a situation where they were talking about me in that way, because from the community that I come from, everyone is very aware of the issues ... they are primarily liberal and open-minded. And over here, you do have people who are more conservative, and that's something I had to get used to.



A number of students we interviewed mentioned that they experienced culture shock coming to college because the campus demographics were so different from where they came from. Usually first-generation college students from families with limited financial means have difficulty adjusting to college life among affluent fellow students. They reported experiencing discomfort in class if the discussion turned to immigration issues, and most have encountered hostility toward the undocumented from their classmates and some faculty.

However, students report that they are much more comfortable revealing their status to their peers than university staff for fear of legal repercussions to themselves and their families. This reluctance limits the ability of the university to respond appropriately to their needs. They also have found many university staff unhelpful or unqualified to provide assistance to overcome the challenges created by the students' citizenship status.

In addition, financial concerns are ongoing, as undocumented students continuously struggle to meet the total costs of a college education beyond tuition. Even with a full scholarship for tuition, the costs of books, daily living expenses, and transportation remain.

University life involves the classroom, contact with faculty, the library, the dormitory, and a myriad of other activities that enrich the experiences of most students. Undocumented students face many challenges beyond financial that limit their ability to fully participate in university life. For example, many undocumented students live at home and commute to campus, some from long distances. They simply cannot afford the cost of room and board. Not living on campus cuts these students off from the full experience of university life. Some also have family obligations: working to cover living costs or taking care of a brother or sister; one student described herself as a "second mom" while another described his need to be home in the afternoons so his mother could go to work. Often the family cannot



survive without this assistance and the undocumented students feel the cross pressures to both perform academically and still support their families.

Other barriers these students face include working on campus, traveling abroad (for study and/or alternative break trips), and taking on-campus leadership positions such as resident assistants or student government when pay is involved. Students also face limitations to participating in research, attending academic conferences, and obtaining internships and outside work experience - especially if the activity is supported by government funding or requires a background check.

Transportation, or lack thereof, is an additional obstacle that undocumented students face. In most states, they are denied access to drivers' licenses and their mobility is consequently limited, particularly in suburban areas with inadequate public transportation systems.

While the students interviewed report that there is support on campus for them, they point out that this support is not advertised and no one staff member has full responsibility. They find their academic advisors more than willing to provide advice about classes, but not helpful at all regarding citizenship issues. The students earnestly asked that the university provide legal counseling and assistance, and/or trained staff who are prepared to deal with their citizenship status.

Institutional Practices/Policies: Staff Perspectives

 <p><i>It definitely helps to have an awareness of... where the university stands on [the issue of undocumented students] ... What does [our university] say about this? What has [our university] committed to in response to these particular students? Do we have a system in place that recognizes that?" I think having some clearly stated university policy would be valuable to the administrators and student advisors.</i></p>	 <p><i>When I'm talking to these students, so much of what we're talking about is connected to the fact that they're not legal citizens of the United States. They don't have the status that the rest of us have. They can't talk about their future ... or their present without talking about that. So for me, not to acknowledge it in an email is rather difficult because there is usually some kind of a question that I'm responding to regarding [the issue of their status]. I don't know what's being read by someone else outside ... anyone could have access to this, you know... I don't want to be responsible for outing anyone. I don't want to be responsible for [anyone's family splitting up]... It's a real threat.</i></p>
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While nearly all Jesuit schools offer support programs for first generation and minority students, few have formal programs in place specifically for students who are undocumented. Current support practices are not uniform, often operate informally without official university sanction, and depend upon the commitment and effort of whoever is currently hired on staff. Furthermore, we found that there is a general awareness among Jesuit university staff that undocumented students apply and attend their schools, but no statistics are tracked detailing how many apply, are accepted, attend, and graduate.

Given the informal nature of the process, few student services staff have received training aimed at undocumented students. A number of needs were identified, however, including:

- Continued financial support once enrolled
- Social and emotional assistance
- Being safe on campus from law enforcement
- Help on campus integrating into both academic and extracurricular activities

In addition, because undocumented students are barred from work-study programs and lack the paperwork to be employed on or off campus like their peers, they experience a great deal of financial difficulty. Also, while a number of Jesuit universities with law schools provide undocumented students with legal assistance, most do not offer any legal counseling.

Legal Issues

Universities' Duty to Protect Privacy

Both the privacy of the student's records and, if known to the university, the student's immigration status, are issues of concern once a student is accepted. The federal Family Educational Rights and Privacy Act of 1974 (FERPA) requires that students' educational

records be kept private.⁶ FERPA applies to all educational institutions that receive funds from the Secretary of the U.S. Department of Education. Private postsecondary schools generally do receive such funding and are subject to FERPA. The primary goal of FERPA is to protect student records. FERPA applies regardless of status, and if status is known to the university, that information also must be protected.

Because many students are now choosing to reveal their status and because of the Department of Homeland Security (DHS) procedure regarding the use of deferred action with respect to individuals who came to the United States as children, the privacy issue in the universities may diminish in importance. However, the temporary relief from deportation enjoyed by those who receive deferred action status does not extend to their dependents and immediate relatives, unless the latter independently satisfy the eligibility criteria. The privacy of records submitted in the DACA application is a separate matter (see guidelines at <http://uscis.gov>), and one that weighs heavily on undocumented students.

Employment and Traveling Abroad

The barriers to employment for undocumented students greatly hinder their ability to fully partake in the college experience. For the less financially able, inability to obtain legal employment even impedes their access to higher education. Thus, the undocumented community welcomed the opportunity to receive work authorization under the new Deferred Action for Childhood Arrivals (DACA) program announced on June 15, 2012. Individuals who receive deferred action from removal may apply for and obtain employment authorization for the period of deferred action if they can establish an economic necessity for employment.

However, DACA only covers a limited segment of the undocumented population that meets all the specified qualifications.⁷ Potential beneficiaries must:

- Have come to the United States under the age of 16
- Have continuously resided in the United States for at least 5 years preceding June 15, 2012
- Be physically present in the United States on June 15, 2012, and at the time of making the request for consideration of deferred action with USCIS
- Have entered without inspection before June 15, 2012, or had lawful immigration status that expired as of June 15, 2012
- Be currently in school, have graduated from high school, have obtained a general education certificate, or be honorably discharged veterans of the Coast Guard or Armed Forces of the United States
- Have not been convicted of a felony, significant misdemeanor offense, multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety
- Not be above the age of 30 by June 15, 2012

For those who fail to meet even one qualification, for example because she or he turned 31 on or before June 15, 2012, DACA relief is not available. In addition, undocumented graduates are still unable to obtain professional and commercial licenses. There are cases

of undocumented students seeking their license to practice law pending before the Supreme Court of California, Supreme Court of Florida, and a committee of the New York State Supreme Court's Appellate Division. While decisions are still expected to be handed down in 2013, the DOJ rendered an opinion that the 1996 federal law (IIRIRA) denying public benefits to illegal immigrants precludes them from receiving commercial and professional licenses, including a law license. It remains unclear if the DACA program will have an impact on this issue. Another development that may influence the Supreme Court decision is the guidance by the USCIS updated on January 18, 2013 confirming that DACA recipients are authorized by DHS to be in the United States, and are therefore considered to be lawfully present during the period deferred action is in effect.⁸

Another opportunity that has been closed to undocumented students is studying abroad or joining mission trips outside the U.S. The new DACA program opens up the possibility of international travel to grantees whose subsequent application for advance parole travel documents has been approved. The USCIS stated that it will grant advance parole for "humanitarian, education, or work purposes" to DACA grantees who have a compelling need to travel.⁹ In its January 18, 2013 updated guidance, USCIS explicitly states that educational purposes include semester-abroad programs and academic research.¹⁰ The new USCIS guidance will increase the confidence of the undocumented students to participate in study-abroad programs. However, lawyers have refrained from advising students to travel because DACA is discretionary, and there are unresolved and emerging issues about triggering the three- or ten-year unlawful presence bar through travel.¹¹ It is strongly advised that students consult with immigration lawyers if they are considering filing an application for advance parole. It should be noted that all advance parole requests would be considered on a case-by-case basis. There is a specialized procedure for those who have been ordered deported or removed, and immigration matters are, in general, highly complex.

Driving

Possession of a social security number and a deferred action status would qualify students to apply for a driver's license under the REAL ID Act of 2005,¹² the federal act governing state driver's licenses with which every state needs to fully comply by January 15, 2013.¹³ However, the act only establishes minimum standards to which states could add stricter rules. Thus, state rules and regulations will determine the eligibility of undocumented students for a driver's license, prompting divergent outcomes. For example, Arizona, Michigan, Nebraska, and Iowa have refused to issue driver's license to DACA recipients under

the belief that recipients are not "lawfully present" under federal law.¹⁴ This practice prompted the Obama Administration to confirm that recipients of deferred action are authorized to be in the United States and therefore considered to be "lawfully present" under federal immigration laws. On the other hand, California passed a law for the issuance of a driver's license to DACA recipients. Illinois recently enacted a law that will allow unauthorized immigrants to apply for a driver's license. Even before DACA, New Mexico and Washington have allowed the issuance of driver's license to undocumented immigrants, while Utah has issued Driving Privilege Cards specifically for undocumented immigrants.

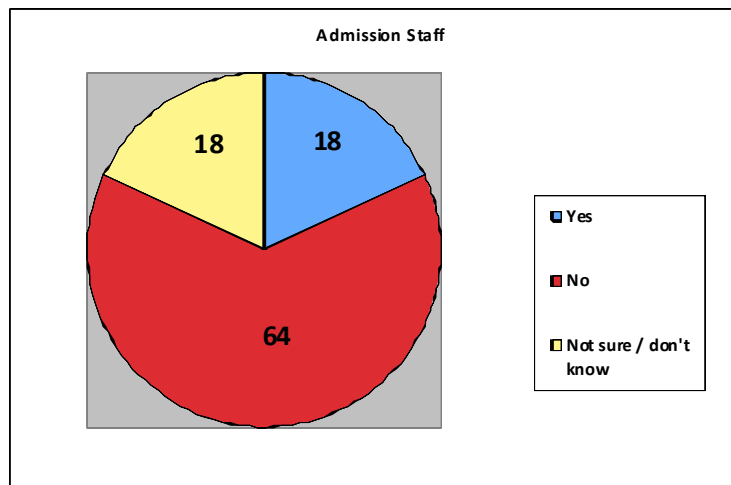
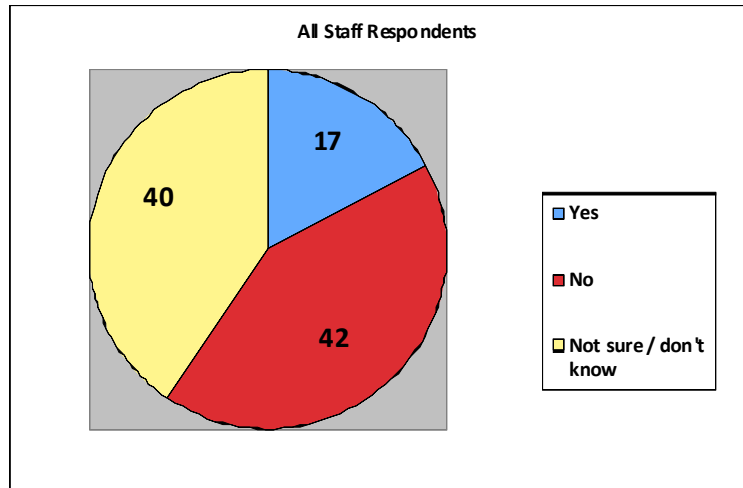
Key Findings & Recommendations

Best Practices

At present, Jesuit universities have a variety of initiatives and programs to help undocumented students on campus; however, the range of practice illustrates the ad-hoc nature of support. A number of "best practices" were identified by interviewed staff, primarily focused on three main areas:

- 1) Providing a sense of safety so students felt comfortable talking to staff
- 2) Staff training, including an articulation of university policy
- 3) Formal programs and student clubs, especially those that address retention, adapt existing programs, and focus on support and advocacy

Staff Survey: Special Programs for Undocumented Students



When asked to elaborate about special programs, staff identified a variety of efforts. These include: special scholarships or institutional aid targeted for undocumented students (23%); staff and faculty support systems (23%); community outreach (16%); student or peer mentoring programs (16%); and academic support (12%).

Needs of Undocumented Students

The undocumented students interviewed talked about a wide variety of specific needs, with financial assistance at the top of the list:

Financial support (work study jobs, paying for books, etc.)	23%
Social and emotional support	11%
Feeling safe on campus	9%
Family support	9%
Environment/community on campus	9%
Job-placement support	8%
Academic support	8%
Integration into extra-curricular activities	6%
Counseling support	3%
Legal support	3%
First-generation college student support	2%
Public transportation	2%

Go-To Designated Staff

Students reported that the lack of knowledge among faculty and staff about the needs of students who were undocumented was problematic and left them trying to figure things out on their own frequently. Others reported feeling unsafe talking about their situation with official university staff. One student suggested having a designated, knowledgeable person on campus to whom undocumented students can turn for advice. Another mentioned the idea of stickers that can be placed on the doors of professors who were safe to talk to about their issues. A few students discussed the need for one-on-one counseling for first-year undocumented students arriving at Jesuit universities, and others suggested the same regarding outbound undocumented seniors.

Campus-wide Awareness

A number of students discussed the need to increase the general awareness of undocumented students on campus. As one student put it, "A lot of people don't even know that there are undocumented people here.... They need to talk to the teachers and students ... [create] programs for us, [and sponsor] workshops about what to do in certain situations with cops or how to talk to lawyers."

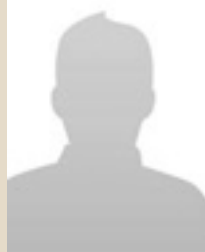
Legal Support

From applying for admission, to not being eligible for some internships, to obtaining employment after graduation, undocumented students face many legal challenges. Of the 28 Jesuit universities, 14 have law schools which can be a source of legal assistance, but only a few provide such assistance and most staff are unsure if legal assistance is available. A common theme that permeated the responses of staff is the perception of students' hopelessness regarding their legal status, and helplessness on the part of the staff members. Both staff and students would like to see stronger legal support from universities that have such resources.

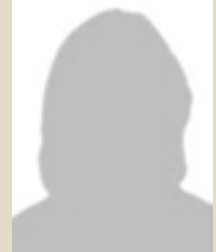
VI. Outgoing Concerns of Undocumented Students

Student Experiences

I think there is a huge pressure for a lot of undocumented students to do something that will get you a job... I think I am going to end up choosing something that will help [others], whether that's sociology ... community organizing ... understanding social structures... I am very passionate about politics and community organizing, so I feel like that is probably going [to be] what I end up doing, regardless of what people say... But I feel like there is never a right answer and there is never something practical you can do, because regardless of what you major in it's going to be difficult to get a job. So you might as well [study] something that you are passionate about while you have this funding.



My vision of being a counselor would be difficult because I know that I [would need] an internship this year.. but what documentation am I supposed to provide when they ask for a background check and fingerprinting? So I feel like I have to depend on someone [else], whether it's my parents ... [or] whoever I get married to if they have papers. I am always depending on someone else to provide for me.



Interviews with students revealed that being undocumented sometimes swayed their choice of major. They expressed interest in careers such as teaching, accounting, and health, but realized that those careers require certification that they are unable to apply for because of their status. In some cases this also trickled down to not selecting a particular major because of an internship requirement they could not meet. However, not all students played it safe, with some pursuing a field they felt very passionate about regardless of obstacles.

In addition, students spoke about the DREAM Act legislation before the U.S. Congress. While there are many factors affecting undocumented students at Jesuit colleges and universities, the most important one remains their immigration status. Many students live day-by-day in hope for change in federal immigration law.

Institutional Practices/Policies: Staff Perspective



So when I think that I need to tell another one of them that they don't have any options when they leave college.... "You know, you have this great degree in electrical engineering, but guess what, you have to clean houses because you're going to need an income to live in an apartment somewhere. Or you're going to go back [to] your family and there's going to be all kinds of pressure for you to produce ...when really, you can't produce anything right now because no one can take you." It's not that no one wants their skills, it's that no one can take their skills legally.

From the time undocumented students decide on a major, they begin turning to university staff with post-graduation concerns. Certain academic programs require criminal background checks, along with social security numbers that undocumented students cannot provide. Challenging majors include engineering, nursing, teaching, or architecture, which all require a mandatory co-op or internship.

Staff unanimously agreed that the largest barrier facing undocumented students as they exited college was post-graduation employment, because without citizenship, job options are severely limited in the United States. Many pointed out the futility of talking to undocumented students about the standard "I have my degree...now what?" question typical of outward-bound juniors and seniors. One staff member called it "the elephant in the room" that suddenly comes up at the end of their time in school and is the source of a great deal of stress for these students. A common theme throughout the interviews was the idea of "going home" to work, or returning to the country of citizenship. Others suggested moving to Canada, a country known for actively recruiting American immigrants with degrees to join their workforce. Moving to Canada and working with the Jesuits were options mentioned by the respondents, yet when speaking of moving to Canada it seemed a harsh reality to suggest that the students uproot, separate from family, and learn a new culture all over again.

Graduate school was also suggested as an option for outbound undocumented students, although some acknowledge that it was a "stall" tactic in hopes that citizenship requirements would change during grad school. Staff reported that some undocumented students might find their best opportunities at a non-profit or other organization that understands and advocates for those in similar situations, and that others try to find a job at their university as they find security in working with those who are already aware of their situation. Without question, all noted that despite the additional schooling, without a change in legislation the students would face the same challenges upon graduation from graduate school as they do upon completing their undergraduate education.

Legal Issues

The DREAM Act is an acronym for The Development, Relief, and Education for Alien Minors Act, and is an American legislative proposal first introduced in the Senate in 2001. Variations of this bill have been considered over the last decade, with the latest iteration failing to muster Senate support in 2010. It began with bipartisan support but has evolved into a political battle, with most Democrats supporting the Act and most Republicans opposing it.

One version of the DREAM Act proposes to create a roadmap to permanent legal residence, followed later by U.S. citizenship, to undocumented residents who came to the United States when they were younger than 16, are 29 years old or younger at the date of the proposed law's enactment, have lived here continuously for at least five years, have no criminal record, have graduated from a U.S. high school, and have completed two years of either college or military service. Payment of back taxes is also required.

Until the DREAM Act is passed, most undocumented college students will not have a pathway to citizenship. Furthermore, if the fragile DACA relief is rescinded, college students will revert to living under the double threat of being ineligible to hold a job lawfully and possible removal from the United States.¹⁵ However, one caveat about the DREAM Act is that individuals would have very limited ability to sponsor family members for U.S. citizenship. Family break-up is a serious issue. Parents or siblings would have to wait 12 years before their DREAM Act relative can even start the sponsorship process.¹⁶ If those parents or siblings entered the U.S. illegally, they would have to return to their home country for ten years.¹⁷ DREAMers continue to experience fighting against the deportation of their parents and siblings.¹⁸

The overlay of federal immigration law and policy, as well as economic barriers, may have an impact on undocumented students' decisions to attend both public and private colleges and universities. The new DACA program may offer limited hope to some of these students, but the knowledge that these standards could be applied unevenly, and worse, be revoked or modified at any time, instill fear and uncertainty. Unless and until the Dream Act or a comprehensive immigration reform is passed, and undocumented individuals have a path to legal status without fear of being separated from their family, the social stigma and the need many feel to be invisible will continue to influence the decisions of this population. It remains to be seen if a comprehensive immigration reform will pass this time around, and if it will cover more undocumented students than what is currently covered under DACA.

Key Findings & Recommendations

Best Practices

Suggested best practices from staff include a database of career options for undocumented students, contact with alumni who were undocumented at the time of their college career, and one-on-one career counseling with informed staff regarding post-graduation plans.

Support of the DREAM Act or Comprehensive Immigration Reform

According to a report released by the Center for American Progress and the Partnership for New American Economy, passing the DREAM Act would add a total of \$329 billion to the American economy by 2030; this economic boost occurs because adjusting the legal status of young people leads to higher earnings and subsequently creates a ripple effect throughout the economy.¹⁹

A number of students felt they would be more comfortable on campus if the university openly supported the DREAM Act and formed an alliance with other Jesuit institutions. Without active conversation on campus around the DREAM Act, students are skeptical of how staff, faculty, or their peers feel about the issues surrounding undocumented students. Given the silence on campus and absence of progress in Congress, these students' lives remain in unsettling, demoralizing limbo.

With President Obama's promise to act on immigration reform and the growing bipartisan support for addressing immigration issues, students across the country are calling our attention to the need for immigration reform that accords thoughtful consideration to the stories and struggles of their families and communities.

We recognize the number of our Jesuit presidents who supported the ACCU document endorsing passage of the Dream Act. It was our intent in this study to simply explore all of the issues as a research document. Therefore, we were judicious in avoiding language that could be interpreted as political advocacy.

VII. Summary of Recommendations

Both ongoing problems and successful institutional practices have been unearthed through this study, and we recommend developing a collaborative model of new practices among Jesuit colleges and universities that will support undocumented students in these unsettling and turbulent times. A summary of recommendations follows.

Mission

- Articulate clearly and publicly (through a Mission Statement, Viewbook, catalogue, website, etc.) that the university's mission includes providing access to higher education for *all* students, including the undocumented.
- Be prepared to explain that providing financial aid to the undocumented, within the parameters of the university's resources, is part of the university's mission.
- Support reform of U.S. immigration law and include a path to citizenship for undocumented students. Publicize the fact that a majority of the Jesuit Presidents has already signed an ACCU document supporting a path to citizenship.

Admissions

- Designate specific admissions staff who will have the responsibility to work with applicants who are undocumented. When key staff leave the institution, insure this responsibility is passed on to a successor.
- Provide training for all admissions staff so they understand and can help undocumented students through the admissions process.
- Modify application forms to be clear that a student does not have to include a social security number or their citizenship status to apply.

Financial Aid

- Clearly identify the financial aid that is available for undocumented students.
- Create a list of outside scholarships that undocumented students can apply for, and assist them in completing such applications.
- Recognize that the financial challenges these students face continue throughout their education, including the challenge of paying for books, transportation, lunch, lab fees, and more.
- Explore the creation of a "Common Fund," initially with outside sources, to provide financial aid to undocumented students at all Jesuit universities.

On-Campus

- Train student services/ support staff to understand the challenges undocumented and other students with limited financial resources face, particularly how to protect the privacy of undocumented students.
- Design specific staff to support undocumented students and insure that the students are aware of who they are.
- Understand that many undocumented students have family obligations that can create significant demands on their time.

- Insure that undocumented students, who often live at home and commute to campus, can fully participate in University life, both academic and extracurricular.
- Identify legal resources at the University and in the community that can provide counseling for undocumented students.

Career Counseling

- Train career placement staff on what undocumented students can do after graduation.
- Create a database of alumni who were undocumented or who can assist undocumented students with their post-graduate career.

VIII. Jesuit Reflection and Moral Framework

The system of Jesuit higher education in this country mirrors in many ways the breadth and diversity of private higher education in the United States. What sets Jesuit schools apart is their collective reputation for promoting the common good through their approaches to serving students and the community and through the incorporation of Catholic Social Teaching in their educational projects. As the Jesuit presidents put it in 2010: the primary mission of Jesuit higher education is “the education and formation of our students for the sake of the kind of persons they become and their wide influence for good in society in their lives, professions, and service.”²⁰ Intimately connected with such a vision is a necessary reflection on complex social issues and potential responses to them that are formed in light of ethical and moral discussions in the forum of public discourse. The Catholic Church has a uniquely well-developed approach to social, economic, and political problems. Since Jesuit values and pedagogy are deeply rooted in this Catholic intellectual tradition, it is appropriate to frame the problem of undocumented students in light of the Church’s moral teaching.

Catholic Social Teaching

Catholic Social Teaching (CST) is the name given to a set of principles, distilled from 2000 years of church reflection on social life, that provide criteria for prudential judgments about social policies and actions. Modern CST has been codified and articulated through a series of papal and council documents. As the United States Conference of Catholic Bishops has pointed out, the depth and richness of this tradition can be understood best through a direct reading of these documents.²¹ Yet, some central themes can be articulated here. And it is important to note that the premises of Catholic Social Teaching can be understood and have often been appropriated by non-Catholics.

Common Good

Enhancing the common good stands as a foundational principle of Catholic Social Teaching. This includes all activities aimed at creating the social conditions where everyone in society can flourish and reach their full human potential. In the United States today many bright, talented, and motivated – but undocumented – high school students who were brought to this country by their parents are prevented from developing their full educational potential and are therefore limited in their ability to contribute to the civic life of this country. Undocumented students lack the rights and responsibilities of citizens, yet they are clearly members of our society participating in community life. Institutional policies as well as general public policies affecting undocumented students should be judged by whether such policies promote not only their individual potential to flourish, but also their ability to contribute to the common good.

Human Dignity

Recognizing and protecting the dignity of the human person is another key principle of Catholic Social Teaching. Basic human rights are not bestowed by the State or restricted to citizens of the State. As is clear in our own foundational documents, we are “endowed by our Creator” with inalienable rights and they apply to all human persons equally. Undocumented students have a right to be treated with respect and dignity even though they may live at the margins or in the shadows of our society. For a bright, motivated student who never broke the law, being treated with dignity ought to mean being given the

opportunity for higher education, a chance to develop his or her natural talent for the good of society. Rational discourse about the dignity of every person ought to transcend the current tendency to devolve immediately into polemical arguments.

Family Unity

Immigration policies should never deliberately separate families through the detention and deportation of students or mothers or fathers who live peacefully in the United States and have not committed a crime.²² For many members of this population, family lies at the heart of their daily life, their experience within a national and/or international social matrix, and their roles as contributing members of American life. Families with undocumented students are usually “mixed” in status. The current situation erects or solidifies social boundaries that can lock families of particular ethnic backgrounds into enclaves or ghettos, instilling an atmosphere of fear, misunderstanding, and disinformation. The Catholic Church decries any forced division or dissolution of the sanctity of the family unit when avoidable. The California Immigrant Policy Center estimates that 70% of deportations take place when no prior criminal record exists, excepting routine traffic or permit offenses.²³

Solidarity

Solidarity is the social principle reflecting the interdependence and interconnectivity of all human beings. Solidarity recognizes that we are all part of one human family created by God. As the Second Vatican Council put it “One is the community of all peoples, one their origin for God made the whole human race to live over the face of the earth. One also is their final goal, God.”²⁴ Besides being a guiding principle for social living, solidarity with one another is also primarily a moral virtue connected to the practice of justice. A moral virtue is a habit that comes from action and repetition, becoming somehow incarnated in the practitioner.²⁵ You become virtuous by practicing virtue. That is why Pope John Paul II said that solidarity is not a “feeling of vague compassion or shallow distress at the misfortunes of so many people, both near and far. On the contrary, it is a firm and persevering determination to commit oneself to the common good; that is to say to the good of all and of each individual, because we are all really responsible for all.”²⁶ Solidarity is not merely empathy. It is a way of thinking about life that propels one to get in the habit of working for the common good of all people, irrespective of their national origins or legal status. Solidarity is, however, not only about the poor and weakest. Solidarity promotes the union of all people in a way that enhances the public discourse. Solidarity urges us to create a civil debate about immigration that is respectful, informed, and problem-solving, one that understands our core connectivity as a member of the one human family.

Subsidiarity

This Catholic principle has been called the most important principle of social philosophy because it protects people and groups from abuses by higher levels of legal and social authority. We should never assign to a higher authority something that can be competently done by a lower authority. It sets limits on government intervention. It affirms that individuals and groups do not exist for the State. The State exists to help individuals and associations at the lower levels of society reach their full potential. Subsidiarity can also apply to the federal government’s relationship to the state or local authorities. While the

federal government has responsibility for the creation and enforcement of immigration laws, the states and local communities should be given the help and opportunity to enforce laws in a way that reflects the specific conditions and problems at the regional and local levels. Some states have stronger enforcement needs; other states consist of cities that have been issuing identity cards for undocumented immigrants. Local civic participation in dealing with the immigration issues, including the issue of undocumented students, should never be taken away by federal authorities unless there is a clear violation of human rights.

Charity

Pope Benedict XVI has said that “charity is at the heart” of the Church’s Social Teaching.²⁷ Doing justice is the primary means of expressing charity, but the reality of charity transcends justice and completes it. Undocumented students should be treated with “justice,” but this justice needs to be compatible with compassion for these students who, unfairly burdened with the consequences of the actions of their parents, are faced with many obstacles to their education and full human development. A society that lacks compassionate policies toward these unfortunate young people is not only a society with a cold heart, but one which is fundamentally flawed in punishing one group of people for another’s decisions.

This policy paper presents a way of proceeding on this issue that informs and helps shape the national educational discourse on this area of immigration and attempts to make a substantive contribution to the common good of the nation from a principled Catholic perspective. We see the branches of legal and social research as intimately connected under a moral overarching framework, both offering tools for examining the issues and barriers confronting undocumented students as they attempt to navigate the currents of higher education.

Applying these great principles to the concrete arena of policy and law will undoubtedly be challenging. Catholic Social Teaching can guide us in our moral considerations, but it is not intended to present a specific plan for political action. Catholics of good conscience can and do differ on the most apt means to achieve the common good. As the *Compendium of the Social Doctrine* explains, the “Church’s Magisterium does not wish to exercise political power or eliminate the freedom of opinion of Catholics regarding contingent questions.”²⁸ Contingent questions involving prudential judgments are here seen to engage transitory and shifting realities dependent on particular circumstances and one’s understanding of such situations which can change over time. It is clear that care for the poor and most vulnerable is an immutable and undeniable demand of Christian life. But *how* to care for the poor and marginalized is a matter of making an informed and wise decision, of choosing among numerous, limited, and imperfect options for helping the vulnerable.

IX. Concluding Remarks

If the whole Jesuit system of higher education in the United States were to become fully engaged in the challenges and issues of undocumented students, other colleges and universities could be emboldened with their own unique senses of mission and identity to exercise new models of leadership in this area of immigration.

Furthermore, through its research and broad support, this study has sought to explain the current situation and practices at Jesuit institutions and examine the concerns and perceptions of students, staff, and faculty on this critical issue. Both ongoing problems and successful institutional practices have been unearthed, and we recommend developing a collaborative model of new practices that will support undocumented students in these unsettling and turbulent times.

Finally, we have tried to present a deeper understanding of the complex lives of undocumented students. We hope this study will generate more public compassion for them. We recognize that some of the family immigration problems that undocumented students face will never be solved without some broader immigration reform. Yet, we urge collective support for a change of public policy and law that would permit undocumented students to establish a legal status in this country and allow them to flourish to their full human potential. We strenuously defend the position that giving these young people legal status will enable them to make their unique contributions to the common good of the United States, and fulfill our Jesuit and Catholic mission to serve immigrant students – a mission rooted in our past and capable of energizing our future.

Endnotes

¹ R.G. Gonzalez, *Young Lives on Hold: the College Dreams of Undocumented Students* (New York, NY: College Board, 2009).

² A. Russell. *State Policies Regarding Undocumented College Students: A Narrative of Unresolved Issues, Ongoing Debate and Missed Opportunities* (Washington D.C.: American Association of State Colleges and Universities, 2011).

³ In the 1920's the United States severely curtailed immigration. There would be no mass influx of peoples again until the 1960's, by which time the remaining Jesuit institutions of higher education had been founded. While these often catered to first or second generation Americans, they were not technically founded to serve specifically immigrant populations in the same way the earlier schools were.

⁴ "The Jesuit, Catholic Mission of U.S. Catholic Jesuit Universities," 7. Association of Jesuit Colleges and Universities, Washington D.C., 2010.

⁵ Privacy Act of 1974, Sec. 7: "It shall be unlawful for any federal, state or local government agency to deny any individual any right, benefit or privilege provided by law because of such individual's refusal to disclose his social security account number. Any federal, state or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it." 5 U.S.C. 8552a (1974).

⁶ 20 U.S.C. 1232g: "A school may not release records directly related to a student without the consent of the student. Any institution that prints a directory must provide public notice of the information released on the directory and provide sufficient time for students to object to the release of information. Social security numbers are not included in the definition of directory information."

⁷ For a more complete elucidation of DACA requirements, see USCIS DACA FAQ. Some pertinent bullet points will be outlined in the body of this text.

⁸ USCIS Consideration of Deferred Action for Childhood Arrivals Process, About Deferred Action for Childhood Arrivals (updated January 18, 2013),

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextoid=3a4dbc4b04499310VgnVCM100000082ca60aRCRD&vgnnextchannel=3a4dbc4b04499310VgnVCM100000082ca60aRCRD>

⁹ USCIS Consideration of Deferred Action for Childhood Arrivals Process, Travel Requirements and Restrictions (updated September 14, 2012),

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextoid=3a4dbc4b04499310VgnVCM100000082ca60aRCRD&vgnnextchannel=3a4dbc4b04499310VgnVCM100000082ca60aRCRD>

¹⁰ USCIS Consideration of Deferred Action for Childhood Arrivals Process, Travel Q3 (updated January 18, 2013),

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextoid=3a4dbc4b04499310VgnVCM100000082ca60aRCRD&vgnnextchannel=3a4dbc4b04499310VgnVCM100000082ca60aRCRD>

¹¹ Dan Berger and Stephen Yale-Loehr, "Deferred Action for Childhood Arrivals: Should Undocumented Young People Apply?" *2012 LexisNexis Emerging Issues* 6632 (September 2012). This article clarifies that a recent decision by the Board of Immigration Appeals in the *Matter of Arrabally*, 25 I. & N. Dec. 771 (BIA 2012) held that a departure from the United States with advance parole by a pending adjustment of status applicant does not trigger the unlawful presence bar under INA § 212 (a)(9)(B)(i)(ii). However, practitioners differ on whether the holding of that case will apply in the DACA context. Hence, it is recommended that DACA grantees who receive advance parole evaluate the need for travel against then-current risks associated with such travel before leaving the United States.

Note: Certain immigrants who are "unlawfully present" in the United States are barred from being readmitted to the United States for three or ten years depending upon the length of their unlawful presence.

¹² USCIS Consideration of Deferred Action for Childhood Arrivals Process, Travel Requirements and Restrictions (updated September 14, 2012).

<http://www.uscis.gov/poral/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=f2ef2f19470f7310CfnCXM00000081x60EXES&vgnnextchannel=f2ef2f19470f7310VgnVCM100000082ca60aRCRD>

¹³ On January 15, 2013, DHS announced that enforcement would then begin at the earliest in the autumn of 2013.

¹⁴ Corey Dade, "New Immigration Battle: Driver's Licenses," Oregon Public Broadcasting (December 28, 2012), <http://www.opb.org/news/article/npr-new-immigration-battle-drivers-licenses/>

¹⁵ This threat is outlined in sources such as Alejandra Rincon, *Undocumented Immigrants and Higher Education: Si Se Puede* (El Paso, TX: LFB Scholarly Pub., 2008) and Donald Kerwin and Jill Marie Gerschutz, eds., *And You Welcomed Me: Migration and Catholic Social Teaching* (Lanham, MD: Lexington Books, 2009). To best understand the fragility of the DACA decision, cf. Memorandum from the Secretary of Homeland Security (June 15, 2012).

¹⁶ Andrea Nill Sanchez, "Will Republicans Accept a Modified DREAM Act," Think Progress Security (December 1, 2010), <http://thinkprogress.org/security/2010/12/01/176401/dream-act-modification/?mobile=nc>

¹⁷ Andrea Nill, Sanchez, "Will Republicans Accept a Modified DREAM Act."

¹⁸ Cesar Vargas, "Don't wait for President Obama to act on immigration reform," The Hill's Congress Blog (January 17, 2013), <http://thehill.com/blogs/congress-blog/homeland-security/277799-dont-wait-for-president-obama-to-act-on-immigration-reform#ixzz2IH8sF2up>.

¹⁹ Patrick Oakford, "DREAMing of Economic Growth," Center for American Progress (October 12, 2012), <http://www.americanprogress.org/issues/immigration/news/2012/10/12/41361/dreaming-of-economic-growth/>

²⁰ "The Jesuit Catholic Mission of U.S. Catholic Jesuit Universities," 3.

²¹ USCCB. <http://www.usccb.org/beliefs-and-teachings/what-we-believe/catholic-social-teaching/seven-themes-of-catholic-social-teaching.cfm>

²² Cf. *Compendium of Social Doctrine of the Church* (Vatican City: Libreria Editrice Vaticana, 2004), Chapter 5.

²³ Theologically, criminal offenses can be broken down into two categories: *Malum in se* and *Malum prohibitum*. Crimes seen as *Malum in se* are acts considered inherently evil and repugnant by the civilized community. Those seen as *Malum prohibitum* are acts that are crimes only because a statute or law says they are so defined, but they are not necessarily intrinsically evil. Illegal immigration cases are normally categorized as *malum prohibitum* and may not violate universal moral standards. Entering the country without documentation may be a legal crime on the part of the parents of such students, but surely the children of these individuals should not be charged with a crime or punished for their parents' decisions.

²⁴ *Nostra Aetate*, 1.

²⁵ St. Thomas Aquinas. *Summa Theologica* (I-II, q. 64).

²⁶ John Paul II. *Sollicitudo Rei Socialis*, 38.

²⁷ Cf. *Caritatis in Veritate*, 2.

²⁸ *Compendium of the Social Doctrine of the Church*, 323. This statement is culled from the Congregation of the Doctrine of the Faith's 2002 Doctrinal Note entitled "On Some Questions Regarding the Participation of Catholics in Political Life." The most pertinent information can be found in sections 6-8 of this document. The Congregation at the time was under the direction of Cardinal Joseph Ratzinger, now Pope Benedict XVI.