


U.S. Department of Education

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Key Policy Letters Signed by the Education Secretary or Deputy Secretary

October 20, 2015

Dear Chief State School Officers:

As a nation of immigrants, America has benefited from the vitality and enthusiasm brought to its shores by those seeking a better life – and education is a key pathway to success for many new Americans. As the new school year has proceeded, many educators, counselors, and school leaders have expressed interest in learning about how to better support all children – regardless of actual or perceived immigration status.

Under the United States Supreme Court decision in *Plyler v. Doe*, States and school districts are obligated under Federal law to provide all children, including undocumented students, with equal access to basic public education. I'm writing today to provide important information for all educators and personnel, and to encourage you to explore the resources enclosed in this Resource Guide, which may help you to better serve and support undocumented youth, including those who meet the guidelines under the Deferred Action for Childhood Arrivals (DACA) process or who are already DACA recipients. Due to feedback from the field, this Guide specifically addresses undocumented youth in secondary and postsecondary settings. However, high-quality early learning and elementary education is critical to college and career success for all children. Therefore, the Department will in coming months release a separate Resource Guide on early learning and elementary education that includes promising practices for serving undocumented children and children of undocumented parents.

In 2012, the Department of Homeland Security (DHS) began offering the opportunity for undocumented youth who have reached the age of 15¹ and meet certain guidelines to request consideration for deferred action, which constitutes a case-by-case determination by DHS not to pursue an individual's removal from the United States for a temporary period as a matter of prosecutorial discretion. DACA recipients may lawfully live and go to school in the United States and may be eligible to obtain work authorization while their deferred action remains in effect. Over 680,000 young people from countries all over the world have received DACA to date. Many educators and counselors shared information about DACA with secondary school students and families when the program began. Our school systems were instrumental in responding to requests from current and former students for their school enrollment information and other documentation to help secondary school students demonstrate that they fulfilled the educational guidelines or to show that the student had been continuously residing in the United States since June 15, 2007.

Since 2014, youth who requested DACA beginning in 2012 have been able to request consideration for DACA renewal. Some researchers estimate that more than 1.5 million children and youth currently meet the threshold DACA guidelines or will do so in the future.² Many additional children who could request DACA have not yet done so, including those who were too young in 2012 but who have now reached the age of 15 and may submit a request.

Educators, counselors, and principals often serve as informal and trusted advisors to students and families, and thus are uniquely positioned to share critical information and resources for undocumented youth, including those requesting or renewing DACA. Additionally, educators in some schools may be DACA recipients themselves. Considering their unique needs and leveraging their shared experiences may be particularly impactful in serving undocumented secondary school students in your schools. General information about DACA can be found on the DHS DACA Web site: www.uscis.gov/daca (<http://www.uscis.gov/daca>). The guidelines for young people who are submitting an initial or renewal request are available here (http://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Deferred%20Action%20for%20Childhood%20Arrivals/daca_hdi.pdf) (and in multiple languages here (<http://www.uscis.gov/multilingual>)). I also encourage you to share information with school and

community leaders using the DHS *DACA Toolkit: Resources for Community Partners*

(<http://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Deferred%20Action%20for%20Childhood%20Arrivals/DACA-toolkit.pdf>), designed to help students, families, and community advocates understand and navigate the DACA process. There is also important information about avoiding immigration scams and unauthorized practitioners of immigration law available on the DHS Web site at [uscis.gov/avoidscams](http://www.uscis.gov/avoidscams) (<http://www.uscis.gov/avoidscams>).

Research shows that undocumented youth often face unique challenges. In addition to sharing crucial information about DACA, educators may also review the attached guide that highlights key resources and promising practices to better support these students. The additional enclosures provide information that may be particularly helpful to DACA recipients preparing to apply to or enroll in higher education. Please feel free to share widely, including with all who work with undocumented students and may find this information useful. I would also like to highlight the ¡Graduate! Financial Aid Guide to Success (<http://www.ed.gov/edblogs/hispanic-initiative/graduate-financial-aid-guide-to-success/>), created by the White House Initiative on Educational Excellence for Hispanics, which contains helpful information for secondary school students and families navigating the college application process, including those who are undocumented (including DACA recipients).

As you continue to support and serve all students in your schools, you can also access educational resources on the U.S. Department of Education's Web site (<http://www2.ed.gov/about/overview/focus/immigration-resources.html>) that may be of interest to DACA recipients, other undocumented youth, and to all educators, counselors, and school leaders who serve these students.

As always, thank you for all you do every day on behalf of our Nation's children.

Sincerely,

/s/

Arne Duncan

Enclosure:

"Resource Guide: Supporting Undocumented Youth" (<http://www2.ed.gov/about/overview/focus/supporting-undocumented-youth.pdf>)

[1.] Anyone requesting DACA must be at least 15 years old to request DACA, unless he or she is currently in removal proceedings or has a final removal or voluntary departure order.

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[2.] <http://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles>
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