



## Massachusetts Department of Higher Education

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### FACT SHEET: IN-STATE TUITION FOR DACA BENEFICIARIES

- Earlier this year, the U.S. Department of Homeland Security (DHS) made a change in federal immigration policy regarding deportation enforcement for young immigrants that meet certain criteria, known as Deferred Action for Childhood Arrivals (DACA). This policy states that the federal government will “defer action” or not prosecute deportation cases for qualifying individuals for a period of two years from the time their application for “deferred action” is approved. If approved, DACA beneficiaries will receive work permits in addition to deferred action status.
- In accordance with this change in federal policy, the Administration has determined that under the existing Board of Higher Education policy, DACA beneficiaries are eligible for in-state tuition at our 29 public campuses as long as they meet the Board’s other residency requirements for those institutions.
- These students are already allowed to attend public campuses; the only issue is whether they pay in-state rates or out-of-state rates. In any scenario, students must be accepted based on their academic record.
- In order to qualify for “deferred action,” an individual must meet **ALL** of the following criteria :
  - Be under the age of 31 as of June 15, 2012;
  - Have come to the United States before reaching his/her 16<sup>th</sup> birthday;
  - Has continuously resided in the United States since June 15, 2007, up to the present time, and was 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;
  - Is currently in school, has graduated from high school, has obtained a general education development (GED) certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
  - Has not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise poses a threat to national security or public safety.
- Again, if approved, DACA beneficiaries will receive work permits. Under existing BHE policy, work permits make individuals eligible for in-state tuition, provided they meet all other requirements.
- While this is a fair and appropriate approach, it does not eliminate the need for both state and federal immigration legislation. At the state level, legislation allowing qualified, resident graduates of Massachusetts high schools to pay in-state tuition rates regardless of immigration status is still necessary. In addition, there is still an urgent need for comprehensive federal immigration reform.