November 23, 2021

Andria Strano  
Acting Chief, Office of Policy and Strategy  
Division of Humanitarian Affairs  
U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security  
5900 Capital Gateway Drive  
Camp Spring, MD 20746

Dear Acting Chief Strano:

On behalf of the Association of Jesuit Colleges and Universities (AJCU), I submit the following comments to DHS Docket No. USCIS–2021–0006 in response to the notice of proposed rulemaking on Deferred Action for Childhood Arrivals (DACA). AJCU supports the rulemaking process, as well as the proposed rule, and would like to associate ourselves with recent comments submitted by the American Council on Education (ACE), to which we have co-signed.

AJCU represents twenty-seven institutions of Jesuit higher education in the United States and is affiliated with nearly 200 across the world. Our institutions range from major research universities to smaller colleges that combine the liberal arts and professional studies.

As college presidents and engaged community leaders, we are witness to the value and power of the DACA program. We are pleased that the proposed rule includes key concepts of equity, dignity and fairness as essential considerations. While hard to measure, they are aligned with our Jesuit mission of “building a culture of hospitality and solidarity with migrants, refugees and asylum seekers.” AJCU has an established history of supporting DACA and advocating for providing a path to citizenship for “Dreamers.” At Jesuit colleges and universities, DACA recipients are not just our students, colleagues, and alumni: they are companions in our shared mission to be people for and with others.

AJCU appreciates the rigorous review of the legal precedent and executive authority that provides a strong justification for the original DACA program, as well as a foundation for the proposed rule. The proposed rule outlines the Executive Branch’s “broad authority to establish national immigration policies and priorities” as the bedrock for the creation of DACA. Importantly, the proposed rule also explains the need to develop policies to prioritize the work of DHS, noting that with more than 11 million non-citizens present in the U.S., it is necessary that “the use of discretion and prioritization is a necessary element of fulfilling the DHS mission.” Further, the proposed rule explains the rationale for advancing this particular policy and justifies it through the lenses of fairness, humanity, and national interest. It focuses on policies “under which deserving groups of individuals without lawful status may receive a discretionary, temporary and nonguaranteed reprieve from removal” including the “discretion to assign a lower priority for the removal action
in certain cases for humanitarian reasons, administrative convenience or other reasonable prosecutorial distortion considerations.”

Overall, AJCU supports the Administration’s effort to “preserve and fortify” the DACA program. AJCU would like to offer a recommendation and consideration related to the proposed rule.

In light of the Secretary’s authority to prioritize populations and set policy on deferred action, we ask for the Administration to consider expanding the scope of the program through this regulatory/rulemaking process. AJCU recommends adopting the eligibility criteria proposed in the Dream Act (S.264). This change would extend the opportunity for deferred action to those who may have entered the U.S. after the current deadlines, but who still meet the other important criteria established in the policy. We urge the Administration to consider that option in the context of this rulemaking. We believe that expanding DACA will ensure that the U.S. remains a place of welcome and hope to those individuals who may know no other country than ours. It will allow Dreamers to contribute their talent to their communities, enriching our nation as a result.

AJCU asks you to closely evaluate the separation of DACA and work authorization. Those currently eligible for DACA (and under the proposed regulations) are, on average, 27 years old. Allowing individuals to register for DACA without an opportunity for work could have negative implications for individuals who need jobs to be self-sufficient and support their families, and for our nation in general. As stated in the federal register notice, the U.S. policy in place should not “cause people to violate their status.” The proposed rule includes many mentions of the broad authority of the Administration to make determinations related to allowing certain noncitizens the authority to work under the law and establishes a history of allowing noncitizens to work with the proper authorization. Given the importance of work to independence and to human dignity, we encourage you to consider options that ensure a path toward employment is available.

AJCU recognizes that our work to protect DACA recipients is not finished. We remain committed to working with Congress and seek continued leadership from our Jesuit-educated alumni who serve in the House and Senate to establish a pathway to citizenship for Dreamers. The proposed rule makes clear that lawful presence is not the same as citizenship, nor DACA does confer any permanent protections to this group of individuals. Thus, in addition to fortifying the DACA policy, we commit to working with Congress and the Administration to advance bipartisan legislation like the DREAM Act (S.264), which was introduced by Senator Richard Durbin (D-IL) to provide relief, stability, and a permanent home for those eligible. The legal wrangling over DACA has created overwhelming uncertainty for so many individuals, especially during the COVID pandemic, where DACA recipients bravely served as health care providers and our front-line workers.

Pope Francis, our Jesuit Pope, asks each of us to “welcome, protect, promote, and integrate” those seeking refuge in our country. We embrace that invitation because it makes our nation stronger and more just.

On behalf of our nation’s Jesuit colleges and universities, which share a common mission of service to others and a faith that does justice, we are grateful for this Administration’s efforts to propose regulations that support and strengthen the DACA program. We stand ready to advance legislative effort to extend the full protection of citizenship to our Dreamer colleagues, neighbors, and friends.

Sincerely,

Rev. Michael J. Garanzini, S.J.
President, Association of Jesuit Colleges and Universities