This brief communication provides updated guidance to Pharmacy programs on considering applicants with Deferred Action for Childhood Arrivals (DACA). In 2015, we authored a guide for trainees in medicine (MD programs) that provided comprehensive information on this topic and was subsequently published in Academic Medicine in 2017.¹ This guide provides supplemental information given changes since 2017 in the legal and political landscape and is tailored to pharmacy education programs.

This information is intended for decision makers and leaders who influence professional degree programs at their institutions. Our goal is to encourage fair consideration of U.S. applicants with DACA who are applying to programs. Since legislation is constantly changing, please take appropriate steps and consult with your institution’s legal resources to ensure compliance with your state, municipal, and institutional policies.

This guide encourages admissions committees and institutional leaders involved in selection processes to consider applicants with DACA for seats in their Pharmacy program as they would consider any other applicant. Upon review of applications, you are sure to find that these students have a breadth of life experiences, cultural agility, linguistic expertise, and unique perspectives. Often, individuals with DACA know how to navigate systems in underserved communities that can be an asset to a cohort of trainees. Without question, each individual has overcome significant obstacles as they pursued higher education and a professional degree. They are resilient and persistent in their educational attainment despite substantial odds. If you have questions about considering a DACA recipient after reviewing this guide, we welcome your inquiries.

Sincerely,

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Summary of Guidance:

We encourage you to review the article in Academic Medicine that provides detailed information on considering applicants with DACA for medical residency positions, as there are many parallels to other professional training programs, such as Pharmacy. A brief summary:

- In general, DACA recipients should not be treated differently from other candidates with work authorization. DACA recipients with valid Employment Authorization have the necessary documentation and information for the Form I-9 Employment Eligibility Verification. Unlike H-1B or J-1 visa holders, DACA recipients do not generate additional immigration related costs for their programs and do not require sponsorship to maintain their employment authorization.
- Provisions in the Civil Rights Act and the Immigration Reform and Control Act prohibit employers from discriminating based on national origin or, in some cases, citizenship status.
- Trainees with DACA are eligible to rotate through Veterans Affairs facilities.
- Various states have adopted policies and regulations to affirmatively allow trainees with DACA who meet all professional requirements to receive a license.
  - Of note, the requirements for obtaining provisional trainee licenses or temporary trainee permits for education purposes can be met by program graduates with DACA. Practice permissions vary by state and typically require: 1) employment authorization, 2) completion of education from an accredited professional school, 3) criminal background check, and 4) passing the appropriate licensing exam, all of which DACA recipients can achieve.
  - Permissions for undocumented students with DACA to obtain full professional licensure (following the completion of additional residency/internship/supervised training - if required) are governed by each state’s professional licensing requirements. Thus, it is possible for a trainee with DACA to complete an education, and/or associated internship in a state where they may not be able to receive a license.
  - DACA recipients who meet appropriate professional criteria are eligible for and have been issued DEA licenses.
- The cost of professional school is a significant barrier for all students, including undocumented students. Many advocates and organizations are working toward a sustainable solution to financing professional education for undocumented students. That said, the ability to pay for an education training program should not be considered for any candidate during the admissions process.
- Students who are US Citizens or Permanent Residents may also experience challenges with financing a professional education (due to credit bearing PLUS loans, etc). However, admissions committees should continue to separate admissions and selection from the matriculation process, as they generally do with all candidates. For context, many DACA recipients have private means of financing school. To date more than 125 undocumented
students with DACA have matriculated to and/or graduated from MD-granting schools in the US. The common application for MD programs, the American Medical College Application Service, has included a specific identifier for DACA recipients under the citizenship section since 2013.

2021 DACA Program Updates:

1. What is happening with DACA?

Deferred Action for Childhood Arrivals (DACA) is a federal, executive branch initiative announced by former President Obama in June 2012 for certain undocumented individuals who came to the U.S. as children. DACA has afforded many individuals new opportunities by providing access to work authorization, a social security number, and reprieve from deportation. Participants of the program must renew their DACA every two years so long as the program remains in existence.

On September 5, 2017, the Trump Administration announced that it would terminate DACA by halting the review of initial applications and a wind-down process for existing DACA recipients. The current administration argued that DACA is an unlawful immigration policy signed by President Obama, who did not have authority to create the program. Soon after the 2017 announcement, multiple lawsuits were filed across the country that challenged the Trump administration’s actions to terminate DACA. On June 18, 2020, the Supreme Court issued a decision finding that the Trump administration’s termination of DACA violated federal law. This means that:
   1) The DACA program continues to be in effect.
   2) Individuals currently in the program are able to renew their DACA (I-821D) which maintains deferred action from deportation for two years at a time.
   3) Individuals currently in the program are also able to renew their employment authorization (I-765). This employment authorization is not contingent on employer sponsorship.

Initial DACA applications (those who have not submitted previously), should be eligible to submit new DACA applications, pending further guidance from US Customs and Immigration Service. These individuals should not submit DACA applications without consulting with an immigration attorney, as denials are permanent and may not be appealed. For up-to-date information on DACA, please visit the National Immigration Law Center [https://www.nilc.org/issues/daca/].

2. How do these announcements impact current DACA trainees?

Our guidance from 2016 is still applicable today. At least 42 individuals with DACA have earned MD degrees and successfully matched into residency and fellowship positions through the National Resident Match Program and several have already completed their residency training. We expect pathways for other health professions programs, such as Pharmacy and Dentistry, to be similar. Due to the Supreme Court’s recent decision, individuals with DACA continue to have access to all the
benefits the program confers (access to a social security number, employment authorization document, and lawful presence in the U.S) which allows them to continue participating in residency and fellowship programs. Thus, we strongly recommend that programs continue to consider applicants with DACA as they would any other applicant and help educate their staff and other stakeholders that the program is still in effect.

The results of the 2020 election offer greater assurance about the longevity of the program. We anticipate renewed efforts toward comprehensive immigration reform under President Biden. Individuals have worked hard for many years and have overcome significant challenges to reach this point in their educational journeys. They deserve the chance to pursue professional training if they qualify academically and personally. Furthermore, regardless of the long term status of DACA, a DACA recipient may have the opportunity to change their immigration status already or in the near future. According to a national study by Professor Tom Wong at the University of California, San Diego, an estimated 14.3 percent of DACA-eligible youth surveyed were eligible for another form of immigration relief, including eligibility for U nonimmigrant status for survivors of certain crimes or eligibility for lawful permanent residence through a family-based visa petition.\(^7\)

In addition, advocates continue to lobby for the Dream Act, a proposed federal legislation that would grant a pathway to citizenship for DACA recipients and other undocumented youth. An overwhelming majority of Americans support protecting and legalizing undocumented youth.\(^8\) The Dream Act or other immigration legislation could permanently protect these youth in the future.\(^9\)

3. **What advocacy is the healthcare community doing to support students and trainees with DACA?**

The healthcare community has been actively supporting undocumented students with DACA. The Association of American Medical Colleges (AAMC) led an amicus brief, in collaboration with other health professions groups, in support of the DACA litigation that was recently before the Supreme Court.\(^10\) This document highlighted the positive impact that DACA has on undocumented students who wish to become health professionals, the communities they serve, and the medical community overall. Especially during the current pandemic, healthcare workers with DACA have fulfilled a critical workforce need. According to the Center for American Progress, there are 29,000 healthcare workers who are DACA recipients working on the frontlines.\(^11\) Furthermore, the AAMC led a health professions letter, signed by 70 organizations, that was sent to Senate leadership on July 9, 2019, to urge for passage of legislation that would provide a pathway to citizenship for undocumented young people and those approved for DACA.\(^12\) Individual institutions, higher education systems, and healthcare entities are also engaging in direct advocacy to support these deserving individuals (see Appendix B for more information).

4. **Can applicants have statuses other than citizenship, permanent residency, or a visa?**
There are several immigration statuses that you may see under “other” designations on your common application for your professional program. Additionally, other than immigrant visas, students may be under a federal immigration policy that allows individuals to attend school and work but are not necessarily visas. Most applications do not accommodate disclosure of statuses other than US Citizen, Permanent Resident, or Visa holder. Bear in mind that applicants are as truthful as possible given the application constraints (drop down menus, radio buttons, etc). However, due to the wording of admission application questions and lack of “undocumented friendly” admission staff, students under these complex immigration statuses may deter from completing the application or ask for assistance.

Temporary Protected Status (TPS). Similar to DACA, TPS is also in constant threat of being canceled. Throughout the last years, TPS has been canceled for individuals from specific countries such as Guinea and Sierra Leone. However, for many other countries such as El Salvador, Honduras, Haiti and Syria, the cancellation dates are set for early 2021. Advocates continue to fight for an extension for these individuals. Because of the threat that TPS is under, we highly recommend that institutions work with TPS individuals as they would DACA recipients. In California, TPS, DACA recipients, and students without any status apply for state financial aid through the same CA Dream Act application. TPS students should be treated like other applicants who meet the requirements for the programs. Working with students to secure financial aid assistance and holistic counseling should also be a priority.

You may encounter declarations of immigration status that are unfamiliar. When this happens we encourage you to reach out to PreHealth Dreamers to ensure that you include all students based on non-discrimination laws and do not disqualify a candidate due to lack of information about their immigration status and/or future licensure. Regardless of their immigration status, students under complex immigration policies such as DACA and TPS have options in the healthcare ecosystem as professionals in the US and around the world. We encourage you to consider their talent for your program.

**Additional Resources:**

**Dr. Sunny Nakae** of the California University of Science and Medicine will gladly try to answer logistical questions and support your local advocacy efforts. She has served as and admissions dean and higher education professional for many years. You can email her at: nakaes@cusm.org.

**Pre-Health Dreamers** is a network of over 1000 undocumented students and allies across 42 states. PHD investigates and shares information on career related pathways for pre-health undocumented students and advocates for more progressive institutional and governmental policies for undocumented students. Please feel free to contact PHD to refer aspiring health professionals who are undocumented. More information at: [www.phdreamers.org](http://www.phdreamers.org).
2020 -2021 Developing an UndocuSupport System: Enrichment Assessment of Campus Support for Undocumented Students

This assessment was created to serve as a resource for task forces, individuals and departments to evaluate the holistic support and resources their institution provides. It emphasizes and encourages the inclusiveness of resources from the general financial aid and academic advising departments to ensure the success, retention and matriculation of undocumented students.

https://static1.squarespace.com/static/5b453764f93fd480d1fcc9f9/t/5fbefc2d145a8629dc9e1d73/1606351926298/Final_Institutional+Assessment+%281%29_compressed+%282%29.pdf

United We Dream https://unitedwedream.org/

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This document was prepared by:

References:

2. Ibid.


Appendix:

University of California System

American Council on Education (letter includes 600 university leaders)
Link: https://www.acenet.edu/Documents/Institutional-DACA-Letter-to-Congress.pdf

Icahn School of Medicine at Mount Sinai, Yale Law and Yale School of Medicine NYT Op-Ed

Association of Jesuit Colleges and Universities

US Companies Supporting DACA Recipients

https://www.aamc.org/news-insights/daca-students-risk-everything-become-doctors 210 was calculated from 190 (cited in article above and at least 20 new admitted medical students).

https://static1.squarespace.com/static/5b453764f93fd480d1fcc9f9/t/5d8d4b07b186dc15e9595a8f/1569540877197/BMB+Final+Copy.pdf