

Residency Program Guide to Considering Candidates with DACA Status

This brief guide provides a quick overview for decision makers and leaders who influence policy at their institutions to facilitate fair consideration of U.S. medical school graduates applying to residency through the ERAS who are of DACA status. This guide is compiled in good faith, reflects the highest level of accuracy possible, and is offered with no guarantees or pretense of providing legal expertise. Please take appropriate steps and consult your institutional legal resources to ensure compliance with your state, municipal, and institutional policies.

This guide is offered with the expectation that you will consider DACA applicants for your program as you would any other. Upon review of their applications, you are sure to find a breadth of life experience and a unique perspective that these students possess. Often DACA applicants have language skills, cultural insights and experiences, and knowledge of systems navigation in underserved communities that can be an asset to a cohort of trainees. Without question, they are resilient and persistent in their educational attainment against substantial odds.

This document was a collaborative effort of two phenomenal DACA medical students, leaders in medical education, and community organizations representing legal, immigration and education issues.

Thank you for reading,

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What is DACA?

Deferred Action for Childhood Arrivals (DACA) provides temporary immigration relief and access to work authorization for individuals who came to the US as children and meet certain other requirements. Individuals granted deferred action under DACA receive work authorization (an Employment Authorization Document – EAD) and a social security number. Individuals granted this relief and a work authorization document can work lawfully as employees. They can renew their grant and their work authorization every two years, if they continue to be eligible. For more information please see:

<http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>

How many DACA recipients are there?

To date, there are more than 681,345 DACA recipients in the US. According to the Association of American Medical Colleges (AAMC), in the past two admissions cycles (2014 and 2015), 73 DACA students applied through the American Medical College Application Service (AMCAS) and 31 students matriculated. The number of AMCAS applicants to date for 2016 is 87, an 83% increase

from 2015. These numbers are expected to increase. For the most recent demographic report by age, state, and country of origin please visit:

http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/I821d_performancedata_fy2015_qtr3.pdf

What barriers are there for DACA recipients in financing their education?

DACA recipients remain ineligible for federal financial aid for their education. State policies on access to in-state tuition at public schools for DACA grantees vary. In many states, they are eligible for in-state tuition at public post-secondary institutions. DACA recipients have to find creative and alternative means of financing their medical education. A few US medical schools have offered institutionally sponsored loan options for DACA students. The remaining schools may offer merit or need based scholarships, but there is almost always a shortfall for the cost of attendance that students must address independently. Barriers remain for DACA recipients to finance both undergraduate and medical education.

What actions has AAMC taken so far to address barriers for DACA recipients?

The AAMC has taken the following actions:

- In January 2015, the AAMC added DACA to the AMCAS application (common application for US medical schools).
- In January 2015, the association also included DACA recipients in eligibility for the Fee Assistance Program (FAP) application.
- In April 2015, the Medical School Application Requirements guide (MSAR) included information on which schools consider applications from DACA recipients. Currently there are 50 US medical schools considering DACA recipients for admission; please see most current list at: <https://www.aamc.org/students/download/404292/data/daca.pdf>.
- In September 2015, the AAMC will add DACA status to the Electronic Residency Application Service (ERAS).

For more information on consideration of DACA applicants at the undergraduate medical education level, please see this DACA webinar:

<https://www.aamc.org/members/gsa/386612/dacawebinarseries.html>.

Is a DACA recipient authorized to be employed and subsequently complete residency?

Yes. DACA recipients are eligible for work authorization and can receive an Employment Authorization Document (EAD), known informally as a “work permit,” from the United States Citizenship and Immigration Services (USCIS). When completing the USCIS Employment Eligibility Verification Form I-9, medical residents who present an EAD are proving both their identity and their authorization to work, and are not required to show their employer any additional documentation. Furthermore, federal laws such as the Immigration and Nationality Act and Title VII of the Civil Rights Act prohibit employers from discriminating against individuals based on their citizenship or national origin. For more information please visit

<http://nilc.org/dacaworkplacerrights.html>.

Are there any employment restrictions for DACA recipients?

Generally speaking, no. DACA recipients with an EAD may be hired by any employer and can complete the I-9 employment eligibility verification process as any other worker with an EAD would. While employers are generally prohibited by the Immigration Reform and Control Act from conditioning employment on U.S. citizenship, a few employers – such as the U.S. Veterans Affairs hospital system – may require employees be U.S. citizens.

How do the responsibilities of medical employers of DACA recipients compare with the responsibilities of employers of individuals holding J-1 visas, H-1B visas, or a green card?

Unlike H-1B visa holders, DACA recipients will not generate additional immigration-related costs for their residency institution, because their eligibility for DACA is not dependent or related to their employer sponsoring a visa petition. Unlike the J-1 visa, the State Department has no jurisdiction or oversight over the DACA program. DACA students derive their authorization to work from a different program than the visa programs which bring international students or foreign nationals with work authorization to the U.S.

Are DACA recipients eligible for research funding?

It depends on how the funding is structured but, in general, DACA recipients are eligible for funding that is available to any individual authorized to work in the United States. Some grants/programs restrict funds to US Citizens and lawful permanent residents only, in which case we recommend reaching out to your funding agency and inquiring about the authority for such a restriction. The source of the funding and the guidelines therein would illuminate whether a DACA student would be allowed to receive research funding.

Will there be any difficulties in licensure for DACA recipients?

According to the United States Federation of Medical Licensing Boards each state is allowed to specify permissions and restrictions on licensure. There are no *nationwide* guidelines restricting licensure, only state ones. State policies regarding access to medical licenses for non-citizens vary. California, for example, offers access to professional licenses to eligible applicants regardless of their immigration status through the professional licensing bill SB1159. Other states require that an individual be lawfully present in the US and/or have a Social Security number in order to obtain a medical license. (USCIS has confirmed that DACA grantees are lawfully present in the U.S.). However, some states offer access only to a subset of immigrants, and do not currently allow DACA grantees to qualify. These policies are evolving - with a trend toward expanding access to professional licenses for immigrants. For clarification on eligibility for medical licenses for DACA recipients, we recommend that you maintain communication with your state medical licensing board as policies evolve. General legal counsel and the human resources division at your institution may also be critical resources to assist with questions of licensure.

May otherwise eligible DACA grantees be admitted to a program even if the particular state currently denies access to a medical license?

As explained above, state policies on access to professional licenses are evolving and trending toward expanding access. In the meantime, trainees can apply to practice in states where

licenses are available. An individual's immigration situation also may change. [One survey](#) found, for example, that over 14% of DACA eligible youth already were eligible for another form of immigration relief; others may become eligible during their training period (e.g. if their applications are adjudicated, they marry a US citizen, or qualify for another form of relief). Immigration law itself is evolving and may offer remedies to this group of long-time residents in the future. For many reasons, it makes sense to invest in students who have overcome enormous obstacles to pursue their medical education, and who will be able to contribute their skills and experience to serve communities that lack access to culturally competent care.

Are DACA recipients eligible to obtain a DEA license?

Provided the trainee has met all requirements in professional licensure, which is governed by each state as previously mentioned, there are no known or anticipated restrictions on DEA licensure for DACA recipients. The application requires basic information and a social security number. DEA application processing requires verification of medical credentials, which resident trainees (and subsequently practicing physicians) with DACA status can provide.

Do DACA recipients experience barriers to completing clerkship requirements and state or national examinations?

Immigration status does not prohibit DACA recipients from accessing and completing NBME examinations, USMLE, clerkship requirements, and other clinical requirements as established by their home institutions.

What will happen to DACA grantees in the future?

As explained above, DACA grantees currently can renew their grant and work authorization every two years. Several hundred thousand individuals have already done so successfully. The program does not have an expiration date; it will continue unless rescinded. As noted earlier, a portion of DACA grantees may later qualify for another form of immigration relief (through a family member, employer, as a survivor of crime, or as a result of new legislation). It is always difficult to predict what will happen to any individual, or to any state or national policy. In the three years since the DACA program was established, all efforts to challenge or repeal it have been unsuccessful. In fact, all 50 states have granted driver's licenses, and several have confirmed that DACA grantees qualify to pay in-state tuition rates. Non-citizen youth who were brought to the US as children and who have pursued higher education and training in the US are a particularly sympathetic group. The likelihood that they will be allowed to remain and work in the US lawfully is high.

Prepared by:

**PRE-HEALTH
DREAMERS**

<http://www.phdreamers.org/>

*Pre-Health Dreamers is a nationwide network of students, educators, and allies. PHD's mission is to support undocumented pre-health students through serving as: a **Community** of students and allies offering peer support and professional development, a **Resource** of unprecedented knowledge on related career pathways, an **Advocate** for increased access to health careers and health care for the undocumented community.*

Please send questions, corrections, or suggestions to: Angela@phdreamers.org

Additional Resources

Ms. Tanya Broder of the National Immigration Law Center has gladly volunteered to answer questions about laws and policies (or refer you to someone else who can do so), but cannot provide individual immigration advice. Please contact her at broder@nilc.org with any pertinent questions.

Dr. Sunny Nakae of Loyola University Chicago Stritch School of Medicine will gladly try to answer logistics and institutional barrier questions and offer support to colleagues navigating inroads for DACA recipients. Please contact her at snakae@luc.edu

Dr. Angela Chuan-Ru Chen is the director of Pre-Health Dreamers and is willing to help in any capacity. She can additionally assist in connecting students with resources within the DACA and higher education communities. angela@phdreamers.org

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