

Comment Submitted by Carlos Calderin

My comments relate to the education requirements for Deferred Action for Childhood Arrivals ("DACA"). One of the goals of the DACA rule when first promulgated in 2012, was to promote education. The DACA applicant had to show that he or she had graduated high school, obtained a certificate of completion from high school, obtained a general education development (GED) certificate, was an honorably discharged veteran of the Coast Guard or Armed Forces of the United States, or was currently in school. The "currently in school" definition includes educational programs assisting students either in obtaining a regular high school diploma or its recognized equivalent under state law (including a certificate of completion, certificate of attendance, or alternate award), or in passing a General Educational Development (GED) exam or other equivalent state-authorized exam. The broad definition of "currently in school" allowed would-be DACA applicants, who had previously exited the educational system without completing their education, to reincorporate themselves into an educational program and work towards graduation while being able to apply for DACA. This was a positive move for the individual and the country. The nation has a public policy interest in having a more educated population.

However, the proposed changes to Form I-821D published on December 18, 2013, fail to properly promote education. The changes would allow an undesirable hypothetical. Applicant A was a high school dropout on June 15, 2012. He enrolled in a GED program in August 2012, in order to be eligible to apply for DACA. On October 16, 2012, Applicant A was granted DACA. The next day he dropped out of his GED program. He has not enrolled in any other educational program since then nor has been awarded a GED. Under the proposed changes to the I-821D, Applicant A would satisfy the educational requirement of his DACA renewal simply by enrolling once again in an educational program and dropping out after he is granted. If these changes are allowed to stand, the DACA program will inadvertently promote a dropout atmosphere. As an immigration law attorney, I have seen many cases where DACA grantees immediately dropout of their educational program once they are granted DACA. This does not assist the individual in growing educationally. It also hurts many educational/GED programs that because of DACA, have seen their curriculums destabilized by large numbers of dropouts.

I recommend that in order to continue with the spirit of promoting education and close the "education loophole", an applicant to renew his or her DACA grant, who was previously granted for being in a non-secondary school education program, such as a GED program, must show that he or she successfully completed the program, obtained a GED or has continued to be enrolled in the same program. Obviously, there are situations where a person may have to leave their educational program before completing it. In such cases, the applicant should be required to show that he or she enrolled in another program within a grace period after leaving the original program.