

PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

FAQs on NON-EMPLOYMENT-BASED EDUCATIONAL FUNDING OPPORTUNITIES

With the rescission of DACA on September 5, 2017 and the failure to pass any legislative solution since then to provide DACA recipients and other undocumented students with a pathway to residency or citizenship in the United States, it has been important for colleges and universities to reaffirm their full commitment to enroll, educate, and support Dreamer students.

The purpose of these FAQs is to address some questions that have arisen regarding opportunities for campus funding that are non-employment based and can be made available in the educational context.

What non-employment-based funding opportunities can be made available to students on campus?

Colleges and universities can develop non-employment work opportunities on campus, tied to their educational mission, as nominally funded fellowships. These “campus fellowships for experiential learning” are basically student internships, which do not entail an employment relationship if the “primary beneficiary” of the relationship is the student (see the January 2018 Department of Labor [fact sheet](#) on the factors and contexts that can help determine that). An educational fellowship, unlike an employee position, can provide for scholarship funding and stipends for students, regardless of their immigration status.

To ensure that the student is the “primary beneficiary” and not serving as an employee in the fellowship position, and that the fellowship is provided to support the student’s educational endeavors, we recommend that institutions structure these positions so that:

- The work performed is part of the student’s overall educational goals and closely tied to the institution’s educational mission. This can include “Student Learning Outcomes” or learning objectives, as articulated by the college or university, or departments or divisions on campus;
- The work is performed, when appropriate, in close collaboration with supervisors, with continued supervision by supervisors;
- Unpolished student work product is not used without significant review and revision by supervisors;
- The fellowship provides nominal funding to defray some of the student’s expenses for undertaking the work (such as funding for a fellowship at the level of \$500 or \$750 per term). Department of Labor guidance generally limits compensation that may be paid without creating an employment relationship to 20% or less of what an employee in the position would be paid.

What should a fellowship description contain?

- An application process, including an essay portion or other means for the applicant to express his or her interest in the field, mission, or educational area covered by the fellowship, and how it is relevant to their life or educational goals, etc.;

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- Educational requirements, such as being in good standing or a minimum GPA, and/or demonstration of intellectual interest, whether through curricular or co-curricular educational pursuits;
- Specifically state that no service to the college or university (or staff, faculty members or other students) is required;
- A general description of the position's focus, such as community outreach, scientific research, or something similar. These positions, and position descriptions, should not include duties associated with an employment position, such as shift or desk duties, office support, organizing trips, providing services;
- If supervision is necessary, the student should be closely supervised;
- Funding may be in the form of a stipend, or coverage of tuition or fees, if a student is not already receiving grants or loans covering these expenses, so long as it is nominal.

These fellowship opportunities can be open to all students, regardless of immigration status. The Pomona College *Campus Fellowships for Experiential Learning* [website](#) provides examples of opportunities. For further information, you can contact the Presidents' Alliance (info@presidentsimmigrationalliance.org).

Emergency Aid Funds and Grants

Many private and public institutions have developed emergency aid funds to assist students for a variety of needs, and the number of institutions doing so continues to grow. In 2016, the national organization of student affairs administrators in higher education (NASPA) released a useful [report](#) on the variety and structure of emergency aid funds, which is still relevant for campuses looking to expand their funds and fundraising for emergency aid for students.

For information and links to an array of resources on scholarships open to undocumented students, please see the section on grants and scholarships on the *Informed Immigrant* [website](#).