

Participants with Undocumented Immigrant Status

1. Definitions

Undocumented: An undocumented student is a foreign national who: (1) entered the United States without inspection or with fraudulent documents; or (2) entered legally as a non-immigrant but then violated the terms of his or her status and remained in the United States without authorization (as defined by the National Immigration Law Center).

AB 540: made college tuition more affordable by exempting eligible CA high school graduate to pay in-state tuition at public CA colleges and universities regardless of immigration status.

DACA: A student with undocumented status, as defined above, who was brought to the U.S. as a minor and is eligible for Executive Order Deferred Action for Childhood Arrivals. These students may also have AB 540 status as well.

Dreamer: This term identifies the movement of making academic, personal and professional success an attainable reality for undocumented students. The term also embodies all of the current policies that provide access to in-state tuition, loans, a CA driver's license, professional or occupational license, and protection from deportation.

Mixed-status families: Families that are comprised of undocumented, documented, and/or native individuals.

2. IRB Review

The risk of being identified, or having a family member identified, as an undocumented, Dreamer, or DACA individual while participating in research that identifies their documentation status carries significant potential harm for the individual beyond those ordinarily encountered in daily life. These risks include psychological, sociological, and economic harm. With appropriate protections in place, the probability of someone being identified is mitigated. However, the consequences of identification of these participants justify requiring an **expedited or full board review by the IRB** for studies involving individuals identified as undocumented, as opposed to exempt review by a department research review committee or another third party.

3. Recruitment

Recruitment is a main concern and should not lead to direct identification or labeling of individuals. The Dreamer Resource Center (DRC) on campus is an excellent resource to assist investigators with subject recruitment. Alternatively, a random sample of the overall student population can also be used, as long as the specific population is not targeted through privileged information (ex: sending a recruitment email to only AB 540). The individuals should have the option of contacting the investigator directly (ex: not in reply to a recruitment e-mail) if they are interested in participating in the research, or a link to an anonymous survey can be included in the recruitment message. This is intended to protect the participants by breaking the link, for anyone other than the investigator, between receiving recruitment information and responding to the invitation. A response in a non-secure mode such as e-mail could put them at risk by identifying their status along with their e-mail address and/or name. Communication (i.e. emails, texts) with participants identifying them as undocumented, Dreamer, or DACA should be destroyed by the investigator as soon as possible once the communication is no longer needed.

4. Informed Consent

When obtaining consent from participants, signatures should not be collected to reduce the possibility of re-identification of research data or identification of those who participated. The last paragraph statement, “By signing this form...” should instead read to the effect of, “By verbally consenting and participating in this study...” The consent document should be left with the participant to take home, and this document will contain the investigator’s and IRB’s contact information in the event they wish to withdraw from the study or have questions. Templates are available on the CSUS IRB website.

5. Location of Research

Only private locations should be considered when determining where to meet with a participant if face-to-face interaction is to occur. Locations that allow others to overhear the conversation will place participants at risk of being revealed as undocumented. This may be in the participant’s home, in a conference room, a group study room in the library, or a private office, as examples. Coffee shops, restaurants, and other public spaces do not provide adequate privacy and will not suffice.

6. Data Management

As soon as participant information is under your care for research purposes, you are charged with keeping their information private and confidential, whether or not the participant is concerned about others

knowing their undocumented status. In the event your research data is subpoenaed, or your emails are subjected to a California Public Records Act request, your data must be clean of identifying information.

If contact information is collected by the investigator, the information must not be connected to the research data. A strong justification must be made for storing contact information. If this information needs to be retained, it must be stored in a locked or password protected location separate from the raw data and only accessible to the investigator. Contact information must be destroyed or deleted from all locations, e.g. a hard drive, as soon as data collection has ended. Contact information should not be stored on portable devices nor stored in a cloud-based system.

Research data must be stored in a location that only the researcher(s) have access to, keeping in mind that all raw data must be free of any direct identifiers. Paper documents should be stored in locked drawers or rooms where only the researcher has the key. Electronic data must be stored on one hard drive that only the researcher has access to. This can be a laptop that is password protected, a password protected computer, a password protected hard drive on the CSUS network, or a portable and password protected hard drive. Data should not be stored in a cloud-based system.

Raw data (not including contact information) should be kept for a minimum of three years to support the integrity and validity of your results. A reminder should be scheduled to destroy the data at the end of three years. This destruction does not include de-identified aggregate data or the analysis of data.

7. Reporting of Results

Results should never report identities or be so descriptive that an individual could be identified through indirect identifiers (i.e. gender, age, country of origin, school, and major all combined could lead to the identification of an individual).