



Counseling Undocumented Students

Presented by

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Agenda

- Undocumented Students Definition
- State Legislation
- DREAM Act and DACA
- Two Schools - Two Tales
- State Aid and Other Sources of Aid
- Counseling Undocumented Students
- Some Resources



What Does it Mean to be Undocumented?

- Individual lacks the documents required for immigration or legal residence
- Individuals may have:
 - Entered the country legally on a temporary basis and stayed after documents expired
 - Entered without documents
 - Been brought to the country by someone else



Statistics about Undocumented Students

- More than 1.8 million are children under 18
- 75% are from Mexico and Latin America
- Approximately 65,000 undocumented students graduate from U.S. high schools every year
- The majority live in California, Texas, New York, Illinois, Florida and Arizona



Undocumented Parents

- Parents' undocumented status usually does not affect student's eligibility to apply for certain types of aid (i.e. FAFSA)
- Eligibility for financial aid typically depends on the student's citizenship status
- Federal or state laws do not require students to prove citizenship in order to enter U.S. institutions of higher education; however, institutional policies on admitting undocumented students vary



State Legislation

- Beginning in 2001, a number of states have passed legislation that allows undocumented students to pay in-state tuition at public colleges and universities
- For more information, check with your state agency for higher education
- Note that at this time, the following status types do not impact an undocumented student's eligibility for federal student aid:
 - The DREAM Act, as proposed
 - Executive Action of 2012
 - State laws



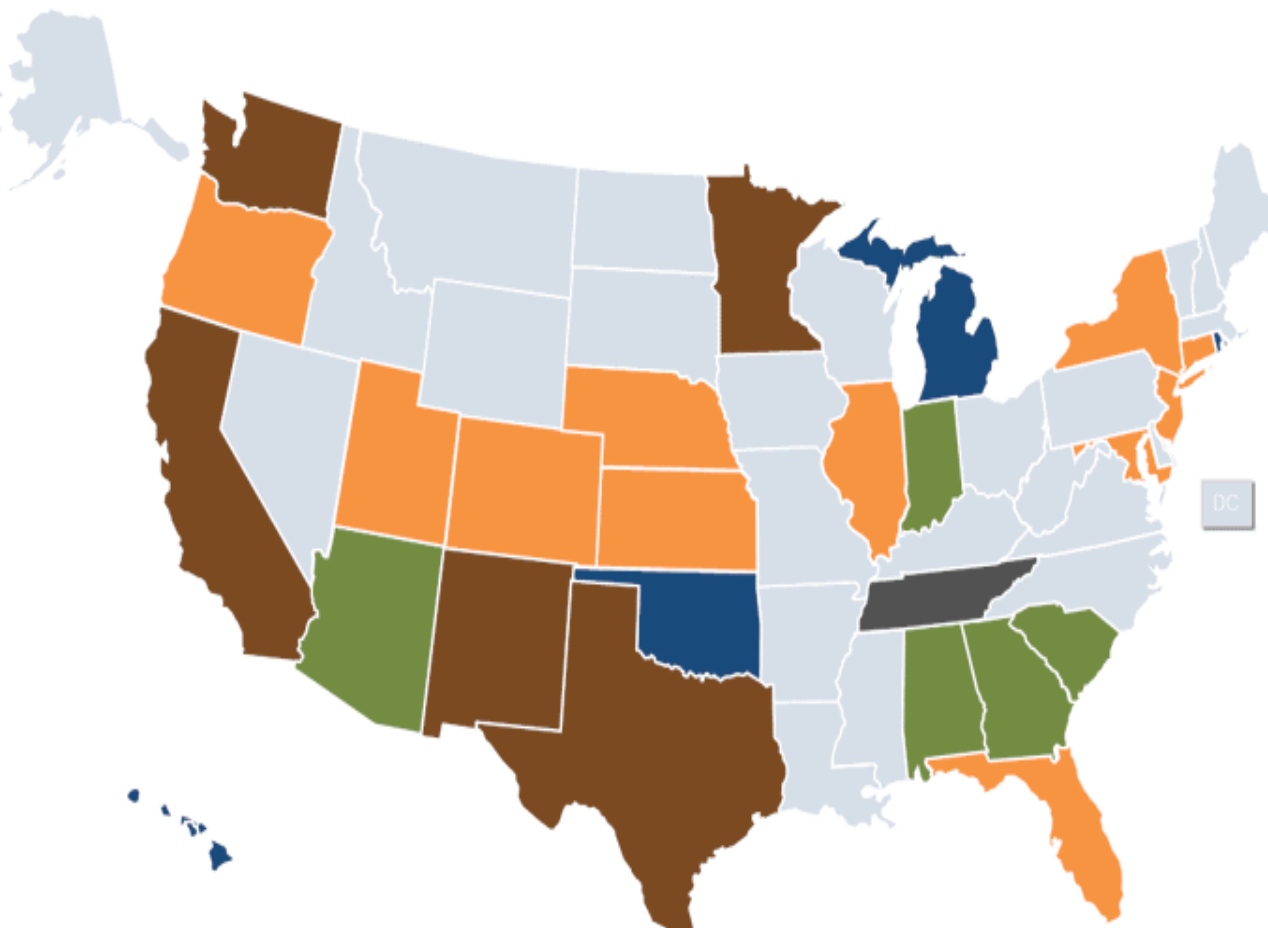
State Legislation

State Models for Undocumented Students eligibility for in-state tuition:

- Redefine residency for the purpose of tuition charges
- Make exemptions for payment of out-of- state tuition for certain categories of students



State Legislation



LEGEND

- States with laws providing in-state tuition
- States with laws providing in-state tuition and state financial aid
- States offering in-state benefits via university systems
- States offering in-state tuition to citizen students with unauthorized parents
- States barring in-state benefits



States Granting In-State Tuition for Undocumented Residents

- California
- Colorado
- Florida
- Illinois
- Kansas
- Nebraska
- New Mexico
- New York
- Oregon
- Texas
- Utah
- Washington
- Wisconsin
- Maryland
- Minnesota
- Connecticut



States that Have Enacted Legislation Prohibiting In-State Tuition

- Arizona
- Georgia
- Indiana
- Alabama
- South Carolina



States That Allow In-State Tuition – Not Through State Law

- Oklahoma
- Michigan
- Rhode Island
- Hawaii

These State University Systems allow undocumented students to pay in-state tuition through Board of Regents decisions



States That Enact Legislation to Prohibit Undocumented Students from Enrolling in any Public Post Secondary Institution

- Alabama
- South Carolina
- Georgia - any institution that has not admitted all academically qualified applicants in the two most recent years is not allowed to enroll undocumented students



Typical Eligibility Criteria for In-State Tuition

- Attend a high school for two to four years within the state
- Complete a high school diploma or GED
- Enroll in a public post secondary educational institution
- File an affidavit stating intent to legalize status and become permanent resident – some states require this as part of the determination for in state tuition



Florida's Eligibility Criteria for In-State Tuition

On June 8, 2014 Governor Rick Scott signed HB 851 into law:

- Attend a high school for 3 consecutive years in the state immediately before graduating from a Florida High School
- Enroll in a public post secondary educational institution within 24 months after high school graduation
- Submitted an official Florida high school transcript as evidence of attendance and graduation

Note: while this applies to DACA students it isn't limited to DACA students



DREAM Act for Undocumented Students

- The DREAM Act is a bipartisan legislation – pioneered by Senator Orin Hatch (Utah) and Senator Richard Durbin (Illinois)
- Under provisions of the DREAM Act, qualifying undocumented youth would be eligible for a 6 year long conditional path to citizenship that requires completion of a college degree or two years of military service
- The DREAM Act legislation has not yet passed



Deferred Action for Childhood Arrivals

- Undocumented students (DREAMers) may apply for Deferred Action for Childhood Arrivals (DACA)
- It is not a program for permanent residency, but it does provide youths who meet the criteria temporary protection from deportation, as well as the ability to work legally and stop using fake Social Security cards or laboring off the books



Deferred Action for Childhood Arrivals

- August 14, 2012, President Obama provided an executive order through the Department of Homeland Security (DHS) to assist students until the DREAM Act is passed
- Eligible children include:
 - Came to the United States under the age of sixteen
 - Have continuously resided in the United States for a least five years preceding the date of this memorandum and are present in the United States on the date of this memorandum
 - Are currently in school, have graduated from high school, have obtained a general education development certificate, or are honorably discharged veterans of the Coast Guard or Armed Forces of the United States
 - Have not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety
 - Are not above the age of thirty



Deferred Action for Childhood Arrivals

- Deferred Action is a form of prosecutorial discretion
- Deferred action grantees are lawfully present in the U.S. for two year renewable periods
- Not a pathway to citizenship (not the “DREAM Act”)
- Benefits
 - Will not be deported while DACA is current
 - Access to work authorization (“Employment Authorization Document”) and a Social Security Number
 - Access to state driver’s licenses (except in Nebraska and Arizona)
 - May apply for permission to travel abroad (“Advance Parole”)
 - Stops accumulating “unlawful presence” in the U.S.



Deferred Action for Childhood Arrivals (DACA)

- DACA status students are NOT eligible for federal student assistance, but may be eligible for state and institutional financial aid
- DREAMer students, who would benefit under the proposed DREAM Act, are also NOT eligible for federal student assistance, but may be eligible for state and institutional aid



The Tale at St Petersburg College

- Total Student count for fall 2014 – 33,199
- Number of students who were eligible for in-state tuition due to DACA – 66
 - Students classified as non-resident for tuition purposes then the out-of-state portion is waived
- No special programs or student/staff awareness
 - More to be done



The Tale at Florida International University

- Total Student count for fall 2014 – 53,892
- Hispanic Serving Institution – 63% Hispanic
- Number of students who were eligible for in-state tuition due to DACA – 231
 - Students classified as non-resident for tuition purposes then the out-of-state portion is waived



The Tale at Florida International University

- TheDream.us - a new partner this year
- 35 students either new FTICs or Transfer students have been awarded and 14 are enrolled for Spring 2015 with the rest committed to either this Summer 2015 or Fall 2015



State Aid

- Five States Currently Offer State Financial Assistance to Unauthorized Students:
 - California
 - New Mexico
 - Minnesota
 - Texas
 - Washington



Aid from Colleges and Universities

- Institutional scholarships, grants, loans, or work-study programs
- Availability of institutional aid varies widely
- Scholarship funds come with a merit component
- Check it out - Many institutions have an office for international students



Examples of Aid from Private Sources

- FastWeb
- Mexican American Legal Defense and Education Fund
- Get Ready for College
- Latino College Dollars
- Scholarships for Hispanics
- Genesco Migrant Center



Be Proactive with Private Aid

- Locating private aid sources is labor intensive and time consuming
- Be proactive and identify local sources of aid
- Make information easily available
- Good for student assistants or local advocacy organizations



Counseling Undocumented Students

- Create a Safe Environment for Students:
 - Non-threatening
 - No requirement to report status
 - Be supportive and encouraging
 - Be mindful of language say “undocumented” rather than “illegal”
- Know Relevant Policies and Legislations:
 - Understand college-specific admissions and enrollment policies for undocumented students
 - Be aware of what is available at the state and local levels to assist undocumented students



Student Options for Federal Aid

- If you work with undocumented students, you may need to refer them to an attorney familiar with immigration law and regulations about the feasibility of the student obtaining permanent status in the U.S.



Deferred Action for Childhood Arrivals

- [Forms](#) available online
- Individuals requesting consideration of deferred action for childhood arrivals must submit [Form I-821D](#), Consideration of Deferred Action for Childhood Arrivals, [Form I-765](#), Application for Employment Authorization (with accompanying fees); and an [I-765WS, Worksheet](#).
- The website, www.uscis.gov/childhoodarrivals, includes a [flier](#), a [How do /brochure](#), frequently asked questions, and a number of other resources
- USCIS encourages individuals with questions to visit this website or call the USCIS National Customer Service line at 1-800-375-5283



Deferred Action for Childhood Arrivals

- Applicants do not need to pay to have these forms filled out
- Unauthorized practitioners of immigration law may try to take advantage of individuals by charging a fee to submit forms to USCIS, or provide other services
- The USCIS website www.uscis.gov/avoidscams includes tips on filing forms, reporting scams and finding accredited legal services
- U. S. Citizenship and Immigration Services at <http://www.uscis.gov/portal/site/uscis> is a good resource



How can we advocate for this student population

- Lets hear your suggestions:
 - Is there a need?
 - Can you even have an impact?
 - What is happening at your institution?

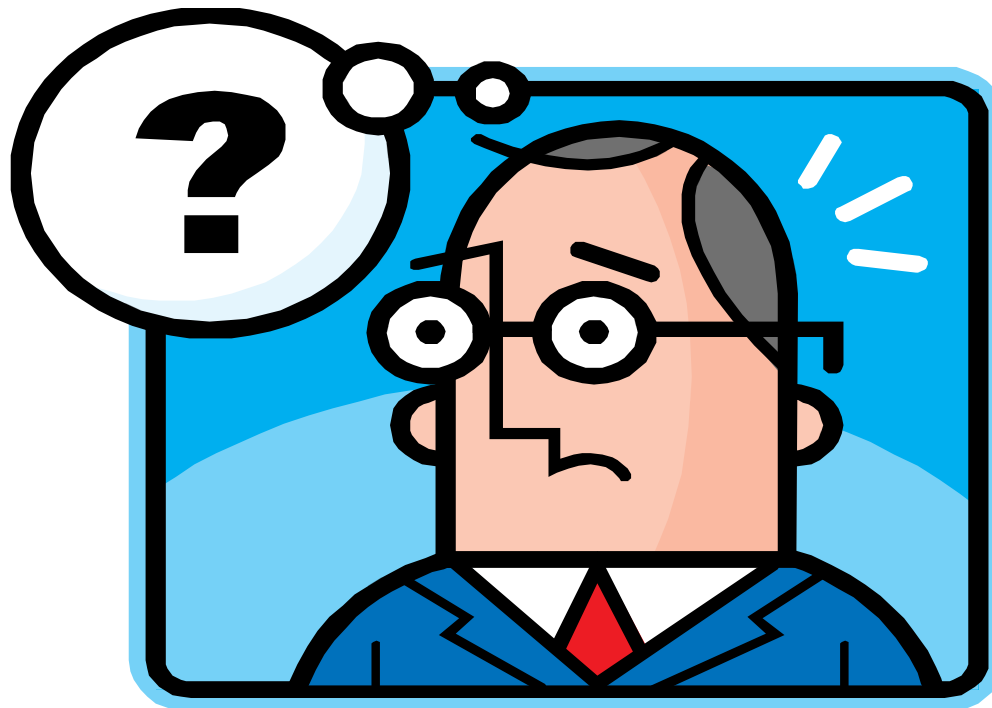


Some Resources

- Information on DACA and Deferred Action for Parents of Americans and Lawful Permanent Residence (DAPA) -
<http://www.nilc.org/dapa&daca.html>
- Information on Tuition and Available Aid -
<http://www.ncsl.org/research/immigration/in-state-tuition-and-unauthorized-immigrants.aspx>
- NASFAA Resources -
[http://www.nasfaa.org/advocacy/perspectives/articles/Deferred Action for Dreamers Advising DACA Students About Affording College.aspx](http://www.nasfaa.org/advocacy/perspectives/articles/Deferred_Action_for_Dreamers_Advising_DACA_Students_About_Affording_College.aspx)



QUESTIONS





THANK YOU