

# Special Circumstances: Advising Undocumented Students



Barlow Flores

- Program Director, College Access

Kristen DeSanti

- Pre College Coordinator, College Access



# The Latin American Youth Center

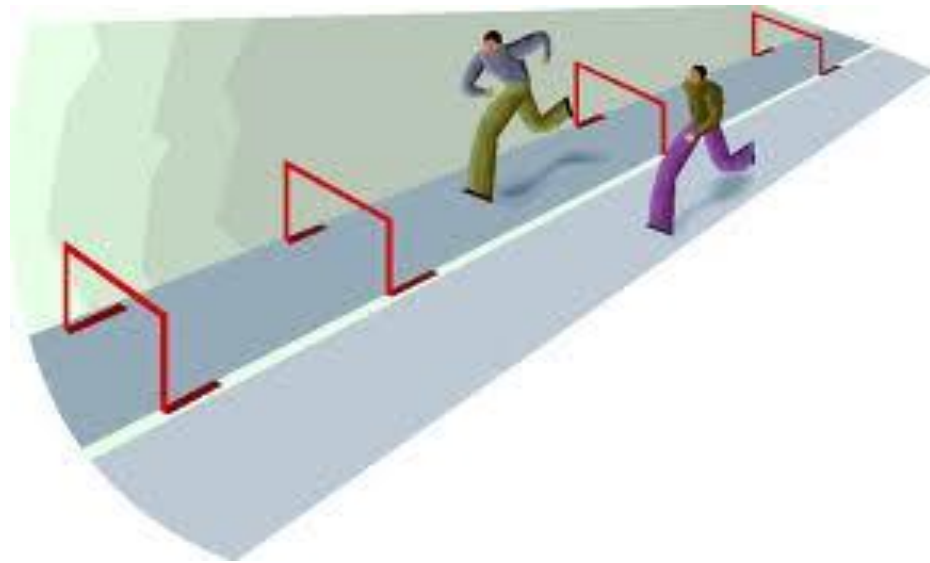


- For 45 years, LAYC has been committed to transforming the lives of low-income young people and their families. LAYC offers multi-service, comprehensive, and bilingual enrichment, prevention, and intervention programs and opportunities in education, workforce readiness, housing, community building, mental health services, arts, and healthy recreation to over 4,000 individuals each year.
- LAYC has special expertise in serving undeserved youth, low-income teen parents, homeless youth, youth in foster care and juvenile justice systems, and youth facing mental health, substance abuse, or complex family issues. While LAYC initially worked with Latino youth of diverse backgrounds, today all youth -- Latino, African American, African -- are supported by LAYC at sites in the District of Columbia and Maryland's Prince George's and Montgomery Counties

# Objectives

- Share LAYC experiences and resources
- Provide tips in advising undocumented students access higher education
- Review relevant policies and legislation:  
**D**erferred **A**ction for **C**hildhood **A**rrivals  
vs. The DREAM Act

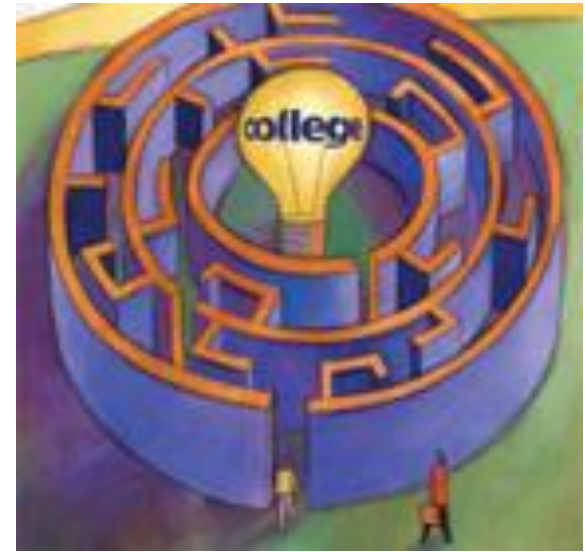
# Accessing Higher Education: The Challenge for Undocumented Students



- Admissions
  - Can apply but fear of status exposure
- Tuition
  - Out of state vs. In state tuition
- Financial Aid
  - Not eligible for federal government aid

# Tips to Support Undocumented Students

1. Provide Hope and Engagement
2. Create a Safe Space
3. Know Relevant Policies and Legislation
4. Find Scholarships
5. Build *Support* Network
6. Identify Role Models
7. Involve parents
8. Access Reputable Legal Information & Assistance
9. Instill Agency
10. Be There



# Tips for Identifying Undocumented Students

- Undocumented students do NOT only...
  - Come from Mexico or Latin America
  - Have strong accents
  - Take ESL classes
- Undocumented students OFTEN...
  - Use passports as their primary form of identification
  - Refuse to participate in prestigious programs despite their high academic achievements
  - Resist applying for government financial aid even when they're low-income
  - Fail to get driver's permits even though they've passed driver's education
  - Do not know that they are undocumented

# Talking to Undocumented Students about College

What NOT to Say	What to Say
<b>Going to college isn't really an option for you.</b>	Going to college is going to be difficult for you, but it is possible. Thousands of other talented, hard-working undocumented students have already graduated from college.
<b>You're not going to be able to get any money for college.</b>	You're not eligible for most forms of government financial aid. However, you might be eligible for in-state tuition, and there are some private scholarships you can apply for.
<b>Why don't you just legalize?</b>	Have you talked to an immigration attorney to find out if you can legalize? There may be immigration remedies that you and your family don't know about already.
<b>Even if you get a college degree, you're never going to be able to work legally.</b>	Getting a college degree isn't going to change your immigration status, but it will open up many opportunities for you once you're able to legalize. The DREAM Act is a proposed federal bill that will give many undocumented students a path towards citizenship if they graduate from high school and go on to college. Because of strong bipartisan support in Congress and support from President Obama, the DREAM Act is very likely to pass in the near future.
<b>Why don't you go back home and get a degree?</b>	If you have family and connections in another country outside the United States, it might make sense for you to consider pursuing educational opportunities elsewhere. Remember, however, that you would be separated from your family in the U.S., and you could be barred from returning for 10 years.
<b>In order to apply to college, you're going to have to reveal everything.</b>	In order to apply to college, you're going to have to be honest about your immigration status. At first this may seem scary to you and your family. Remember that federal law (specifically FERPA) will protect your privacy and prevent colleges from releasing your information unless under court order.

by Katherine Gin  
- [www.e4fc.org](http://www.e4fc.org)

# DACA

vs.

# DREAM Act

## What is it?

Deferred Action for Childhood Arrivals (DACA) is a kind of administrative relief. DACA is **temporary** and **does not** provide a path to lawful permanent resident status or U.S. citizenship. Deferred action will be granted on a case-by-case basis

The Development Relief and Education for Alien Minors Act (DREAM ACT) would permit certain immigrant students who have grown up in the U.S. to apply for temporary legal status and to eventually obtain permanent legal status and become eligible for U.S. citizenship if they go to college or serve in the U.S. military.



# DACA

vs.

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## Who is eligible?

**Under the DACA (policy announced by President Obama on June 15, 2012) individuals would qualify for deferred action if they:**

- Came to the United States before reaching your 16th Birthday
- You were under the age of 31 as of June 15, 2012;
- Have continuously resided in the United States since June 15, 2007, up to the present time;
- Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
- Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;
- Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

**Under the DREAM Act (legislation has not passed yet), individuals would qualify for conditional permanent resident status if they:**

- Came to the U.S. **prior** to the age of 15 (and are no older than the age of 32 in the House version and 35 in the Senate version-Senate version only);

The following states have passed laws providing in-state tuition benefits to undocumented students who have attended high school in their states for three or more years: California, Connecticut, Illinois, Kansas, Maryland, Nebraska, New Mexico, New York, Rhode Island, Texas, Utah, Washington, & Wisconsin

- Have lived in the U.S. for at least five years before the passage of the bill;
- Graduate from a U.S. high school; and
- Can demonstrate “good moral character,” a common immigration law term that means that the individual is not a security risk, has not committed any crimes, and is not inadmissible or removable on other grounds.

# DACA

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## How long does it last?

Those who submit requests with USCIS and demonstrate that they meet the threshold guidelines may have removal action in their case deferred for a period of **two years**, subject to renewal (if not terminated), based on an individualized, case-by-case assessment.

Not a path to citizenship

These qualifying children would then have **six years** of conditional permanent resident status to complete at least two years of college or military service. Only after meeting these requirements, would they be granted full permanent residence (a green card).

# Why should I apply for the DACA?

- You will receive written assurance that you are free from deportation without proper documentation.
- Deferred action is good for 2 years and is renewable
- You will no longer be accruing “unlawful presence”
- You will be eligible for work authorization, which is also renewable after 2 years
- You will be able to apply for “advance parole” to travel outside of U.S. for educational, humanitarian, or employment purposes (Must file for Application for Travel Discount)

# DACA: Risks and Resources

- Risks

- Telling DHS you are here without status
- If application is rejected you may be placed immediately into deportation proceedings
- Highly unlikely but the possibility exists
- It is imperative to be transparent about criminal record and consult with a lawyer before proceeding with filling

- Resources (Locally)

- AYUDA
- CARECEN
- Catholic University Law School
- NCLR

# CONSIDERATION of DEFERRED ACTION for CHILDHOOD ARRIVALS

Deferred Action for Childhood Arrivals allows certain individuals, who meet specific guidelines, to request consideration of deferred action from USCIS. Individuals who receive deferred action will not be placed into removal proceedings or removed from the United States for a specified period of time unless terminated. If you receive deferred action, you may be eligible for employment authorization. You may request deferred action for childhood arrivals if you meet the following guidelines:

## Can I be considered?



Review guidelines

- You came to the United States before reaching your 16th birthday



- You have continuously resided in the United States since June 15, 2007, up to the present time



- You were under the age of 31 as of June 15, 2012



- You entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012



- You are currently in school, have graduated or obtained your certificate of completion from high school, have obtained your general educational development certification, or you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States



- You have not been convicted of a felony, significant misdemeanor, or three or more misdemeanors, and do not otherwise pose a threat



- You were present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS



## How do I file?



Collect documents as evidence you meet the guidelines



Complete USCIS Forms I-821D and I-765



Mail USCIS forms and fees (total \$465)



Visit your local USCIS Application Support Center for a scheduled biometrics services appointment



Check the status of your request online

[www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals)



**U.S. Citizenship and Immigration Services**

If you have questions about your request please call USCIS Customer Service at 1-800-375-5283 or 1-800-767-1833 (TDD)

# Additional Resources

- **AYUDA** [www.audainc.org](http://www.audainc.org)
- **CARECEN** [www.carecencdc.org](http://www.carecencdc.org)
- **Educators for Fair Consideration** [www.e4fc.org](http://www.e4fc.org)
- **MALDEF** [www.maldef.org](http://www.maldef.org)
- **NCLR** [www.nclr.org](http://www.nclr.org)
- **College Board** [www.collegeboard.org](http://www.collegeboard.org)
- **USCIS** [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals)
- **NACAC** [www.nacacnet.org](http://www.nacacnet.org)
- **Center for Higher Education Policy Analysis**, University of Southern California  
[www.usc.edu/dept/chepa](http://www.usc.edu/dept/chepa)

# Thank You!

- Question & Answer Section

Contact us!

- Barlow Flores- [barlow@layc-dc.org](mailto:barlow@layc-dc.org)
- Kristen DeSanti- [kristen@layc-dc.org](mailto:kristen@layc-dc.org)