



Taking Control of Your Education

A guide to financial aid eligibility for California undocumented students

CHALLENGES FOR UNDOCUMENTED STUDENTS AT THE INTERSECTION OF EDUCATION & IMMIGRATION

The Education System

Higher education access for undocumented students varies greatly across the United States. As of the date of this publication, 20 states offer in-state tuition to undocumented students, with 16 of those provisions occurring through state legislative action. Five of those twenty states also offer state-based financial assistance to undocumented students: California, New Mexico, Minnesota, Texas and Washington. On the flip side, six states – Alabama, Arizona, Georgia, Indiana, Missouri and South Carolina – ban undocumented students from accessing in-state tuition entirely.

Since becoming the second state to grant in-state tuition to undocumented students in 2001, California has led the way in improving educational access for undocumented students. Though policies like AB 540, California's in-state tuition provision, have opened the doors for undocumented students to afford college tuition without the additional burden of out-of-state or even international tuition rates, the exclusion of undocumented students from federal financial aid and their limited income options still serve as barriers to finishing college on time, or sometimes, at all.

The Immigration System

The Migration Policy Institute estimates that undocumented young people between the ages of 16-24 make up roughly 16% of the total undocumented population. Though many in this age range have been able to successfully benefit from the Deferred Action for Childhood Arrivals (DACA) program, others were left out, with some young people missing the entry deadline by mere days. DACA, while a much-needed step in the right direction, is a temporary program. Though DACA is an important success for the undocumented community, it is also important to acknowledge those who continue to fall through the cracks, and the underlying need this points to for both a comprehensive reform of the immigration system and increased equity in the educational system.

These systemic barriers often play out in complex and difficult ways in the lives of undocumented students, resulting in an inability to finish school, to find sustained work, and/or difficulty accessing housing and healthcare.

This resource aims to:

1. Shed light on the differences between the California Dream Act and the Deferred Action for Childhood Arrivals program, and how neither of these are the same as the federal D.R.E.A.M. Act
2. Provide understanding of how eligibility for both state and federal immigration policies can affect an undocumented student's ability to get to and through college
3. Touch upon further need for advocacy at this intersection of immigration and education, especially for students who are eligible for few, if any, of these programs.

KEY TERMS

- ❖ **Advance Parole**
- ❖ **Assembly Bill 540 (AB 540)**
- ❖ **Board of Governor's (BOG) Waiver**
- ❖ **California Dream Act (Cal Dream – AB 130 & AB 131)**
- ❖ **California Student Aid Commission (CSAC)**
- ❖ **Deferred Action for Childhood Arrivals (DACA)**
- ❖ **Deportation**
- ❖ **Development, Relief and Education for Alien Minors (DREAM) Act**
- ❖ **Educational Opportunity Program (EOP)**
- ❖ **In-state tuition**
- ❖ **Undocumented**
- ❖ **United States Citizenship & Immigration Services (USCIS)**

{REMEMBER}: DACA ≠ California Dream Act ≠ Federal D.R.E.A.M. Act!!!

Having DACA does not grant you eligibility for the California Dream Act, or vice versa. They are completely different programs with separate application processes. Before submitting your DACA application, be sure to get a detailed consultation from a licensed attorney. For more detailed information about either of these programs, visit our Resources section at www.e4fc.org.

Glossary of Key Terms

Advance Parole for DACA Recipients:

If USCIS has decided to defer action in your case and you want to travel outside the United States, you must apply for **advance parole** by filing a Form I-131, Application for Travel Document and paying the applicable fee (\$360). USCIS will determine whether your purpose for international travel is justifiable based on the circumstances you describe in your request. Generally, USCIS will only grant advance parole if your travel abroad will be in furtherance of:

- humanitarian purposes, including travel to obtain medical treatment, attending funeral services for a family member, or visiting an ailing relative;
- educational purposes, such as semester-abroad programs and academic research, or;
- employment purposes such as overseas assignments, interviews, conferences or, training, or meetings with clients overseas.

Travel for vacation is not a valid basis for advance parole. You may not apply for advance parole unless and until USCIS defers action in your case under the consideration of DACA. You cannot apply for advance parole at the same time as you submit your request for consideration of DACA. You cannot apply for advance parole while your request for deferred action is still pending. If you leave the United States while your request for consideration of deferred action is pending, your deferred action request will be denied. All advance parole requests will be considered on a case-by-case basis.

CAUTION: If you travel outside the United States on or after Aug. 15, 2012, without first receiving advance parole, your departure automatically terminates your deferred action under DACA.

Assembly Bill 540 (AB 540):

On October 12, 2001, Governor Gray Davis signed into law **Assembly Bill 540 (AB 540)** that added a new section to the California Education Code.

AB 540 essentially allows eligible students classified as California nonresidents, including undocumented students, to pay in-state tuition at:

- Universities of California (UCs)
- California State Universities (CSUs)
- California Community Colleges

To be eligible for AB 540:

- You must have attended a California high school for three* or more years (9th grade counts)
 - *As of January 1, 2015, you may also be eligible for AB 540 if you are a UC nonresident student who has successfully completed three years of high school academic credit in fewer than three years, given that you can document you were also enrolled in school in California for at least three academic years during K-12 grades.
- You must have graduated (or will graduate) from a high school in California or the *equivalent
 - *a High School Equivalency Certificate issued by the California State GED office OR a Certificate of Proficiency resulting from the California High School Proficiency Examination are considered equivalent to high school graduation
- You must have signed the California Nonresident Exemption Request
 - This states that you meet all the requirements to qualify for AB 540 status, and if you undocumented, are in the process of adjusting your immigration status or will do so as soon as you are eligible. This will be provided by your specific college campus

Board of Governor's (BOG) Fee Waiver Program:

The Board of Governor's Fee Waiver Program waives the enrollment fees charged to eligible students attending California Community Colleges. Under the California Dream Act, as of January 1, 2013, AB 540 students are eligible to participate in the BOG Fee Waiver Program.

California Dream Act (Cal Dream – AB 130 & AB 131):

The California Dream Act, or Cal Dream, is commonly used to refer together to two pieces of legislation – AB 130 & AB 131. Passed in 2011, AB 130 allows AB 540-eligible undocumented students to apply for and receive privately funded institutional scholarships at colleges and universities. AB 131 allows AB 540-eligible undocumented students who meet certain GPA and income requirements to apply for and receive state-based financial aid, such as Cal Grants and BOG Fee Waivers.

California Student Aid Commission (CSAC):

The California State Legislature created the California Student Aid Commission, or CSAC, in 1955. CSAC operates as the principal state agency responsible for administering financial aid programs for students attending public and private universities, colleges, and vocational schools in California.

CSAC's mission is to make education beyond high school financially accessible to all Californians. CSAC provides financial aid policy analysis and leadership, in partnership with California's colleges, universities, financial institutions, and financial aid associations. The California Student Aid Commission consists of 15 appointed members.

Glossary of Key Terms, cont.

Deferred Action for Childhood Arrivals (DACA):

On June 15, 2012, President Barack Obama announced that the U.S. Department of Homeland Security (DHS) would not deport certain undocumented young people who came to the United States as children. A directive from the Secretary of Homeland Security specified that certain people who came to the United States as children and meet several guidelines may request consideration of deferred action for a period of two years, subject to renewal. They are also eligible for work authorization. Deferred action is a use of prosecutorial discretion to defer removal action against an individual for a certain period of time. Deferred action does not provide lawful status.

You may request deferred action, or DACA, if you:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching your 16th birthday;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. 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;
5. Had no lawful status on June 15, 2012;
6. 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
7. Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

You must also be at least 15 years or older to request DACA, unless you are currently in removal proceedings or have a final removal or voluntary departure order.

Deportation:

Deportation, also referred to as “removal,” happens when the federal government orders that a non-citizen person be removed from the United States. Deportation is managed by U.S. Immigration & Customs Enforcement.

Development, Relief and Education for Alien Minors (DREAM) Act:

The DREAM Act was a bipartisan piece of legislation first introduced in 2001 by Senators Dick Durbin and Orrin Hatch. The bill, in its various iterations, aimed to grant undocumented young people meeting certain requirements the ability to apply for conditional 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. Reintroduced multiple times since 2001, the DREAM Act was last introduced in 2011, and to date, has failed to pass.

Educational Opportunity Program (EOP):

The Educational Opportunity Program (EOP) is designed to improve access and retention of historically low-income and educationally disadvantaged students. EOP provides assistance through mentorship, academic programs, financial assistance, counseling/advising, and other campus support services to those who are first-generation college students, and/or from low-income and educationally disadvantaged backgrounds. The EOP program is available at UCs and CSUs, and a similar program – Extended Opportunity Programs and Services (EOPS) – is available at California Community Colleges. Campuses tailor their programs to accommodate the needs of their student population.

In-state tuition:

Public institutions of higher education may set tuition rates for students at different levels, sometimes based on state residency. For example, at UC Berkeley, for the 2015-2016 school year, the estimated cost of attendance was \$29,500 for a student paying in-state tuition, while the estimated cost of attendance for the same year was \$53,524 for a student paying nonresident, out-of-state tuition. Though undocumented students in California are considered nonresidents due to their immigration status, AB 540 allows eligible undocumented students to pay the lower in-state tuition rates.

Undocumented:

A foreign-born person who either entered without inspection (and did not subsequently obtain any right to remain) or stayed beyond the expiration date of a visa or other status.

United States Citizenship & Immigration Services (USCIS):

U.S. Citizenship and Immigration Services (USCIS) is the federal agency that oversees lawful immigration to the United States. They are a component of the Department of Homeland Security.

COMPARISON CHART:

Deferred Action for Childhood Arrivals vs. the California Dream Act

Deferred Action for Childhood Arrivals (DACA)	California Dream Act (Cal Dream)
WHAT IS IT?	
FEDERAL IMMIGRATION PROGRAM: Announced by President Obama in 2012, DACA grants certain undocumented young people temporary relief from deportation.	STATE-BASED FINANCIAL AID: In 2011 California passed Assembly Bills 130 & 131, which allow eligible undocumented students to apply for and receive state-based financial aid and institutional scholarships.
WHAT ARE THE BENEFITS?	
<ul style="list-style-type: none"> • Temporary relief from deportation • Grants work permit and a social security number • Those granted DACA can <i>apply</i> for Advance Parole (Travel abroad) • Renewable every two years <p>NOTE: DACA is not a pathway to citizenship</p>	<ul style="list-style-type: none"> • Access to state-based financial aid such as Cal Grants, State University Grants, UC grants & Board of Governor's Fee Waivers • Some university scholarships • Some private scholarships administered by campuses <p>NOTE: Cal Dream act is not the federal Dream Act.</p>
WHO QUALIFIES?	
<ul style="list-style-type: none"> • Must have arrived to the U.S. before reaching his/her 16th birthday • Must have been physically present in the U.S. on June 15, 2012 • Continuously present in the U.S. since June 15, 2007 • Were under the age of 31 as of June 15, 2012 • No lawful status on June 15, 2012 • Currently enrolled in school, have graduated or obtained a certificate of completion from high school, have obtained a GED certificate, or are an honorably discharged veteran of the U.S. Coast Guard or Armed Forces • No felonies, significant misdemeanor, or 3 or more misdemeanors 	<ul style="list-style-type: none"> • Must be AB 540* eligible which enables undocumented students to be exempt from paying nonresident college tuition • Fall into one of these immigration categories <ul style="list-style-type: none"> ◦ Undocumented, U-visa holder, DACA recipient • All males must register with selective service • Meet other financial aid eligibility criteria such as income or GPA requirements. <p><i>*For AB540 eligibility requirements see RESOURCES</i></p>
IS THERE A COST TO APPLY?	
YES , the application fee alone is \$465. Those applying for DACA renewal must also pay \$465	NO , there is no cost for filling out the CA Dream Act Application
IS THERE A DEADLINE?	
You can apply for DACA at any point, however for DACA renewals you must submit your application no less than 120 days but no more than 150 days before it expires to avoid losing your DACA temporarily while renewal is being processed.	Submit CA Dream Act Application by March 2 nd to receive consideration for most types of aid available to you.
IS IT SAFE TO APPLY?	
According to USCIS, your information will not be shared with ICE and U.S. Customs and Border Patrol for the purpose of deportation proceedings unless your case involves fraud, a criminal offense, a threat to public safety or national security, or other exceptional circumstances.	Yes, information is confidential and for financial aid purpose only. Your information will not be shared with ICE and U.S. Customs and Border Patrol
HOW CAN I APPLY? WHERE CAN I GO FOR HELP?	
Gather documents that will prove your eligibility Carefully review the official USCIS instructions for gathering your pre-application documents. Get a Consultation from an immigration attorney or an accredited legal service organization <i>*See back for application forms and further resources</i>	You must create an account at www.caldreamact.org to fill out the CA Dream Act Application + non-SSN GPA verification form Note: DACA recipients should still file a CA Dream Act Application instead of a FAFSA and submit a non-SSN GPA form.

RESOURCES

ASSEMBLY BILL (AB) 540 RESOURCES

Helpful for: Finding more information about accessing in-state tuition in California as an undocumented student

Website & application materials:

- AB 540 Background: <http://www.ab540.com/>
- AB 540 application form: http://www.csac.ca.gov/pubs/forms/grnt_frm/ab_540_affidavit.pdf

CALIFORNIA DREAM ACT (Cal Dream) RESOURCES

Helpful for: Finding more information about accessing state financial aid in California as an undocumented AB 540-eligible student

Official website & application materials:

- CSAC website: <http://www.csac.ca.gov/>
- CADA application form: <https://dream.csac.ca.gov/>

Supporting materials:

- E4FC CADA info: <http://e4fc.org/resources/californiadreamact.html>
(new resources coming Spring 2016!)

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RESOURCES

Helpful for: Finding more information about eligibility requirements & application process for DACA as an eligible undocumented young person

Official website & application materials:

- USCIS website: <http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>
- DACA application forms:
 - I-821D Consideration of Deferred Action for Childhood Arrivals- <http://www.uscis.gov/i-821d>
 - I-765 Application for employment authorization- <http://www.uscis.gov/i-765>
 - I-765 Worksheet- <http://www.uscis.gov/sites/default/files/files/form/i-765ws.pdf>

Supporting materials:

- E4FC DACA info: <http://e4fc.org/resources/deferredaction.html>
- National Immigration Law Center DACA info: <https://www.nilc.org/dreamdeferred.html>

ADVANCE PAROLE RESOURCES

Helpful for: Finding more information about applying for & traveling out of the country with Advance Parole as a DACA-recipient

Official website & application materials:

- USCIS website: <http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/frequently-asked-questions#travel>
- I-131, Application for Travel Document: <http://www.uscis.gov/i-131>

Supporting materials:

- E4FC AP info: http://e4fc.org/images/E4FC_TravelingAbroad.pdf
- Immigrant Legal Resource Center AP info: http://www.ilrc.org/files/documents/advance_parole_guide.pdf

RESOURCES, cont.

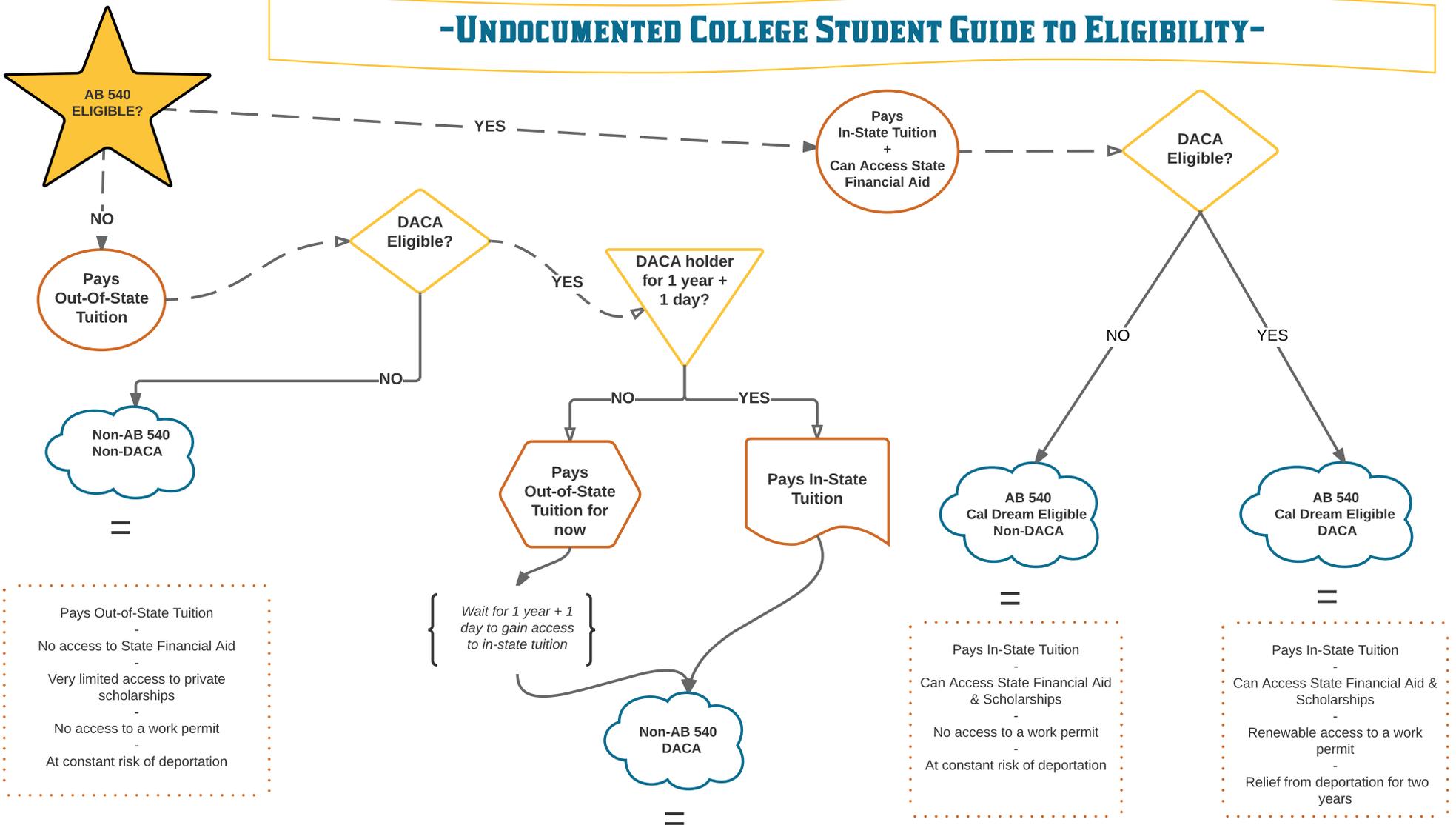
IMMIGRATION LEGAL SERVICES RESOURCES

Helpful for: Finding more information about eligibility for potential legal remedies for yourself and/or your family members. Also for assistance with DACA, Advance Parole and applying for other immigration programs & policies.

Statewide

- Educators for Fair Consideration
Dreamer Intake Service
<http://e4fc.org/legal-services/get-free-legal-help.html>
- Immigration Advocates Network
National Immigration Legal Services Directory
<http://www.immigrationadvocates.org/nonprofit/legal-directory/search?state=CA>

-UNDOCUMENTED COLLEGE STUDENT GUIDE TO ELIGIBILITY-



Though these are each difficult scenarios in their own way, they represent the true and harsh realities that undocumented students confront in trying to access higher education. Regardless of which category you fall under, remember that there are students who have come before you and successfully paved a path to and through college, so never stop believing in yourself.

In the words of Nelson Mandela, "It always seems impossible until it's done."

LEGEND:

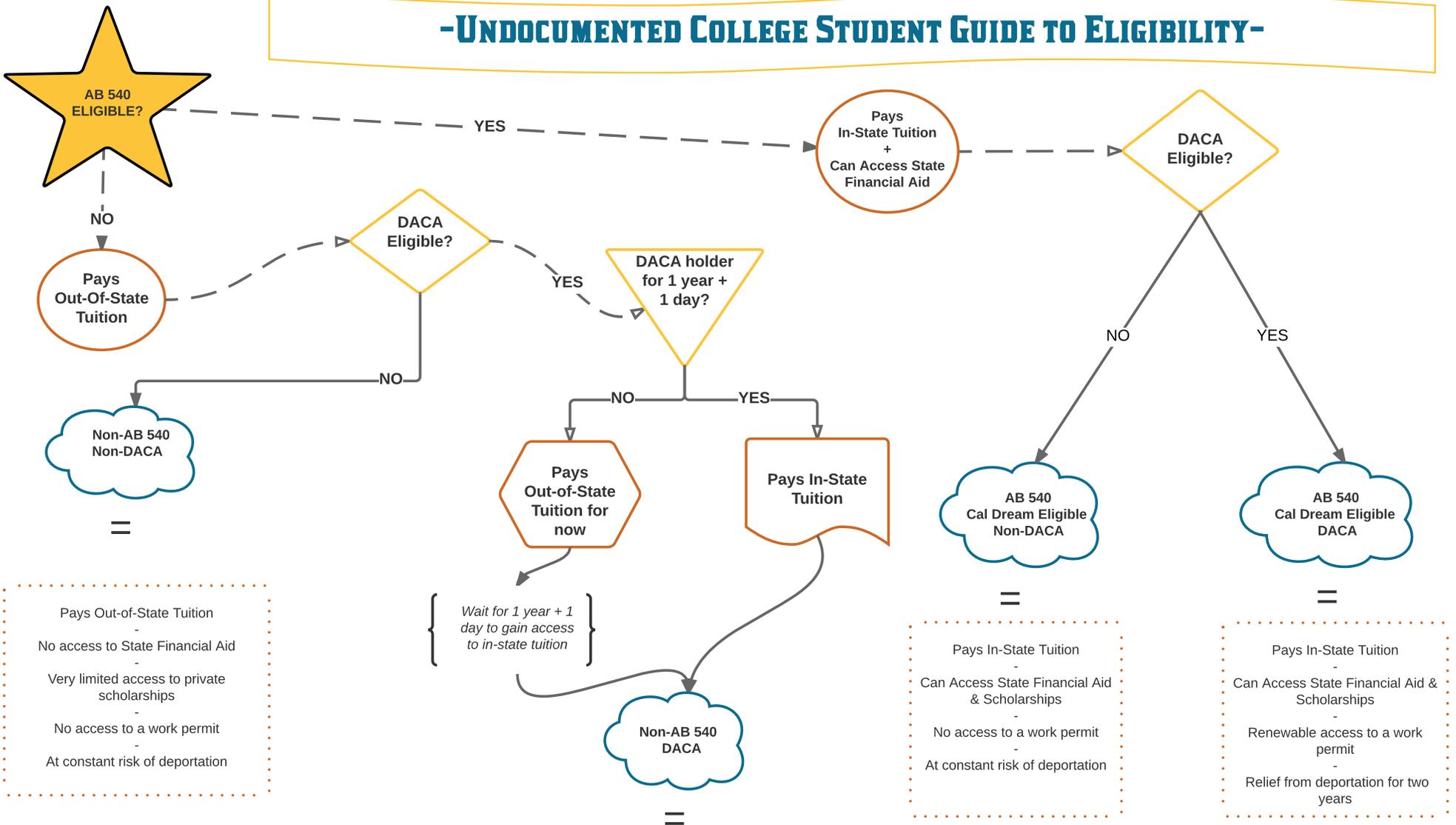
- *AB 540 = Assembly Bill 540
- *Cal Dream = the California Dream Act (AB 130 + AB 131)
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IN THEIR WORDS: PROFILES OF UNDOCUMENTED STUDENTS ACROSS THE FINANCIAL AID ELIGIBILITY SPECTRUM

	DACA		NON DACA ELIGIBLE
AB 540	 <p>Denize San Francisco State University B.A. in Sociology Graduated May 2015</p> <p>Denize started her higher education journey at a community college, before the DACA program existed. Despite being AB-540 eligible, Denize still had to work two jobs while being a student to alleviate tuition costs.</p> <p>"I think being a DACA student has opened many doors for me in my field of work, allowed me to obtain a driver's license and also use my story to help others out. Sometimes it may be difficult to see that I am lucky because though I only have DACA and didn't receive the CA Dream Act, I finished college. Some people don't qualify for AB540 or DACA, and I can't imagine how much more difficult it is for them. There is never an obstacle that you can't triumph over. You are not alone. It doesn't matter how long it takes you, but that you get there!"</p>	AB 540	 <p>Merlene San Francisco State University Major: Business Administration Expected graduation May 2016</p> <p>Merlene is one of many students who do not qualify for the federal DACA program.</p> <p>"Having AB 540 helps me to pay in-state tuition, and it is helping me to continue with my career goals. However, being a non- DACA student closes the opportunity to obtain an internship/job. If I do not have a work permit by the time I graduate and pass my CPA exam, I would still not be considered a CPA.</p> <p>If you are DACA eligible, take advantage of this great opportunity to set your goals high and pursue them. If you are non-DACA, you are not alone. I am here, and I can tell you that if I can do it, you can do it! The only aspect that makes a difference in achieving what you want is self-determination. Do not give up!"</p>
	DACA		NON DACA ELIGIBLE
NON AB 540 ELIGIBLE	 <p>Melissa UC Berkeley Major: Anthropology & Ethnic Studies Expected graduation Fall 2016</p> <p>Melissa graduated from City College SF and transferred to UC Berkeley. Being ineligible for AB-540 has deeply affected her journey through higher education.</p> <p>"I would advise to begin at a Community College, because one can learn so much and get lots of support in a small, local academic setting. Get to know at least one good adviser/professor who truly understands your situation and is willing to help you succeed.</p> <p>Finally, don't worry about how long it takes to get to where you want to be. We need to treat all undocumented students, regardless of age, how long they've lived in the us, DACA status, or any other "qualification", equally."</p>	NON AB 540 ELIGIBLE	 <p>Valeria Contra Costa Community College Major: Mechanical Engineering Transfers in Fall 2016</p> <p>Valeria found out she was a non AB540 student when she graduated from high school. Paying out of state tuition would be very costly, so she decided to enroll in a community college.</p> <p>"Being eligible for neither AB 540 nor DACA has definitely affected me negatively since I've had to find creative ways to get internships or jobs on campus. I would advise other students like me to ask questions, share their story and ask for help."</p>

-UNDOCUMENTED COLLEGE STUDENT GUIDE TO ELIGIBILITY-



- Pays Out-of-State Tuition
- No access to State Financial Aid
- Very limited access to private scholarships
- No access to a work permit
- At constant risk of deportation

Wait for 1 year + 1 day to gain access to in-state tuition

- Pays In-State Tuition
- Can Access State Financial Aid & Scholarships
- No access to a work permit
- At constant risk of deportation

- Pays In-State Tuition
- Can Access State Financial Aid & Scholarships
- Renewable access to a work permit
- Relief from deportation for two years

- Pays In-State Tuition
- No access to State Financial Aid
- Some access to private scholarships
- Renewable access to a work permit
- Relief from deportation for two years

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