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To: AICCU Campus Leaders

**Subject: DACA and Undocumented Students on AICCU Campuses
Resources and Suggested Action item**

The 2016 presidential election has been intensely divisive, perhaps the most in recent memory. We understand that many groups of our student body including undocumented students and students under the Deferred Action for Childhood Arrivals (DACA) program may feel particular angst and concern about potential federal administrative changes and laws, and the tone of the political discourse taking place. AICCU sent state leadership a [letter](#) reaffirming our commitment to every student that passes through the doors on our campuses. In the past couple of weeks, several AICCU campuses have reached out to us on issues that affect undocumented students and their families, and we have compiled this document as a resource guide for you. In addition to listed resources, we have covered federal and state laws governing these student populations, including a suggested action item under federal policy.

Many institutions, and nonprofit organizations, have announced their strong support and intentions to protect undocumented students, including their DACA students. In addition, we expect California state government to take actions related to protecting undocumented individuals. AICCU will continue to monitor programs and legislative proposals and keep campuses updated.

Review of Federal Policy on Undocumented Student Populations and Suggested Action Items

Impact on Undocumented and DACA Students Under A New Federal Administration

Though often debated, Congress never passed any federal version of the DREAM Act. Unlike the state version, the federal version would have created a pathway to the legalization of some form for undocumented individuals who met a variety of criteria. These criteria varied depending on the version of the DREAM Act debated, but frequently mirrored California's AB 540 law, and included those who had served in the military.

In part, as a reaction to the failure of Congress to pass a DREAM Act, President Barack Obama announced his decision to create the DACA program through **executive order** in June 2012. U.S. Citizenship and Immigration Services (USCIS) began accepting applications for the program in August 2012.

The program allows certain undocumented immigrants, who entered the country before their 16th birthday and before June 2007, to receive a renewable two-year work permit and exemption from deportation. The permit has been renewable under President Obama and resulted in states granting in-state tuition and drivers licenses to these individuals (for states that previously had not granted these rights).

In November 2014, President Obama announced changes to DACA which would expand it to include undocumented immigrants who entered the country before 2010, eliminate the requirement that applicants be younger than 31 years of age, and lengthen the renewable deferral period to two years. The Pew Research Center estimated that this would increase the number of eligible people by about 330,000. Due to a federal court order, the expanded DACA program has been placed on hold, though individuals may continue to apply under the previous program. Please review the current [guidelines](#). **The continuation of DACA is uncertain under President-Elect Donald Trump, and could be revoked as soon as he takes office or he can let the program expire.**

Under the DACA program, individuals have been allowed to receive "advance parole" for travel abroad for certain purposes, including study abroad programs. **AICCU advises campus leaders to consult with general counsel and study abroad advisors, if there are students studying abroad under DACA permits. *Students may be advised to come home before January 20, 2017. Should President-Elect Trump decide to revoke their status, their re-entry into the US would be problematic.*** The California State University system is advising its DACA students to return to the United States.

Discussions around sanctuary campuses

In addition, the current discussions around immigration have caused much consternation among AB 540 and DACA students. David Oxtoby, president of Pomona College, has circulated an open [letter](#) in support of the DACA program and DACA students, which many colleges and universities across the nation have signed. In addition, Lieutenant Governor Newsom called on California higher education campuses to become "[sanctuary campuses](#)."

AICCU urges member institutions to consult with their general counsel—and governing boards, as needed—to determine an appropriate course of action, should the new presidential administration choose to go in a different direction on immigration. Current federal [practice](#) indicates that immigration actions should not occur at "sensitive sites", including campuses, unless exigent circumstances exist; this policy however, is subject to reversal.

Some campuses are not referring to themselves as "sanctuary campuses." Legal opinion is that private colleges and universities do not have the right to completely eliminate access to campus for immigration services. Additionally, there is potential pushback and sanctions by the federal government that should be considered, such as loss of federal research grants and access to federal financial aid. However, among actions that some campuses are considering, should policies around undocumented students change with the new administration, include:

1. Expanding financial assistance to students if DACA is revoked.
2. Limiting campus access to immigration services, unless a warrant is presented.
3. Not voluntarily sharing information on the immigration status of undocumented students with USCIS, unless required by subpoena, court order, or authorized by the student.
4. Providing legal resources to undocumented students and their families.

AICCU advises member institutions to carefully balance protections of all their students with potential negative actions from the federal government that may result as a consequence. Consult with legal counsel about what it means to be a sanctuary campus and what campus leaders can legally do if there is potential conflict with immigration officers.

Review of California Law on Undocumented Populations

Though most of this legislation applies only to California's public institutions of higher education, it is important to be aware of these statutes, and their implications for what the Legislature expects of California higher education institutions.

Opportunities and Support for Undocumented Students in Higher Education

[AB 540](#) (Firebaugh) was passed in 2001 and allows an undocumented immigrant, who satisfies certain requirements, to pay in-state tuition when attending a public college or university. (Previously, undocumented immigrants had to pay nonresident tuition/fees.) Through several changes over the 15 years since the law has been in place, an eligible undocumented student is currently defined as someone who:

- a. has attended high school in California for three or more years, or has attained credits earned in California from a California high school equivalent to three or more years of full-time high school coursework and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of those schools;
- b. has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001-02 academic year, or graduated or will graduate from a California high school or obtained a Certificate or General Education Development (GED), High School Equivalency Test (HiSET), or test Assessing Secondary Completion (TASC);
- c. has filed an affidavit, as specified, to be exempted from paying nonresident tuition at the California Community Colleges (CCC), the California State University (CSU), and the University of California (UC);
- d. will register or enroll in an accredited and qualifying California college or university.

The law excludes non-immigrant visa holders (F, J, H, L, A, B, C, D, E, etc.), but does include Temporary protected status or U visa holders (subject to restrictions in the statute)—see [AB 1899](#) below.

[SB 1159](#) (Lara, 2014) requires, starting in 2016, state licensing bodies to require an applicant to provide either an individual tax identification number or social security number if the applicant is an individual. The bill would require the licensing bodies to report to the Franchise Tax Board, and subject a licensee to a penalty, for failure to provide that information. The bill would prohibit, except as specified, any entity within the department from denying licensure to an applicant based on his or her citizenship status or immigration status.

This is important for collegiate programs at private and public campuses that require state licensure, which previously may not have accepted students because they would not be entitled to obtain the required license to practice in their chosen field. This restriction no longer applies to programs licensed by the state of California, as outlined in the statute.

[SB 1139](#) (Lara, 2016) prohibits a student, including a person without lawful immigration status, a person who is exempt from nonresident tuition pursuant to AB 540, or a person who fits into both of those categories, who meets the requirements for admission to a medical degree program at any public or **private** postsecondary educational institution that offers such a program, from being denied admission to that program based on his or her citizenship status or immigration status. The bill would also prohibit such a student from being denied admission, based on his or her citizenship status or immigration status, to a healing arts residency training program whose participants are not paid. These provisions would not apply, except as provided, to a nonimmigrant alien, as defined in a specified provision of federal law.

Financial Aid Support

[AB 130](#) (Cedillo, 2011) is known as the California Dream Act. This statute addresses financial aid for AB 540 students, which was stripped from the original bill as it made its way through the Legislature. AB 130 allows a student at a public or private college or university, who is exempt from paying nonresident tuition (under AB 540 and its iterations) would be eligible to receive a scholarship derived from non-state funds received, by the segment at which he or she is a student.

Public universities required this legislation to have the authority to provide scholarships from private sources to AB 540 students. AICCU institutions already had the authority—and many chose to—provide access to scholarships for undocumented students.

[AB 131](#) (Cedillo, 2011) was the companion measure to the California Dream Act. This statute established procedures and forms that enable AB 540 students to apply for, and participate in, all student aid programs administered by public segments to the full extent permitted by federal law.

The bill allows AB 540 students to participate in the Cal Grant program, except for the competitive award program. Special forms that mirror the FAFSA are now eligible for Dream Act students to apply for state aid. Students can choose to use their Cal Grant at a private, nonprofit college. However, many students choose to attend public institutions because their award can cover the full cost of tuition, and they have access to loans that help cover living expenses.

[AB 1899](#) (Mitchell, 2012) allows T and U visa holders to also apply for state financial aid. (T visas are granted to victims of human trafficking and should file a FAFSA. U visas are granted to victims of crimes that have suffered severe mental or physical abuse, and have helped law enforcement in the prosecution of the criminal activity, and should file a California Dream Act application.)

[SB 1210](#) (Lara, 2014) is called the California DREAM Loan Program. Only the CSU and the UC are eligible to participate. Lack of access to loans is a major barrier to students attaining four-year college degrees. The statute allows a student attending a participating campus of the UC or CSU to receive a loan, referred to as a DREAM loan, through the program, if the student satisfies specified requirements. The statute requires a participating campus to determine the amount of the loan offered to an individual student by the campus, subject to enumerated specifications.

AB 60 – Driver License for Undocumented Individuals

In 2013, Governor Jerry Brown signed AB 60 (Alejo), which allowed otherwise qualified individuals to obtain their driver license, without regard to documentation status. This law applies to all undocumented individuals, not just college students. These licenses are important sources of identification for students, and allow students to legally get to and from school, and work. The process for students to obtain their license can be found through the [DMV](#) website.

Resources and Best Practices for Undocumented Students

Financial Aid

One of the largest barriers faced by undocumented students is access to financial aid. While students may apply for the Cal Grant, students still do not have access to loan programs for our sector. There is frequently a gap for undocumented students. Below are financial resources for students; while financial aid pages change frequently, these links are valid as of November 2016.

The California Student Aid Commission runs the California Dream Act state financial aid programs, and offers various resources: <https://dream.csac.ca.gov/>

[AB540.org](#) – Also offers other resources for AB 540 students

[Educators for Fair Consideration](#) – Also offers other resources for undocumented students

[Mexican American Legal Defense and Education Fund \(MALDEF\) Scholarship Resources](#)

[Salvadoran American Leadership and Educational Fund](#)

Legal Aid

Assuring that undocumented students and DACA students know where to find knowledgeable and affordable legal advice can be helpful.

[ImmigrationLawHelp.org](#) is an online directory of immigration legal services providers.

[National Immigration Law Center](#)

Resource Guides and Best Practices for Institutions

Below are additional resources for campuses to better serve their undocumented student population.

Best practices to consider:

Create "AB 540 Safe Zones" and AB 540 contacts. Among the scariest thing an undocumented student can do is reveal their documentation status. Knowing that the person to whom they are speaking is an ally, and understands the issue facing them, can make this process easier. Campuses may wish to identify staff throughout campus, particularly in admissions, financial aid, counseling, and housing, who are well versed in undocumented student issues and can better serve students. Some campuses put together guidebooks that identify those staff for students or have AB 540 Ally or Safe Zone stickers for students to identify staff.

[U.S. Department of Education Resource Guide](#)

[ACE Issue Brief: Immigration Post-Election Q&A: DACA Students, "Sanctuary Campuses" and Institutional or Community Assistance](#)

<https://www.informedimmigrant.com/> (Can be used by both campuses and students)

[Sample Resource Guides/Pages by Institutions for Students](#)

Following are some examples of Resource Guides and webpages created by Institutions for their undocumented students, should your campus wish to create such a guide.

[California College of the Arts Undocumented Students Page](#)

[Loyola Marymount University Undocumented Student Services](#)

[Pomona College Pre-Health Undocumented and DACAmented Resources](#)

[University of La Verne DREAMers](#)

[University of Southern California College and Financial Aid Guide](#)

[CSU Fullerton Resource Guide](#)

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