AB 540 Students & Implementation of the California Dream Act laws (AB 130 & AB 131)

Presentation by Dennis Lopez, M.Ed., Educational Equity Consultant
At the CSU Fullerton Conference
Reaching the DREAM Together: Helping AB 540 & Undocumented Students
Friday, September 28, 2012

Volunteer - Chicano/Latino Youth Leadership Project (1984-2012)
Volunteer & Co-Founder of the Leticia A. Network (1984-2012)

Rev. Dr. Martin Luther King Jr. quote-
“The Moral Arc of the Universe is Long and It Bends Toward the Side of Justice”.

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Estimates of the Undocumented Population in California based on taxes they pay


- PPIC 2011 Page 2: “California has more unauthorized immigrants than any other state in the country, about 2.6 million of the nation’s 11 million; they make up 7 percent of the total population and 9 percent of the state’s labor force. For decades unauthorized immigrants have been a part of California: in many industries in the economy in rural and urban communities.”

- PPIC 2011 Page 10: “Since 1996 unauthorized immigrants have been permitted to file income tax returns using a unique identifier, the Individual Taxpayer Identification Number, or ITIN. Immigrants and native-born with the right to work use social security numbers (SSN) when filing tax returns, but those without work authorization do not have valid SSNs and should use ITINs instead. The IRS has made counts of ITIN filers by zip code publicly for tax years 2001-2007 (which correspond to the calendar years 2001-2008). As we show, these counts of ITIN filers are the basis the basis on which to estimate unauthorized immigrants in counties and sub-count areas in California.”

- PPIC 2011 Page 10: “Even if they have worked in the United States without proper authorization, unauthorized immigrants are nevertheless required under federal law to file tax returns. Some estimates suggest that about half do so (Immigration Policy Center, 2011; Pastor et al. 2010; Hinojosa-Ojeda 2010), but others show the share are much higher: a recent PPIC report found that over 80 percent of unauthorized immigrants reported having filed federal income tax in the year prior to earning legal permanent residence (Hill, Loftstrom and Hayes, 2010). The Social Security Administration’s chief actuary estimated about 75 percent of unauthorized immigrants payroll taxes withheld (Porter, 2005).”

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Plyler vs. Doe, 1982

30 years ago the U.S. Supreme Court decision regarding the education of undocumented immigrant children residing in the U.S.

- The U.S. Supreme Court ruled 5-4 in Plyler vs. Doe, (1982), that undocumented children in the United States had a right to a public education from kindergarten through the 12th grade.

- The U.S. Supreme Court concluded in Plyler vs. Doe, (1982), that undocumented children who were brought to this country by their parents would be relegated to a permanent underclass in the United States if they were to be denied access to a public school education K-12 due to their undocumented immigrant status.

- As a result of this ruling, undocumented children can attend public schools without having to pay tuition. Unfortunately, the right to public higher education was not extended to undocumented immigrants residing in the U.S. by the ruling in Plyler vs. Doe, (1982).

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The Leticia A. Network 1984-2012

- In the early 1980’s a group of low level college & university employees of the UC, CSU, California Community Colleges, and private college educational equity programs, along with some high school counselors, saw the discrepancy between the mission of k-12 schools and the mission of public higher education. In response they established the Leticia A Network to support undocumented immigrant access to college.

- Several of these educators began inquiring about this inconsistency in policy within the UC, CSU, Community Colleges, public schools, and began to search out legal advice. At that time public interest law firms including the Mexican American Legal Defense and Education Fund (MALDEF), Multicultural Education Training & Advocacy (META), & the San Francisco Lawyers Committee on Civil Rights that were preparing the Leticia A. vs. UC Regents & CSU Trustees class action lawsuit to address this problem. These educators referred families of undocumented students to MALDEF, META and the San Francisco Lawyers Committee and these students, including Leticia A., became name plaintiffs in the lawsuit.

- Over the past 28 years educators in the Leticia A. Network have continued to advocate for undocumented immigrant access to California higher education.

- For the last 20 years the undocumented immigrant access movement has been led by DREAM Act STUDENTS!

- The legislative champions of the undocumented immigrant access movement have been former Assemblyman Marco Firebaugh (deceased), California Assemblyman/State Senator Gil Cedillo, Congressman Jose Gutierrez, US Senator Richard Durban, MALDEF, National Immigration Law Center & DREAM ACT students.

- In 2012, the Leticia A. Network is advocating full implementation of AB 540 & the California DREAM Act (AB 130 & AB 131) laws in public community colleges, universities, school districts, and school sites.
In 1986, President Ronald Reagan, former Governor of California, signed the Immigration Reform and Control Act (IRCA) into law. This law enabled nearly 3 million persons in the U.S. who had been undocumented to legalize their immigration status. (Please see the research report of UCLA Economist - Dr. Raul Hinojosa-Ojeda at: http://www.immigrationpolicy.org/special-reports/raising-floor-american-workers).

The combination of the Leticia A. ruling that had provided access to California higher education, and IRCA legalization, provided thousands of formerly undocumented immigrant students with the opportunity to legalize their immigration status, gain access to colleges and universities, earn college degrees, and become professionals of every sort. I refer to these individuals as Leticia A Alumni. As U.S. citizens and/or lawful permanent residents, Leticia A. Alumni now pay more in taxes, earn higher incomes, and contribute to society as professionals. Leticia A. Alumni ARE THE LIVING PROOF of the need for the federal DREAM Act and the California DREAM Act laws.


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State Legislative Efforts

- State Assembly Bill 540 (Firebaugh, 2001) enabled undocumented immigrant students who attended a California high school for at least 3 years to be classified as state residents. Unfortunately, eligibility for state financial aid was not included in this legislation.

- The California Supreme Court heard a challenge AB 540, Martinez et al., vs. UC Regents, and upheld this legislation in 2010 by a vote of 8-0.

- California Dream Act legislation: State Assembly Bill 130 (Cedillo) & State Assembly Bill 131 (Cedillo) were introduced by Assemblyman Gilberto Cedillo in January 2011. These bills were passed by the legislature and signed into state law by California Governor Jerry Brown. The California Dream Act laws will enable low-income undocumented immigrant students to be eligible for UC, CSU, & Community College controlled private sources of financial aid in 2012 and, in 2013, state sources of need-based financial aid, including Cal Grants and Community College Board of Governor Grants (BOG’s).

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Selected DREAM Act Student Organizations in California

- UCLA IDEAS - Improving DREAMS, Equality, Access & Success (http://ideasla.org/index/)
- Orange County Dream Team (http://istillhaveadream.org/)
- ALCAMO – (Ayudando Latinos y Chicanos A Mover Obstaculos), Saddleback Community College, California. (http://www.saddleback.edu/asg/ACLAMO.html)
- El Centro Chicano/Latino Resource Center - (http://www2.ucsc.edu/raza/ab540.shtml)
- PODER - the AB 540 student organization at UC Riverside (Providing Opportunities Dreams in Education) (http://csp.ucr.edu/programs/Pages/ab540.aspx)
- California State University AB 540 Coalition (http://ab540coalition.org/csuc.php)
- CSU Fullerton AB 540 Guide (http://www.fullerton.edu/ab540/)
- CSU Los Angeles Students United to Reach Goals in Education (http://www.calstatela.edu/orgs/surge/contact%20us.html)
- AB 540 Statewide Network (http://sccollege.edu/Faculty/DBusche/WebTraining/camp/Documents/AB540StatewideNetwork.pdf)

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CSU & UC Application Instructions for fall 2012*

application procedures will be updated this summer for the fall 2013 admissions cycle*

California State University System: AB-540 Admission Application Process

Students are encouraged to apply for admission during the priority filing period (Oct. 1- Nov. 30)
The SSN area should be left blank on the Admission Application. The Residency questions should be answered according to their personal residency situation. If an undocumented student is charged non-resident tuition, but the student meets the AB 540 guidelines, please have the student contact the campus and submit a California Nonresident Tuition Exemption Request Form otherwise known as an AB 540 Affidavit.

University of California System: AB-540 Admission Application Process

Students are encouraged to apply for admission during the priority filing period (Nov. 1- Nov. 30)
When asked their country of citizenship, they should select "No Selection" from the drop-down menu. Applicants who don't have a Social Security number should leave that field blank.

Students should submit the UC Nonresident Tuition Exemption Application and Affidavit, available from campus registrar's offices, as soon as they are accepted for admission.

For more information about the AB540 out-of-state tuition exemption, including contact information for the campus registrars, see (http://universityofcalifornia.edu/admissions/counselors/files/CC11_AB540_final.pdf).

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The California Dream Act, AB 130, granted privately funded financial aid to California's public colleges and was signed into law in July, 2011. This bill allows eligible AB 540 students to be able to receive private scholarships at California public colleges and universities, beginning January 1, 2012.

The second part of the California Dream Act, AB 131, signed on October 8, established the California Dream Act of 2011, which allows students at the public higher education institutions who are exempt from paying non-resident tuition in accordance with AB 540 law (Firebaugh, Chapter 814, Statutes of 2001) to apply for public institutional financial aid, California Community Colleges Board of Governor's fee waivers, and all state financial aid programs beginning fall 2013, as allowed by federal law.

Beginning January 1, 2013, the CSU, CCC, and CSAC are required, and UC is requested, to establish forms and procedures to allow AB 540 students to apply for the specified financial aid. AB 540 students will be eligible for Cal Grants beginning in the 2013-14 academic year. AB 540 students will be required to meet the same academic and financial eligibility requirements for Cal Grants currently required by law for all other applicants. Commission staff is meeting with segmental representatives and initiating the application design process for final implementation.

The final piece in the Commission's signature Fund Your Future series, the Spanish workbook, will be available to order on November 16, 2012. Once again, we would like to acknowledge the efforts of our partner, ECMC, for their contribution to this valuable resource. These publications are designed to make your task of communicating financial aid information to your students more accurate and efficient. I would like to extend an invitation to our external associates to provide any suggestions to enhance future editions and ensure they are relevant to your needs.

Diana Fuentes-Michel
1975-1979 Cal Grant B Recipient

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California Dream Application:
California Student Aid Commission


- California Dream Application-- [https://dream.csac.ca.gov/](https://dream.csac.ca.gov/)

- California Dream Act application presentation of the California Student Aid Commission--
  [http://cwlwebcast.meeting-stream.com/integration/StreamLine.aspx?a=5FFEk76cMg5E124t3qiM&s=aea74effc286490cb0d3ccff626d422d](http://cwlwebcast.meeting-stream.com/integration/StreamLine.aspx?a=5FFEk76cMg5E124t3qiM&s=aea74effc286490cb0d3ccff626d422d)

- California Dream Application Video Instructions—

- California Dream Act Video on scholarships--

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In 2001, U.S. Republican Senator Orrin Hatch and Republican former U.S. Representative Christopher Cannon, both of Utah, were among the original Co-Authors of the DREAM Act which would have provided a pathway to citizenship for undocumented immigrant students who attending colleges and universities in the United States.

On May 11, 2011, Democratic Senator Richard Durbin reintroduced the DREAM Act in the U.S. Senate (S. 952). In addition to providing a pathway to permanent residency for previously undocumented immigrants from 18 to 35 years of age who enroll in college for at least two years, this bill includes an option to gain permanent residency for undocumented immigrants who enlist in the armed services.

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Peaceful Organization and Advocacy of Undocumented Immigrant Students in California and around the nation

- Continued commitment to advocate for the DREAM Act and for comprehensive immigration reform with national, state, and local civil rights groups, immigrant rights groups, educators, and civic leaders.

- Lobbying efforts in United States Congress, state legislatures, colleges and universities, and municipalities.

- Press conferences, television interviews, phone call campaigns, marches, and teach-ins.

- Sharing of scholarship information, forming housing and transportation cooperatives, food banks, book loans, and peer tutoring peer mentoring.

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Supporters of the DREAM Act

- President of the United States, Barak Obama


- U.S. Secretary of Education, Arne Duncan & U.S. Secretary of Labor Hilda Solis
  http://www.dol.gov/opa/media/press/opa/OPA20101771.htm


- 39 U.S. Senators were co-authors of the September 2010 DREAM Act

- 128 Members of the House of Representatives were co-authors of the DREAM Act

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Important Federal Level Developments in June 2012

- On June 15, 2012, President Barack Obama announced a new temporary policy of Deferred Action for undocumented immigrants under 30 years of age, who entered the United States before their 16th birthday, who have no felony convictions or serious misdemeanor convictions, and who pose no threat to national security. Eligible undocumented persons will be protected from deportation and be allowed to apply for work authorization. (United We DREAM – FAQs: [http://unitedwedream.org/resources/deferred-action-faq/].)

- Regulations detailing the implementation of President Obama’s Deferred Action policy, and application process for work permits, were released by the United States Citizenship and Immigration Service on August 15, 2012. [http://www.immigrationdirect.com/deferred-action-DACA/index.html]

- Deferred Action is temporary and is not the DREAM Act nor does it provide a pathway to citizenship.

- On June 25, 2012, the United States Supreme Court ruled on the Arizona Anti-immigrant law, SB 1070. The Court struck down the 3 most onerous provisions of the law: (a) people can not be arrested without a warrant on suspicion that they are undocumented; (b) it is not a state crime to be in Arizona without lawful immigration status; and (c) it is not a state crime for undocumented persons to seek or obtain employment in Arizona. The Supreme Court upheld the provision of Arizona’s SB 1070 which allows law enforcement to ask the immigration status of persons suspected of being undocumented. It is anticipated that this provision of SB 1070 will be litigated as Racial Profiling and a lawsuit challenging this practice will ultimately make its way to the U.S. Supreme Court to make a final determination of its constitutionality.

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What can you/we do?

- Respect and protect the privacy of student undocumented immigrant status.
- Identify sources of low cost/no cost immigration counsel.
- Refer students (and their parents) to low-cost/no cost immigration attorneys.
- Educate yourself on the issue of the DREAM Act & comprehensive immigration reform.
- Organize Educational Forums on the systematic implementation of AB 540, the California Dream Act laws, immigrant student & parents rights, counselor awareness, DREAM Act advocacy & DREAM Act student organizations.
- Advocate for legislation for humane - comprehensive immigration reform, the DREAM Act, and against anti-immigrant, punitive legislation in Congress, state legislatures & at the local level. An example of harmful legislation currently being considered in Congress is the HALT Act (Smith/Vetter). Advocate for state & local legislation that offer positive solutions for the plight of undocumented state residents and against anti-immigrant punitive legislation.
- Advocate for undocumented immigrant students in your district, union, church, and/or professional organization.
- Contribute to food banks, book loans, teach-ins, forums to aid undocumented immigrant students who are studying at local colleges and universities.

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DREAM Act Resources


- C-SPAN Q & A Series Interview of Alfredo Quinones-Hinojosa “Becoming Dr. Q”. (http://c-spanvideo.org/program/Quio).

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Selected Related Reading


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Selected Web-sites for Immigrant students & their parents & counselors

- American Civil Liberties Union--http://www.aclu.org/
- Asian Students Promoting Immigrant Rights through Education—ASPIRE-- http://www.aspiredreamers.org/
- California Rural Legal Assistance Foundation-- http://www.crlaf.org/
- California Student Aid Commission & the California Dream Act -- http://www.csac.ca.gov/dream_act.asp
- CHIRLA: the Coalition for Humane Immigrant Rights of Los Angeles--http://www.chirla.org/
- Educators for Fair Consideration-- http://e4fc.org/
- Immigration Impact--- http://immigrationimpact.com/
- Mexican American Legal Defense and Educational Fund—http://www.maldef.org
- National Coalition of Advocates for Students---http://www.ncas1.org
- National Council of La Raza— http://www.nclr.org
- National Immigration Law Center & Immigration Reform-- http://www.nilc.org/immreform.html
- Public Policy Institute For California: http://www.ppic.org/main/home.asp
- Salvadoran American Leadership and Educational Fund (SALEF)-- http://www.salef.org
- United We Dream: http://unitedwedream.org/
- DREAM Act Portal: http://dreamact.info/
- We Are America: DREAM Stories: http://www.weareamericastories.org/stories/dream-stories/
- Senator Richard Durbin (D-IL) on the DREAM Act [from Senator Durbin’s official website] http://durbin.senate.gov/public/index.cfm/hot-topics?ContentRecord_id=43eaa136-a3de-4d72-bc1b-12c3000f0ae9

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