Providing Excellent Services to Undocumented Students

2012 CSUF AB540 Conference

Presented by:

Kandy Mink Salas, Ph.D.
Associate Vice President for Student Affairs

and

Janette L. Hyder, M.S.
Counselor for Student Retention Services

California State University, Fullerton
Session Outline:

- Overview of national public policy – The DREAM Act
- Overview of state public policy
- Case study: California and recent law regarding undocumented college students
- Case study: California State University, Fullerton’s work with undocumented students
  - Programs and services assisting undocumented students
  - Policy Implications
  - Resources
- Research
- Working with Undocumented Students
The DREAM Act would initially give an undocumented immigrant student a chance to earn “conditional nonimmigrant” status, not legal permanent residence or citizenship, if he or she:

- Applies within one year of the bill’s enactment or obtaining a high school degree or GED
- Pays a $525 fee
- Undergoes security and law-enforcement background checks
- Undergoes a medical examination
- Has registered for the Selective Service

Source: Hispanic Association for Higher Education
“conditional nonimmigrant”

Status Requirements continued

• Proves by a preponderance of the evidence that she or he: Came to the U.S. under the age of 15
• Is under the age of 30 on the date the bill becomes law
• Has lived in the U.S. continuously for at least five years before the bill becomes law
• Has good moral character since the date he or she first entered the U.S., as determined by the Department of Homeland Security
• Has graduated from high school or obtained a GED
• Agrees to pursue a bachelors degree or serve in the military for at least 2 years
Proponents Talking Points

• Students should not have to bear the burden of their parents’ actions

• Social Justice Issue, students should be allowed to pursue postsecondary education after exceeding academic requirements

• Economic benefits of potential future earnings from receiving a Higher Ed Degree
Opponents Talking Points

• Should not reward “illegal” activity

• Need to take up Comprehensive Immigration Reform and not piecemeal legislation

• Economic cost of subsidizing in state tuition cost for undocumented students

• Focus efforts on securing borders first
Policy Resources

• National Conference of State Legislatures website
  Issues and Research ➔ Education ➔ Undocumented Student Tuition

• National Council of La Raza website

• Mexican American Legal Defense and Education Fund (MALDEF) website
Final Vote 12/10

- House passed DREAM act on a vote of 216 yeas 198 nays

- Senate 55 yeas 41 nays on a cloture vote of 60 needed to advance and avoid a filibuster.

- DREAM Act is not currently in discussion. Most people involved believe issue will not be taken up until well into 2013, after the elections.
Status of State-Based Education Policy for Undocumented Students

*States that allow in-state tuition to undocumented students:*

- California
- Connecticut
- Illinois
- Kansas
- Maryland
- Nebraska
- New Mexico
- New York
- Oklahoma
- Texas
- Utah
- Washington
- Wisconsin – had law and has now revoked
Status of State-Based Education Policy for Undocumented Students

*States that prohibit in-state tuition to undocumented students:*

- Arizona
- Colorado
- Georgia
- Indiana

*States that prohibit undocumented students from attending state institutions:*

- Alabama
- South Carolina

Source: National Conference of State Legislatures website
Case Study: California Assembly Bill 540

- Assembly Bill 540, authored by the Assembly Member Marco A. Firebaugh (D-South Gate)

- Signed by former Governor of California, Gray Davis on October 12, 2001 (2)

- The law took effect in January 2002

- Allows any student including undocumented students who meet certain requirements to pay in-state tuition at all public colleges and universities in California

Marco A. Firebaugh (1966-2006)
Requirements for AB 540

- Students must have attended California high school for three or more years (non-consecutive)

- Student must have graduated from a California high school or attained equivalent degree (e.g., a General Education Diploma, or GED)

- Student must be currently enrolled or registered as an entering student at an accredited institution of higher education in California

- Student must file an affidavit required by higher education institutions stating that students will apply for legal residency as soon as possible
California DREAM ACT AB 130 & 131

- Re-introduced by Assembly Member Gil Cedillo in 2011

- AB 130 (Signed by Governor Jerry Brown and went into effect January 1, 2012). Allows students to apply for and receive scholarships derived from non-state funds, such as private scholarships

- AB 131 (Signed by Governor Jerry Brown and goes into effect January 1, 2013). Allows students who meet the AB 540 criteria to apply for and receive state financial aid
California DREAM ACT AB 130

• Signed into law on July 25, 2012

• Law becomes effective on January 1, 2012

• Allows students who meet AB 540 criteria to apply for and receive private scholarships administered by public colleges and universities, including:
  • Scholarships funded through private donors
  • Alumni contribution
  • Individual department efforts
California DREAM ACT AB 131

• Signed into law October 8, 2011

• Law becomes effective on January 1, 2013

• Allows students who meet AB 540 criteria to:
  
  • Apply for & receive institutional grants like UC Grant, State University Grant, Educational Opportunity Program & Educational Opportunity Services fee waivers
  
  • Apply for & receive financial aid, including Cal Grants and Chafee Foster Youth Grants for use at eligible and private institutions
Current Groups and Services
Assisting
AB 540/Undocumented Students
Established in Spring 2008

AB 540 Student Services Committee

- Comprised of faculty, staff, administration and current matriculated students

AB 540 & Undocumented Students Comprehensive Report (August 1, 2008)

- Recommendations to create and/or improve policies and services in favor of CSUF AB 540/Undocumented students
CSU-Fullerton AB 540 Task Force

Recommendations

1. Create ongoing committee
2. Host an immigration conference
3. AB 540 training for front line staff
4. Develop training and advising manuals
5. Multi-language materials for outreach to the community
6. Safe Zone Program
7. Police Department policies, procedures and training
Recommendations

8. Clearinghouses for concrete information for students
9. Create survey to assess knowledge and opinion of staff
10. Create AB 540 website
11. Create physical space for students to gather
12. Eliminate need for use of driver’s license/ID card
Recommendations

13. Review departmental processes for barriers
14. Clarify the affidavit process for AB 540 students; establish an appeal process
15. Collaborate with other institutions to share best practices
16. Establish fundraising account for donations
17. Assist AB 540 students with graduate school planning
Current Goals

- Development of the Ally Training for faculty, staff, and students
- Development of an AB 540 Resource Guide and Training of new faculty/Staff hires
- Development of an AB 540 Conference to take place Friday, September 28, 2012
- Re-design of the AB 540 Website to include the new California State Law/Dream Act 130/131
CSU-Fullerton AB 540 Task Force

Student Resources and Support Systems

- Links Mentoring Program
- Internships Opportunities
- Legal Aid (Claudia Bowley-Fuentes)
- Chican@ Resource Center
- Educational Opportunity Program
- WoMen’s Center
Resources for Staff and Students

- Orange County Dream Team
- National Immigration Law Center
- Dream Activist – Undocumented Students Activist and Resource Network
- NASPA Latino/a Knowledge Community website
- NASPA Public Policy Division website
CSUF Student Organizations

• Underground Dreamers/Human Services class:
  • Dream-A-Thon: To raise funds for scholarships

• Alliance of Students for an Equal Education (ASEE):
  • Soccer Tournament, Silent Art Auction

• Movimiento Estudiantil Chicana/o de Aztlán (MEChA):
  • MEChA Annual High School Conference
    • Arte de la Calle

• Links Mentoring Program (LMP):
  • Works with Migrant Education conducting workshops for parents and students in the community

*These organizations consistently do workshops in the community regarding AB540*
AB 540 Safe Zone Sticker

The purpose of the AB 540 Safe Zone Sticker:

- Created by the Student Organization A.S.E.E. (AB 540 student support group)
- To create a safe environment on campus for AB 540 students
AB 540 Safe Zone Areas

• Requirement to obtain a sticker
  • Individuals who display a Safe Zone Sticker have completed training covering current laws and issues pertaining AB 540 students. This training is currently conducted by A.S.E.E. members.

• Offices that display the AB 540 Safe Zone Sticker
  • Advisors of the College of Health & Human Development
  • Academic Departments: Chicana/o Studies, Human Services & Political Science
  • Counseling and Psychology Services (CAPS)
  • Chicana/o Resource Center
  • WoMen’s Center
  • Educational Opportunity Program (EOP)
  • LINKS Peer Mentoring Program
Cal State Fullerton Policy Implications

- Financial assistance
- Library laptop checkout
- Pharmacy purchases
- Police department issues
- Internship issues
- Training and informational workshops
- Safe Zone Program
- AB540 Website
AB 540 CSUF On-Line Resource Guide

Purpose

This web page is intended to provide information to faculty and staff seeking to advise "AB 540 Students" and for undocumented nonresident high school and college students seeking information about their eligibility for AB 540 and resources.

State Law

On October 12, 2001, Governor Gray Davis signed into law Assembly Bill 540 (Stats. 2001, ch. 814) that added a new section 68130.5 to the California Education Code. Section 68130.5 created a new exemption from the payment of nonresident tuition for certain nonresident students who have attended high school in California for three or more years and received a high school diploma or its equivalent. [Education Code section 68130.5]

Admission

The process for applying to Cal State Fullerton is no different for any student, with the exception of completing the residency section of the application:
What’s Going On Through AB 540 Students Minds?

- Physical Health
- Anxiety
- Depression
- Loneliness
- Stress
- Fatigue
- Fear
  - Police Officers
  - Immigration
  - Raids
  - Check Points
  - Losing their jobs
  - Losing love ones because of deportation
Research on Undocumented and AB540 Students

- Americans by Heart; Undocumented Latino Students and the Promise of Higher Education
  - William Perez, Ph.D.
    - Claremont Graduate University

- CSUF - Effectively Serving CSUF AB 540 Students
  - Center for Research on Educational Access and Leadership (CREAL)
    - California State University, Fullerton

- underground undergrads; UCLA undocumented immigrant students speak out
  - UCLA Center for Labor Research and Education
How to Assist and Understand AB 540/Undocumented Students
# Talking to Undocumented Students About Sensitive Subjects

<table>
<thead>
<tr>
<th>What NOT to Say</th>
<th>What to Say</th>
</tr>
</thead>
<tbody>
<tr>
<td>Going to college isn’t really an option for you.</td>
<td>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.</td>
</tr>
<tr>
<td>You’re not going to be able to get any money for college.</td>
<td>You’re not eligible for most forms of federal government financial aid. However, you might be eligible for in-state tuition and aid, and there are some private scholarships you can apply for.</td>
</tr>
<tr>
<td>Why don’t you just legalize?</td>
<td>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. Explore the recently implemented Deferred Action for Childhood Arrivals.</td>
</tr>
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Reference: KATHARINE GIN is cofounder and executive director of Educators for Fair Consideration (E4FC), a nonprofit that supports low-income immigrant students in higher education.
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<td>Even if you get a college degree, you’re never going to be able to work legally.</td>
<td>Getting a college degree isn’t going to change your immigration status, but it will open 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 may pass in the future.</td>
</tr>
<tr>
<td>Why don’t you go back home and get a degree?</td>
<td>If you have family and connections in another country outside of 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.</td>
</tr>
<tr>
<td>In order to apply to college, you’re going to have to reveal everything.</td>
<td>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.</td>
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Reference: KATHERINE GIN is co-founder and executive director of Educators for Fair Consideration (E4FC), a nonprofit that supports low-income immigrant students in higher education.
Talking to Undocumented Students About Sensitive Subjects
(By Katherine Gin)

1. Make information and resources about undocumented students easily available to all students. Don’t ask students to self-identify. Many students will be too scared to reveal their immigration status.

2. Be open-minded. Don’t make assumptions about which students may or may not be undocumented. Undocumented students aren’t all Latino, Spanish-speaking, or enrolled in ESL classes.

3. Be knowledgeable about specific government and college admissions policies that affect undocumented students.

4. Support the federal DREAM Act and other state-based legislation to support undocumented students.

5. Identify private scholarships that don’t require citizenship/residency...
Talking to Undocumented Students About Sensitive Subjects
(By Katherine Gin)

6. Encourage private scholarships to allow undocumented students to apply.

7. Identify private sponsors who can provide financial support to undocumented students.

8. Help undocumented students create lasting support networks that can offer ongoing mentoring and advice, even after the college admission process.

9. Identify older undocumented students to serve as role models.

10. Refer students to qualified legal counsel to investigate possible immigration remedies.
Contact Information

Kandy Mink Salas, Ph.D.
Associate Vice President for Student Affairs
California State University, Fullerton
(657) 278-3221
kmink@fullerton.edu

Janette L. Hyder, M.S.
Coordinator for Scholarships/Links Mentoring Program & EOP Counselor
California State University, Fullerton
(657) 278-2288
jhyder@fullerton.edu