

# College Access & Preparation (CAP) Forum

Renewing our commitment to student  
equity, access and achievement

## SUPPORTING UNDOCUMENTED STUDENTS IN UC

Habiba Simjee  
Staff Attorney, UC Immigrant Legal Services Center  
@ the UCLA Bruin Resource Center



# Agenda: Federal, State, & University of California Policies Impacting Undocumented Students

- **Federal**

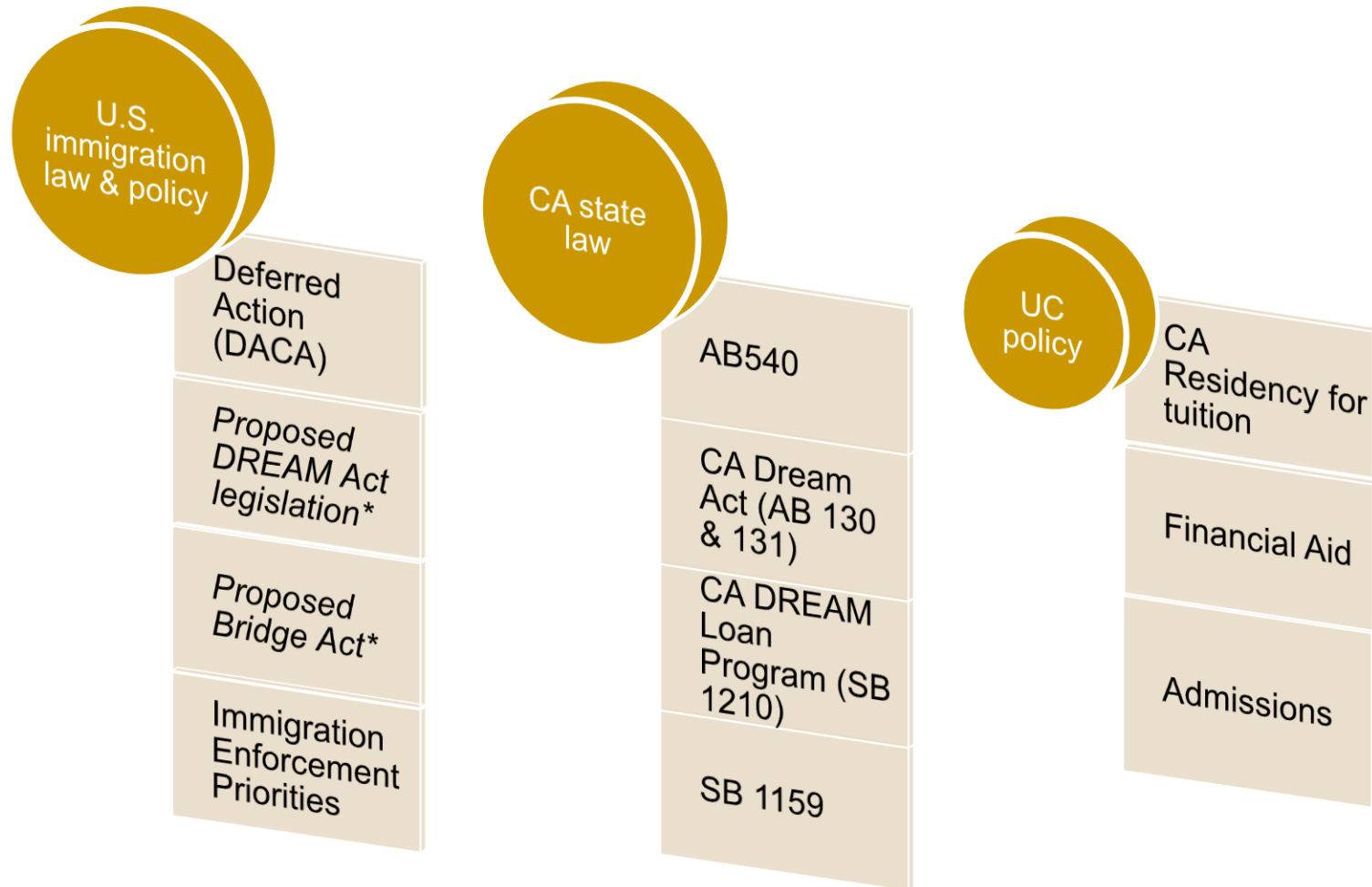
- Immigration status
- DACA
- Proposed legislation
- Executive Orders

- **State**

- AB 540 & AB 2000
- CA Dream Act
- CA Dream Loan

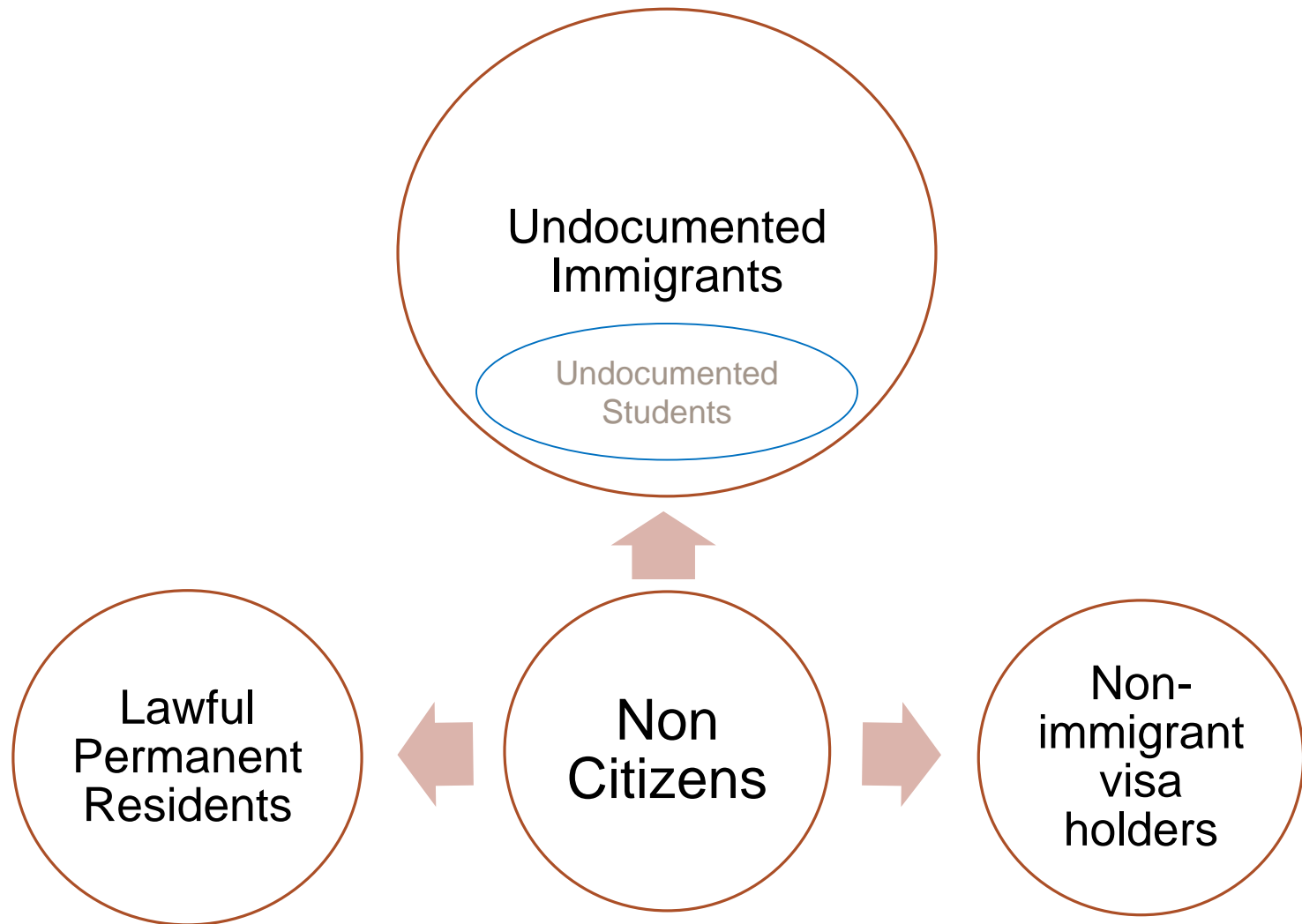
- **UC**

- Residency
- Support for Undocumented Students Consistent with its Nondiscrimination Policy
- Campus support services



*\* Not actual law –  
only proposed  
legislation*

# Immigration Status





# Deferred Action for Childhood Arrivals (DACA)

## Limitations of DACA:

- DACA does NOT grant legal status.
- DACA does NOT provide a pathway to citizenship.
- Application fee increased to \$495 (from \$465).
- There are many requirements to qualify.

# Deferred Action for Childhood Arrivals (DACA)

## REQUIREMENTS TO QUALIFY FOR DACA

- **Age:** Under the age of 31 as of 6/15/2012;
- **Entry:** Entered the U.S. before 16th birthday;
- **Continuous presence:** Have resided in the U.S. since 6/15/2007, to the present;
- **Physical presence:** In the U.S. on 6/15/2012, and at the time of applying;
- **Undocumented:** No lawful status as of 6/15/2012
- **Education:** Are currently in school, have graduated or obtained a certification of completion from a HS, GED certificate, or are an honorably discharged veteran of the US armed forces or coast guard;
- **No bars:** Have not been convicted of a felony, significant misdemeanor, 3+ misdemeanors, & do not pose a threat to national security or public safety



# Deferred Action for Childhood Arrivals (DACA)

## DACA still exists!

- **Current DACA recipients may continue to apply for Renewal of their DACA.**
  - However, the program may end at any time – we do not know what will happen at this time.
- It is highly recommended to **consult with an attorney** before renewing, especially if any of the following apply:
  - ANY contact with law enforcement
  - ANY contact with immigration authorities
  - Change of address since previous DACA application



# Proposed Legislation: Federal DREAM Act

## Development, Relief, and Education for Alien Minors [“DREAM”] Act

- Would provide a pathway to citizenship for certain young immigrants in the U.S.
- **Proposed** legislation → NOT a law
  - First introduced in 2001, most recently voted on in 2011, but has since failed to pass in Congress

# Proposed Legislation: Federal BRIDGE Act

## Bar Removal of Individuals Who Dream of Growing Our Economy [“Bridge”] Act

- Would allow the same individuals who qualify for DACA to receive “provisional protected presence” and lawful work authorization for up to 3 years
- **Proposed** legislation → NOT a law
  - Introduced in Congress on January 12, 2017

*Distinction from DACA:*  
BRIDGE Act would become law

*Distinction from federal DREAM Act:*  
**NO pathway to citizenship**

# 2017 Executive Orders

*Recent Executive Orders affecting immigrant communities:*

- Enhancing Public Safety in the Interior of the United States (01/25/2017)
- Border Security and Immigration Enforcement Improvements (01/25/2017)
- Protecting the Nation from Foreign Terrorist Entry into the United States (01/27/2017 & 03/06/2017)\*

*\* Currently enjoined nationwide*

# 2017 Executive Orders

*What is the potential impact of these Executive Orders and the implementing memorandums?*

- In the interior:
  - Broad expansion of ‘priorities’ for enforcement
  - Hiring of 10,000 new ICE agents
  - Secure Communities
  - Fast-Track removal of “Criminal Aliens”
  - 287(g) Agreements

# 2017 Executive Orders

*What is the potential impact of these Executive Orders and the implementing memorandums?*

- In the border region:
    - 5,000 more border patrol agents
    - Enhancing 287(g) in the border region
    - Border Wall Construction
    - Expand Expedited Removal to those not present for 2 years
    - Enhance alien smuggling laws for children and prevent unification
- ...And expansion of detention

# California: AB 540 & AB 2000

## AB 540

- CA state law allowing undocumented students to access in-state tuition if they:
  - Attended CA high school for at least 3 years
  - And graduated from a CA high school, or attained the equivalent

## AB 2000

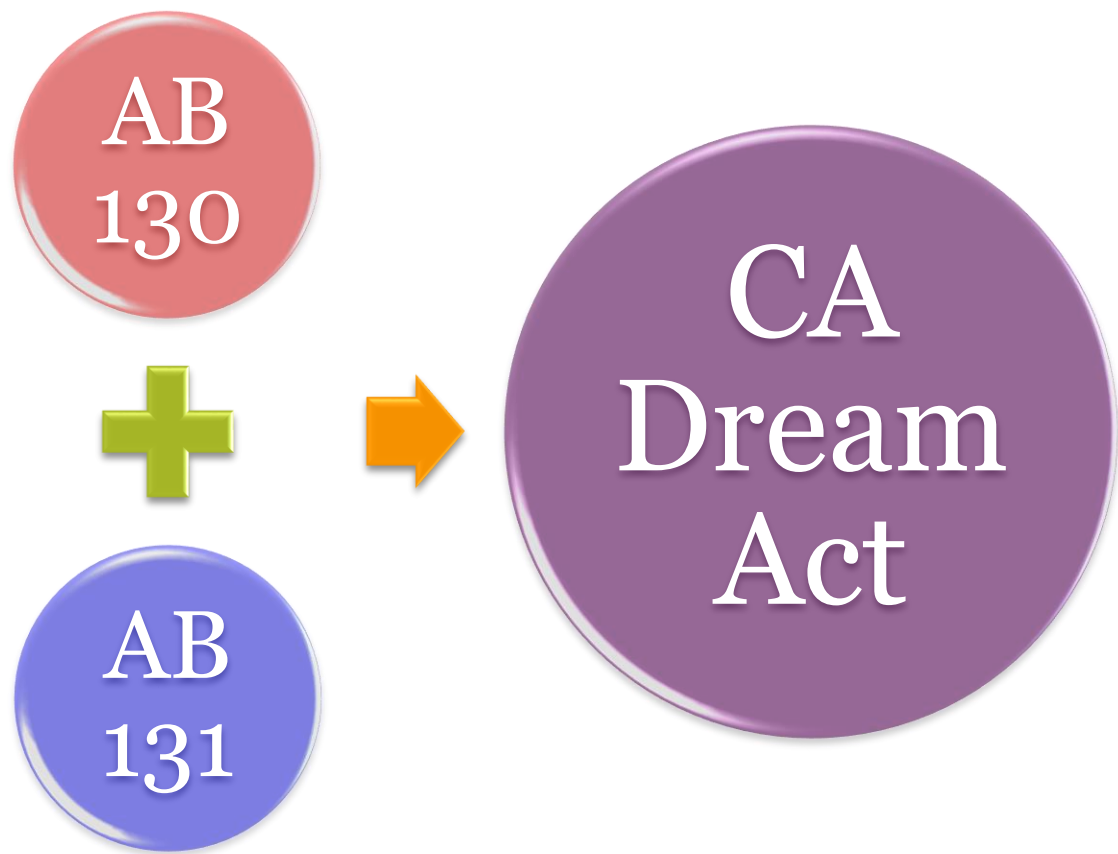
- Amendment to AB 540 that expands AB 540 eligibility to students who may not be able to meet the requirement of 3 years at a CA high school, but:
  - Earned credits from a CA high school equivalent to 3 or more years of full-time high school coursework
  - And a total of 3 or more years of attendance in CA elementary schools, secondary schools, or a combination of those schools
  - And graduated from a CA high school, or attained the equivalent

# California: AB 540 & AB 2000





# California Dream Act – AB 130 & 131



A student who qualifies for AB 540 may also qualify for in-state and institutional financial aid through two CA state laws, AB 130 and AB 131 which comprise the **CA Dream Act**.

# California DREAM Loan Act – SB 1210

The **CA DREAM Loan** program allows undocumented students to take out loans as part of their financial aid package.

- Eligibility requirements:
  - Undocumented undergraduate
  - Qualify for AB 540
  - Have financial need
  - Enrolled at least half-time as a UC student
- Maximum allotment per student:
  - \$4,000 per year
  - \$20,000 total during undergraduate studies



# Financial Aid for Undocumented Students in California

Type of Aid	Non-AB 540 Non-DACA	AB 540 Non-DACA	AB 540 DACA
Federal Aid	No	No	No
In-State Tuition	Maybe* * See UCOP policy	Yes (AB 540)	Yes (AB 540)
State Grants	No	Yes (AB 131)	Yes (AB 131)
State Loans	No	Yes (SB 1210)	Yes (SB 1210)
Private Loans	Depends	Depends	Depends
Institutional Grants	No	Yes (AB 131)	Yes (AB 131)
Institutional Work-Study	No	No** (**awarded, but cannot access)	Yes*** (***awarded and accessible)
Institutional Loans	No	Yes	Yes
Private Scholarships	Yes	Yes (AB 130)	Yes (AB 130)

# UC Policy: Residency

The screenshot shows the University of California Admissions website. The header includes the University of California logo and the word "Admissions". A search bar is located in the top right. Below the header is a navigation menu with links: HOME, FRESHMAN, TRANSFER, INTERNATIONAL, HOW TO APPLY, CAMPUSES, and PAYING FOR UC (which is highlighted). A "Counselors" link is also present. The main content area is titled "Paying for UC" and "AB 540 nonresident tuition exemption". On the left, there is a sidebar with links: "Apply for financial aid", "How aid works", "What's available for you", "Tuition & cost of attendance" (expanded), "AB 540 nonresident tuition exemption" (highlighted), and "Glossary". The main text explains that under California law AB 540, certain nonresident students are exempt from paying nonresident supplemental tuition. It states that if granted an AB 540 exemption, students will be charged in-state tuition and fees, not the supplemental tuition charged to nonresidents. A section titled "Who is eligible?" states that students (including undocumented students) who, for various reasons, are classified as nonresidents may be eligible. On the right, a "Myth or fact?" section states that if you qualify for the AB 540 nonresident tuition exemption, you'll be considered a California resident for the purposes of tuition and fees. The answer is "MYTH." and the fact is that UC will not classify you as a CA resident, but rather, will waive your nonresident tuition. You will still be considered a nonresident student.

UNIVERSITY OF CALIFORNIA Admissions

Search

HOME FRESHMAN TRANSFER INTERNATIONAL HOW TO APPLY CAMPUSES **PAYING FOR UC** Counselors

## Paying for UC

## AB 540 nonresident tuition exemption

Apply for financial aid

How aid works

What's available for you

> Tuition & cost of attendance

> **AB 540 nonresident tuition exemption**

Glossary

Under California law AB 540, certain nonresident students are exempt from paying nonresident supplemental tuition.

If you're granted an AB 540 exemption, you will be charged in-state tuition and fees, and not the supplemental tuition charged to nonresidents.

### Who is eligible?

Students (including undocumented students) who, for various reasons, are classified as nonresidents may be eligible

### Myth or fact?

*If you qualify for the AB 540 nonresident tuition exemption, you'll be considered a California resident for the purposes of tuition and fees.*

MYTH.

**Fact:** UC will not classify you as a CA resident, but rather, will waive your nonresident tuition. You will still be considered a nonresident student.

Undocumented UC students are eligible for AB 540 nonresident tuition exemption if they meet the CA AB 540/AB2000 requirements.

# UC Policy: Residency

## Resident Tuition for DACA students

- An undocumented student with DACA *may* be able to establish residence for tuition purposes, if the student:
  - Is legally present in the U.S. → Can be satisfied by DACA
  - Has accrued 366 days of continuous physical presence and intent in California
  - Meets UC's financial independence requirement where applicable:
    - Students 18-24 years old must be dependent on CA-resident parent or student must show financial independence for 2 full years
    - Financial independence will not be a factor in a residence evaluation for students 24 years old or older

# UC Policy: Support for Undocumented Students

*“University of California releases principles in support of UC community members”*

On November 30, 2016 UCOP issued a statement: ***Statement of Principles in Support of Undocumented Members of the UC Community***

See: <https://www.universityofcalifornia.edu/press-room/university-california-releases-principles-support-uc-community-members>

# UC Policy: Support for Undocumented Students

## Statement of Principles in Support of Undocumented Members of the UC Community

- UC protects privacy of all students consistent with state and federal law
- UC does not investigate, detain or arrest individuals for violation of federal immigration law
- UC police will not contact, detain, question or arrest individuals based on suspected undocumented status or to discover immigration status and does not request immigration information from crime victims and witnesses
- UC police will provide requested assistance with U and T visa requests as required by law
- UC medical centers treat patients needing service without regard to race, color, religion, national origin, citizenship and other protected characteristics and enforce privacy policies and standards



# UC Policy: Support for Undocumented Students

## TO IMMIGRATION OR OTHER OFFICER:

“I am exercising my 5th Amendment right under the U.S. Constitution to remain silent. I do not wish to speak with you, answer your questions, or sign or give you any documents without a lawyer present.

I do not give you permission to enter my home or search my person or belongings based on my 4th Amendment rights under the U.S. Constitution, unless you have a warrant to enter, signed by a judge or magistrate with my name and correct address on it that you slide under the door.”

## Instructions for documented international students and scholars holding in-status visas only

You are required by law to carry “registration” documents at all times. If an immigration agent requests your immigration papers you should present them if you have them with you. You have the right to contact your consulate. If you are not sure if your visa is out of status, consult with an immigration attorney.

## For more information or to report an incident, please contact

UC Immigrant Legal Services Center  
[ucimm@law.ucdavis.edu](mailto:ucimm@law.ucdavis.edu)  
(530) 752-7996

United We Dream national hotline  
To report incidents and abuses  
(844) 363-1423

Local Campus Contact



# UC Policy: Support for Undocumented Students

If you are concerned about facing immigration enforcement officers, you should prepare now. Do not wait until an encounter to think about how you will respond. Plan with the help of an immigration attorney and plan together with your family. Your plan for responding to immigration enforcement should address questions such as: whether to make statements, whether to provide documents, and whether to provide access to your residence. The information below provides a starting point for your planning.

If you can't afford an immigration attorney, the university has resources you can access through the UC Immigrant Legal Services Center, [ucimm@law.ucdavis.edu](mailto:ucimm@law.ucdavis.edu), (530) 752-7996.

## Your constitutional rights if you are questioned about your immigration status by immigration enforcement

- **You have the right to remain silent** and do not have to discuss your immigration or citizenship status. You do not have to answer questions about where you were born, whether you are a U.S. citizen, or how or when you entered the country. (Separate rules apply at international borders and airports.)

- **Stay calm** and be polite. Do not lie about your citizenship status or provide fake documents.
- **You do not have to sign anything.** If you sign, you may be giving up your opportunity to stay in the U.S.

## Your constitutional rights if immigration comes to your home (including an apartment or dorm room)

- **You do not have to open your door unless an officer has certain kinds of warrants.** Ask the officer to slip the warrant under the door or hold it up to the window so you can inspect it. A search warrant allows police to enter the address listed on the warrant, but officers can only search within the areas and for the items listed. An arrest warrant allows police to enter the home of the person listed on the warrant if they believe the person is inside. A warrant of removal/deportation (U.S. Immigration and Customs Enforcement (ICE) warrant) is not signed by a judge and does not authorize officers to enter a home without consent.
- **You have the right to remain silent**, even if an officer has a warrant that authorizes their entry.
- **You do not have to sign anything.** If you sign, you may

be giving up your opportunity to stay in the U.S.

- As set forth in the university's Principles in Support of Undocumented Members of the University Community, campus police will not contact, detain, question, or arrest an individual on the basis of suspected immigration status and will not undertake joint efforts with federal officers to investigate, detain, or arrest individuals on that basis.

## Your constitutional rights if you are taken into immigration custody

- **You have the right to a lawyer**, but the government does not have to provide one for you. If you do not have a lawyer, see resources listed in this guide or ask immigration officers for a list of free or low-cost legal services.
- **You have the right to contact your consulate** or have an officer inform the consulate of your arrest.
- **You have the right to remain silent** and discuss your immigration status only with your lawyer. This is an individual decision you should prepare for ahead of time with a lawyer.
- **You do not have to sign anything** without talking to a lawyer.

## KNOW YOUR RIGHTS!

If you are stopped by an immigration enforcement officer:

- If you choose to remain silent, tear off this portion of the card and hand it to the officer. (See other side.)
- The card explains that you are exercising your right to refuse to answer any questions until you have talked with a lawyer.

# UC Immigrant Legal Services Center

*What do we do?*

- Provide free direct immigration legal services

*Who do we serve?*

- Undocumented **and** mixed- status UC students **and** their immediate family members

*Where do we operate?*

- UC Davis, UC Irvine, UCLA, UC Merced, UC Riverside, UC Santa Barbara, UC Santa Cruz, UC San Diego, UCSF

Visit us:

<https://law.ucdavis.edu/ucimm/resources.html>

Contact us:

[ucimm@law.ucdavis.edu](mailto:ucimm@law.ucdavis.edu)

# UC Campus Support Services

## Undocumented Student Initiative

- In 2013 President Napolitano allocated funding to be distributed across the UC system “to enhance student services for undocumented students, expand their access to financial aid, and improve their retention and graduation rates” (University of California Office of President, 2014).
- In 2015 funding re-allocated to the campuses to continue support services for undocumented

*Information courtesy of Valeria Garcia – Program Director, Undocumented Student Program @ UCLA Bruin Resource Center*

# UC Campus Support Services

<http://undoc.universityofcalifornia.edu/campus-support.html>

<u>UC Berkeley</u> <u>Undocumented Student</u> <u>Program</u>	<u>Meng So</u>   (510) 642-7224 Director, Undocumented Student Program  <u>Lupe Gallegos-Diaz</u>   (510) 642-1802 Director, Chicana Latino Student Development, Office of the Vice Chancellor for Equity and Inclusion
<u>UC Davis</u> <u>AB 540 website</u>	<u>Andrea Gaytan</u>   (530) 752-7270 Director, AB 540 and Undocumented Student Center
<u>UC Irvine</u> <u>DREAMers</u>	<u>Ana Miriam Barragan</u>   (949) 824-5762 Dreamers Coordinators, Student Outreach and Retention (SOAR) Center
<u>UCLA</u> <u>Undocumented Student</u> <u>Program</u>	<u>Valeria Garcia</u>   (310) 206-2980 Program Director, Undocumented Student Program

*Information courtesy of Valeria Garcia – Program Director, Undocumented Student Program @ UCLA Bruin Resource Center*

# UC Campus Support Services

<u>UC Merced</u>	<u>Alejandro Delgadillo</u>   (209) 228-4625 Associate Director, Admissions and Recruitment
<u>UC Riverside</u> <u>R'Dream</u>	<u>Ana Coria</u>   (951) 827-3808 Program Coordinator, Undocumented Student Programs  <u>Estella Acuña</u>   (951) 827-3821 Director, Chicano Student Programs
<u>UC San Diego</u> <u>Undocumented Student</u> <u>Services</u>	<u>Daniel Arturo Alfaro Arellano</u>   (858) 822-6916 Coordinator, Undocumented Student Services  <u>Jon Carlos Senour</u>   (858) 534-4374 Director/Attorney, Student Legal Services

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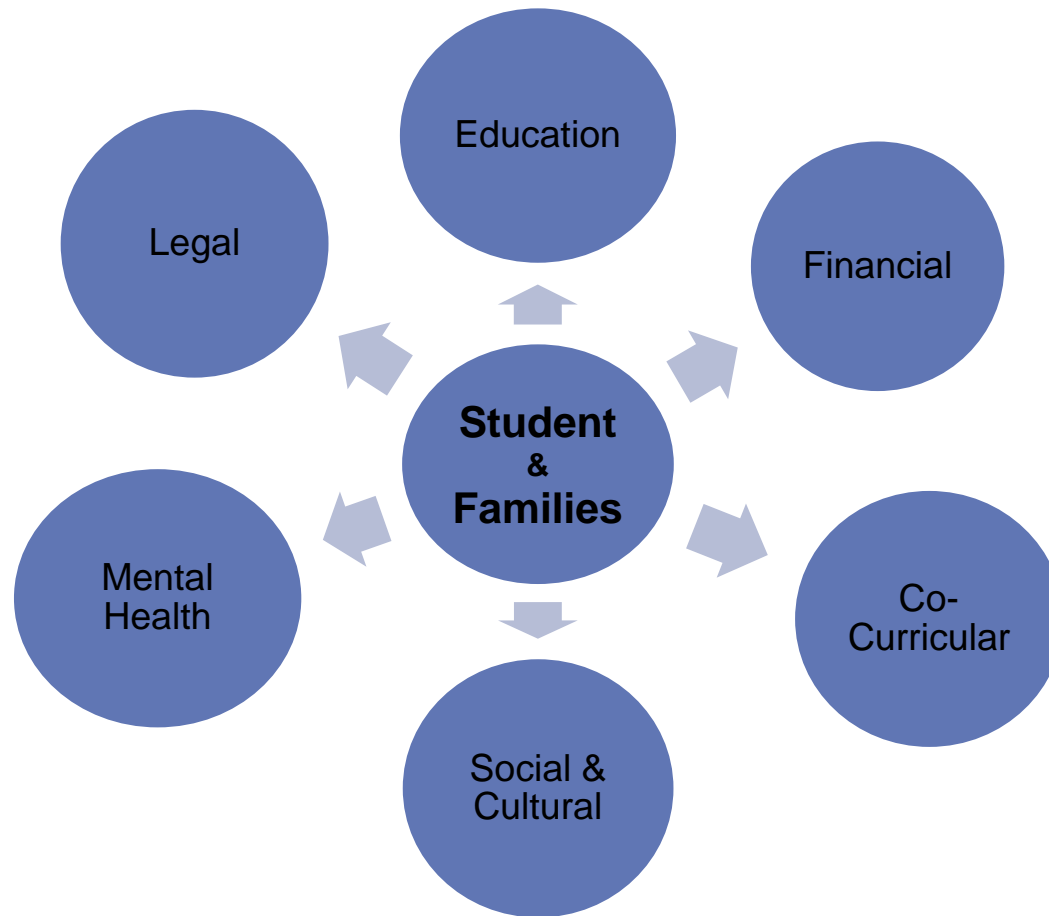
# UC Campus Support Services

<b><u>UC San Francisco</u></b> <b><u>Undocumented Student</u></b> <b><u>Support Services</u></b>	<p><u>LaMisha Hill</u>   (415) 502-3201 Director, Multicultural Resource Center</p> <p><u>Alejandra Rincón</u>   (415) 514-1784 Chief of Staff to the Vice Chancellor, Office of Diversity and Outreach</p>
<b><u>UC Santa Barbara</u></b> <b><u>Dream Scholars Resource</u></b> <b><u>Team</u></b>	<p><u>Diana Valdivia</u>   (805) 893-5609 Undocumented Services Coordinator</p> <p><u>Cuca Acosta</u>   (805) 893-2307 Associate Director for School Services, Office of Admissions</p> <p><u>Lupe Navarro-Garcia</u>   (805) 893-4089 Associate Dean, Student Academic Support Services</p>
<b><u>UC Santa Cruz</u></b> <b><u>EOP AB 540 Student</u></b> <b><u>Services</u></b>	<p><u>Martha Ortega</u>   (831) 459-2018 Interim Undocumented Student Services Coordinator</p> <p><u>Anna L. Campos</u>   (831) 459-3048 Retention Services Analyst</p>

*Information courtesy of Valeria Garcia – Program Director, Undocumented Student Program @ UCLA Bruin Resource Center*

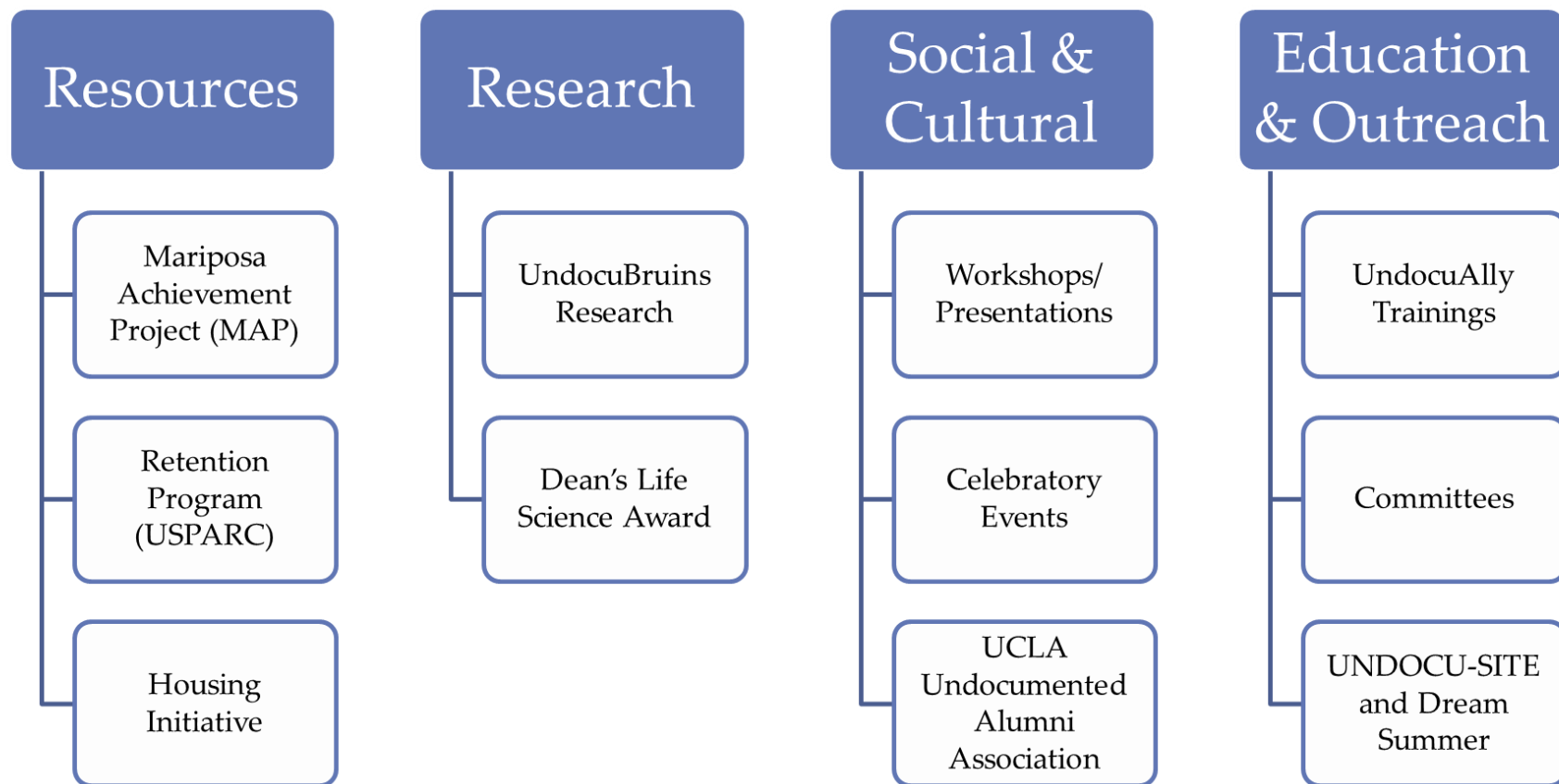


# UC Campus Support Services



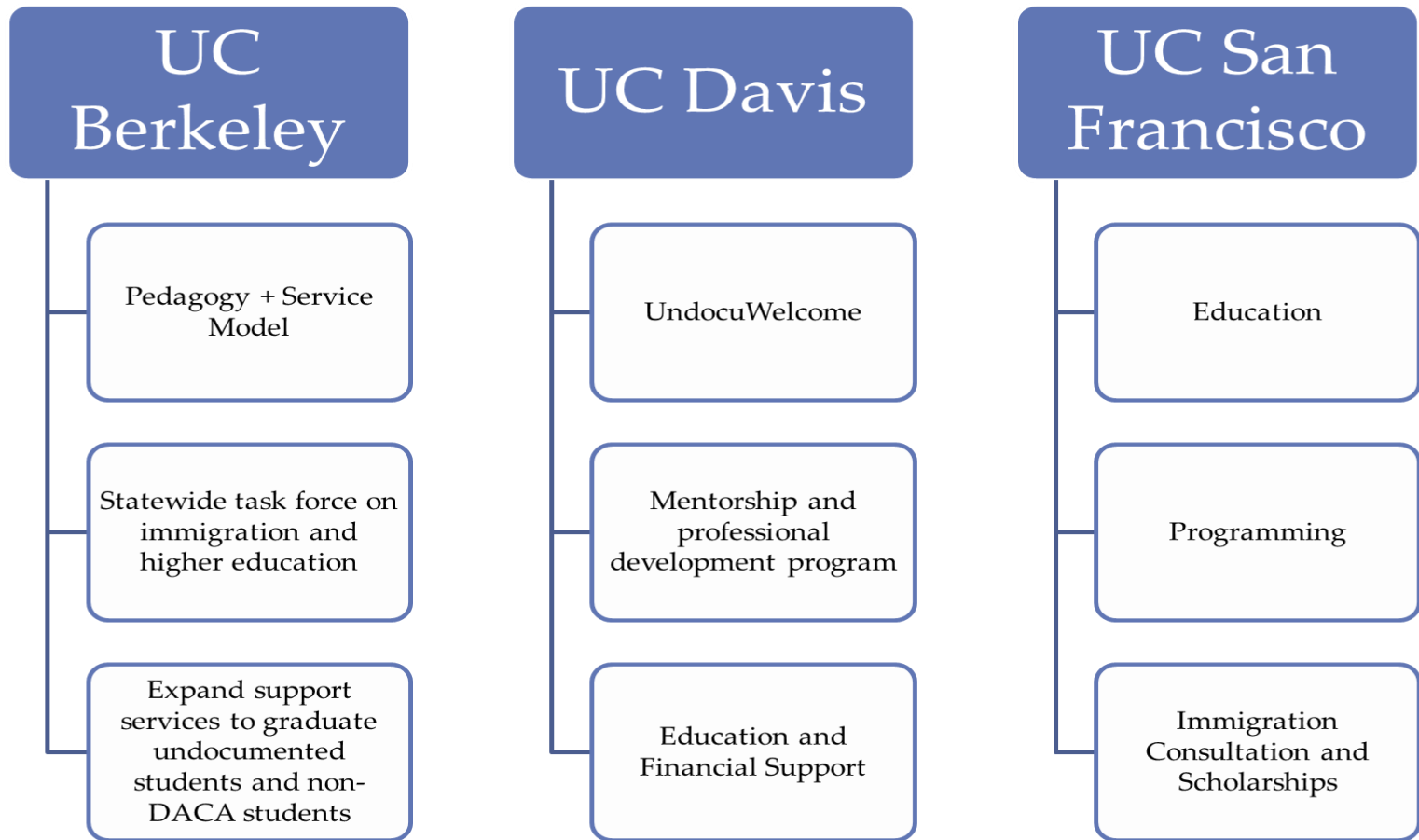
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# UC Campus Support Services (UCLA)



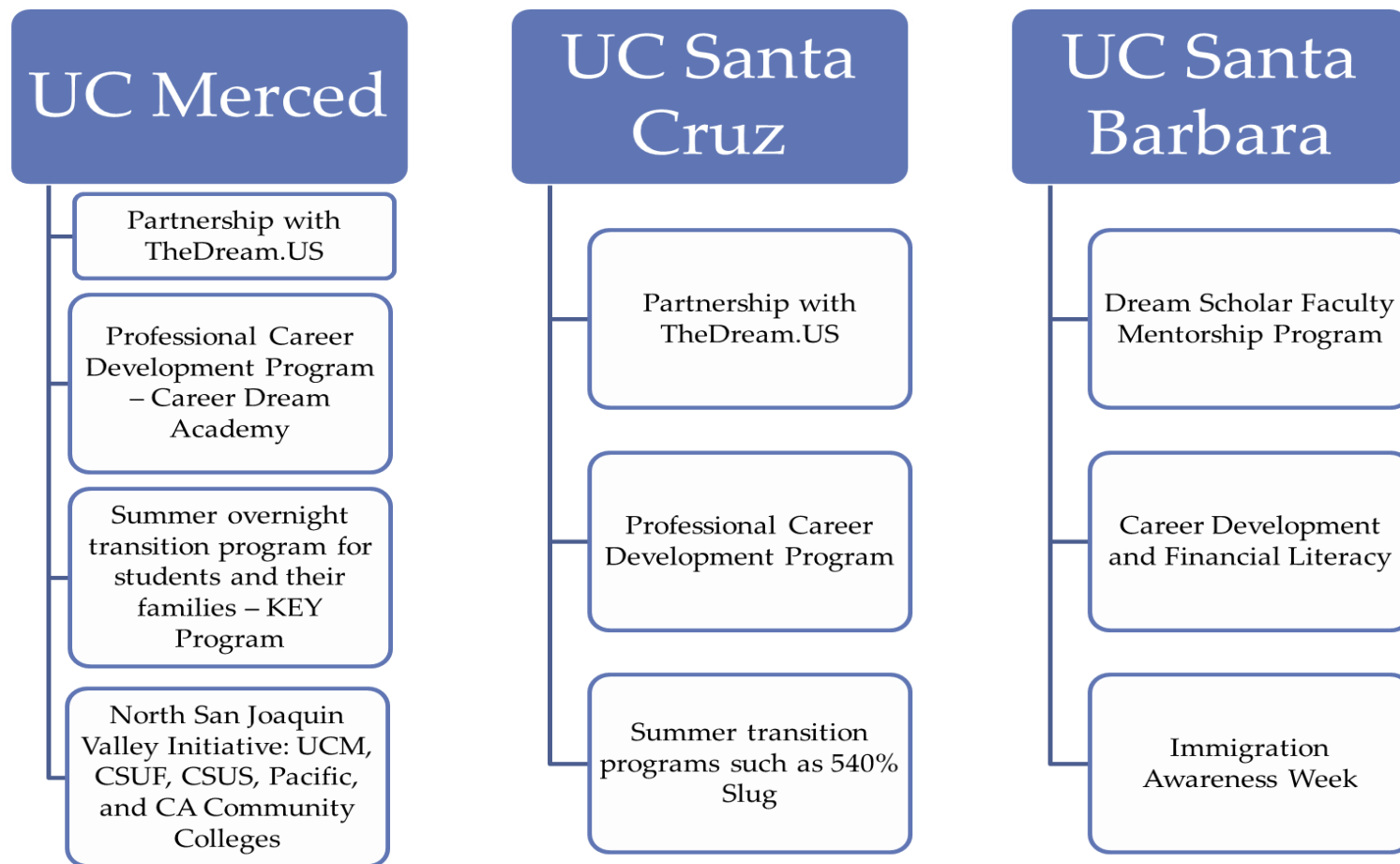
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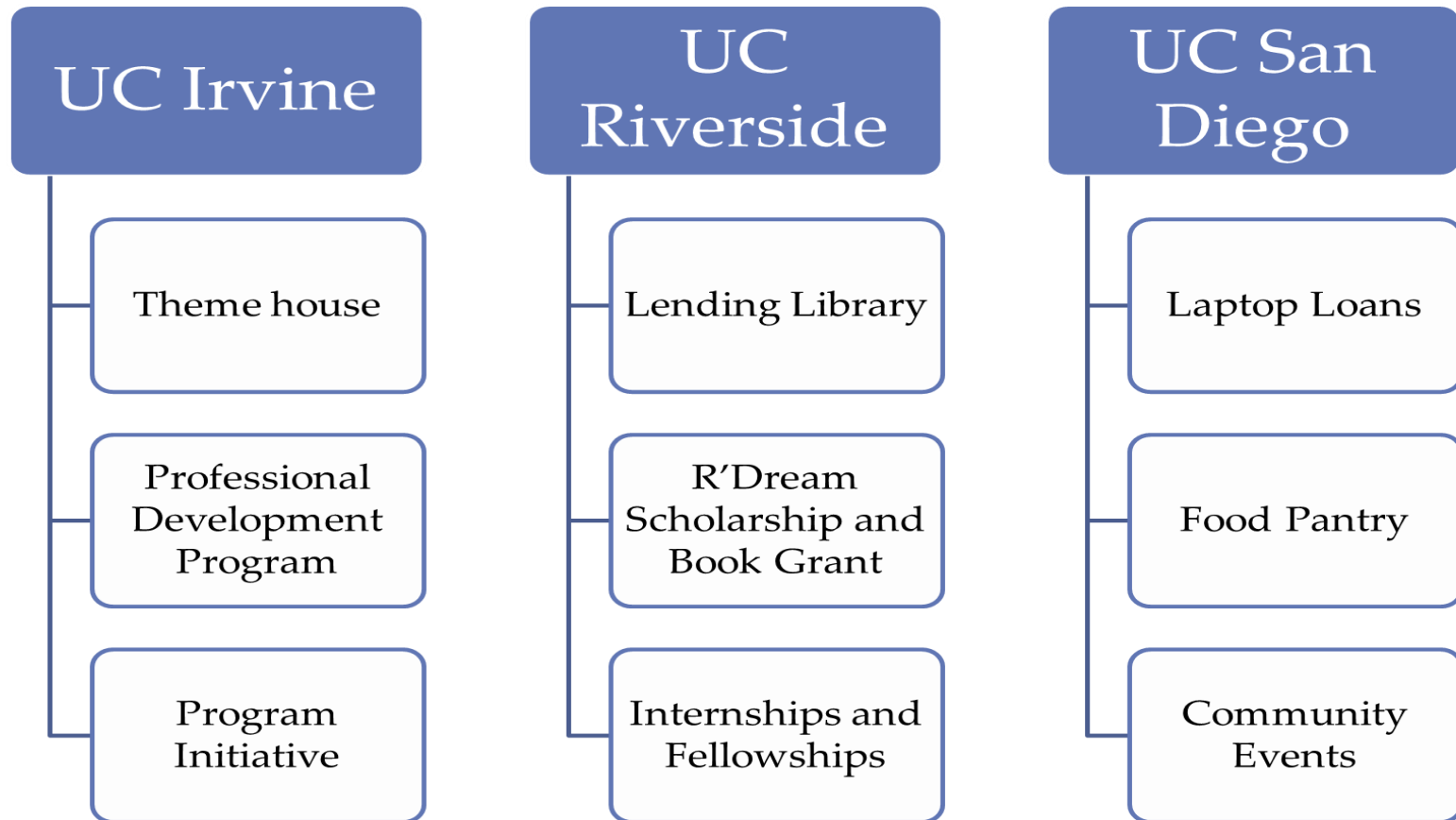
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# UC Campus Support Services



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# Thank you for joining!

Visit us:

<https://law.ucdavis.edu/ucimm/resources.html>

Contact us:

[ucimm@law.ucdavis.edu](mailto:ucimm@law.ucdavis.edu)