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

#capforum17
# Agenda: Federal, State, & University of California Policies Impacting Undocumented Students

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<td>Consistent with its Nondiscrimination</td>
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<td>Campus support services</td>
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</tbody>
</table>
* Not actual law – only proposed legislation
Immigration Status

- Undocumented Immigrants
  - Undocumented Students
- Lawful Permanent Residents
- Non-Citizens
- Non-immigrant visa holders
Deferred Action for Childhood Arrivals (DACA)

DACA provides:
- 2 year protection from deportation*
- Work permit – lawful employment authorization
- Social Security number
- Driver’s license (in CA)

* But see Executive Orders and DHS statements
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
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

- Attended a CA high school for 3 or more years*
  *AB2000 exception
- Graduated from a CA high school, or equivalent (e.g. GED)
- Registered at a CA public university
- Filed AB540 Affidavit (CA Nonresident Tuition Exemption Form)
- Filed affidavit that student is adjusting immigration status or will file for legal status when eligible

AB 540 student
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.
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

<table>
<thead>
<tr>
<th>Type of Aid</th>
<th>Non-AB 540 Non-DACA</th>
<th>AB 540 Non-DACA</th>
<th>AB 540 DACA</th>
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<tbody>
<tr>
<td>Federal Aid</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>In-State Tuition</td>
<td>Maybe* *See UCOP policy</td>
<td>Yes (AB 540)</td>
<td>Yes (AB 540)</td>
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<tr>
<td>State Grants</td>
<td>No</td>
<td>Yes (AB 131)</td>
<td>Yes (AB 131)</td>
</tr>
<tr>
<td>State Loans</td>
<td>No</td>
<td>Yes (SB 1210)</td>
<td>Yes (SB 1210)</td>
</tr>
<tr>
<td>Private Loans</td>
<td>Depends</td>
<td>Depends</td>
<td>Depends</td>
</tr>
<tr>
<td>Institutional Grants</td>
<td>No</td>
<td>Yes (AB 131)</td>
<td>Yes (AB 131)</td>
</tr>
<tr>
<td>Institutional Work-Study</td>
<td>No</td>
<td>No** (**awarded, but cannot access)</td>
<td>Yes*** (**awarded, and accessible)</td>
</tr>
<tr>
<td>Institutional Loans</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Private Scholarships</td>
<td>Yes</td>
<td>Yes (AB 130)</td>
<td>Yes (AB 130)</td>
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</table>
Undocumented UC students are eligible for AB 540 nonresident tuition exemption if they meet the CA AB 540/AB2000 requirements.
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

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
(530) 752-7596

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, uclalawImmigrantLegalServices@gmail.com, (510) 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 show 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
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](http://undoc.universityofcalifornia.edu/campus-support.html)

| UC Berkeley | Meng So | (510) 642-7224  
Director, Undocumented Student Program |
|-------------|---------|------------------|
| Undocumented Student Program | Lupe Gallegos-Diaz | (510) 642-1802  
Director, Chicana Latino Student Development, Office of the Vice Chancellor for Equity and Inclusion |

| UC Davis | Andrea Gaytan | (530) 752-7270  
Director, AB 540 and Undocumented Student Center |
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<tbody>
<tr>
<td>AB 540 website</td>
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| UC Irvine | Ana Miriam Barragan | (949) 824-5762  
Dreamers Coordinators, Student Outreach and Retention (SOAR) Center |
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<tbody>
<tr>
<td>DREAMers</td>
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| UCLA | Valeria Garcia | (310) 206-2980  
Program Director, Undocumented Student Program |
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<td>Undocumented Student Program</td>
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*Information courtesy of Valeria Garcia – Program Director, Undocumented Student Program @ UCLA Bruin Resource Center*
## UC Campus Support Services

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<tr>
<th>Institution</th>
<th>Contact Person</th>
<th>Phone Number</th>
<th>Position</th>
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<tbody>
<tr>
<td><strong>UC Merced</strong></td>
<td>Alejandro Delgadillo</td>
<td>(209) 228-4625</td>
<td>Associate Director, Admissions and Recruitment</td>
</tr>
<tr>
<td><strong>UC Riverside</strong></td>
<td>Ana Coria</td>
<td>(951) 827-3808</td>
<td>Program Coordinator, Undocumented Student Programs</td>
</tr>
<tr>
<td><strong>R'Dream</strong></td>
<td>Estella Acuña</td>
<td>(951) 827-3821</td>
<td>Director, Chicano Student Programs</td>
</tr>
<tr>
<td><strong>UC San Diego</strong></td>
<td>Daniel Arturo Alfaro Arellano</td>
<td>(858) 822-6916</td>
<td>Coordinator, Undocumented Student Services</td>
</tr>
<tr>
<td><strong>Undocumented Student Services</strong></td>
<td>Jon Carlos Senour</td>
<td>(858) 534-4374</td>
<td>Director/Attorney, Student Legal Services</td>
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</tbody>
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*Information courtesy of Valeria Garcia – Program Director, Undocumented Student Program @ UCLA Bruin Resource Center*
# UC Campus Support Services

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

Information courtesy of Valeria Garcia – Program Director, Undocumented Student Program @ UCLA Bruin Resource Center
UC Campus Support Services (UCLA)

Resources
- Mariposa Achievement Project (MAP)
- Retention Program (USPARC)
- Housing Initiative

Research
- UndocuBruins Research
- Dean’s Life Science Award

Social & Cultural
- Workshops/Presentations
- Celebratory Events
- UCLA Undocumented Alumni Association

Education & Outreach
- UndocuAlly Trainings
- Committees
- UNDOCU-SITE and Dream Summer

Information courtesy of Valeria Garcia – Program Director, Undocumented Student Program @ UCLA Bruin Resource Center
UC Campus Support Services

UC Berkeley
- Pedagogy + Service Model
- Statewide task force on immigration and higher education
- Expand support services to graduate undocumented students and non-DACA students

UC Davis
- UndocuWelcome
- Mentorship and professional development program
- Education and Financial Support

UC San Francisco
- Education
- Programming
- Immigration Consultation and Scholarships

Information courtesy of Valeria Garcia – Program Director, Undocumented Student Program @ UCLA Bruin Resource Center
UC Campus Support Services

UC Merced
- Partnership with TheDream.US
- Professional Career Development Program – Career Dream Academy
- Summer overnight transition program for students and their families – KEY Program
- North San Joaquin Valley Initiative: UCM, CSUF, CSUS, Pacific, and CA Community Colleges

UC Santa Cruz
- Partnership with TheDream.US
- Professional Career Development Program
- Summer transition programs such as 540% Slug

UC Santa Barbara
- Dream Scholar Faculty Mentorship Program
- Career Development and Financial Literacy
- Immigration Awareness Week

Information courtesy of Valeria Garcia – Program Director, Undocumented Student Program @ UCLA Bruin Resource Center
UC Campus Support Services

UC Irvine
- Theme house
- Professional Development Program
- Program Initiative

UC Riverside
- Lending Library
- R’Dream Scholarship and Book Grant
- Internships and Fellowships

UC San Diego
- Laptop Loans
- Food Pantry
- Community Events

Information courtesy of Valeria Garcia – Program Director, Undocumented Student Program @ UCLA Bruin Resource Center
Thank you for joining!

Visit us: https://law.ucdavis.edu/ucimm/resources.html

Contact us: ucimm@law.ucdavis.edu