Dreamer Ally Training

Presented by:
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Objectives

1. Learn about laws and policies affecting Dreamers
2. Learn about resources available to Dreamers
3. Learn how to effectively support Dreamers
The Journey of Undocumented Youth in America
**Common Terms**

**Undocumented immigrants:**
1. Entered without inspection – 58% of the unauthorized population
2. Entered with legal status (e.g., a visa) but overstayed – 42% of the unauthorized population
3. Have or previously had DACA – 699,350 DACA recipients (as of August 2018)
4. Are currently in the process of legalizing

**Unaccompanied minors:** A child with no lawful immigration status and there is no parent or legal guardian in the U.S. to provide care and physical custody.

**Mixed-status families:** Families whose members include people with different citizenship or immigration statuses.

**Sanctuary schools and campuses:** Educational institutions that adopt policies to protect undocumented students.
**Common Terms**

**Dreamer:** A “Dreamer” (often also spelled “DREAMer”) refers to a young person who qualifies for the Development, Relief, and Education for Alien Minors (DREAM) Act. Those who are eligible for the DREAM Act (federal) will have a pathway to citizenship.

**AB 540:** Under California law Assembly Bill (AB) 540, certain nonresident students are exempt from paying nonresident supplemental tuition. Assembly Bill 2000 and Senate Bill (SB) 68 expanded in-state tuition to include adult school and community college.
Demographics
250,000
undocumented children 3-17 are enrolled in California schools
An estimated 50,000 - 70,000 undocumented students are enrolled at California community colleges.
1.3 million undocumented youth (under 31 years of age as of June 15, 2012) in the United States are potentially eligible for DACA.
240,000 young people in California have applied for DACA
DACA
1. Deferred Action for Childhood Arrivals (DACA) is a federal policy (not law) enacted on June 15, 2012.

2. DACA is an exercise of prosecutorial discretion, providing temporary relief from deportation (deferred action) and work authorization to certain young undocumented immigrants brought to the United States as children (before their 16th birthday).
   a. With work authorization, they are able to apply for a Social Security number.
   b. DACA: The Essential Legal Guide: https://www.ilrc.org/daca
DACA-Related Litigation

• “On January 9, 2018, the court in UC’s lawsuit against the Trump administration in large part halted the attempted rescission of the Deferred Action for Childhood Arrivals (DACA) program. Therefore, DACA has been reinstated, and USCIS has resumed accepting requests to renew DACA status. However, U.S. Citizenship and Immigration Services (USCIS) is **not required to process new applications** or to grant requests for advance parole.”

• “Until there are further developments in this or related lawsuits, the court’s order will remain in effect, and **the initially intended end date of March 5, 2018 has no significance.**”
DACA-Related Litigation Cont.

“March 5, 2018, a federal judge in Maryland:

1. Upheld the termination of the program; but
2. Ordered a prohibition on the U.S. Department of Homeland Security (DHS) from sharing or using DACA recipients’ information for immigration enforcement purposes against them or their family members unless they pose a threat to national security or have committed certain serious crimes.
3. The case was appealed to the U.S. Court of Appeals for the Fourth Circuit and is currently pending.”
Who is eligible to apply?

• All individuals who were previously granted DACA can apply, including:
  • People whose DACA case expired at any time;
  • People whose DACA case was terminated; and
  • People whose current DACA will expire.
Filing DACA Renewals

• Recipients whose DACA expired on or before September 5, 2016 or was DACA terminated must file as “renewal-initial” applicants (like they are applying for the first time):

• Recipients whose DACA expired between September 5, 2016 and the present may file as renewal applicants if they:
  a. Did not depart the U.S. on or after August 15, 2012 without advance parole;
  b. Have continuously resided in the U.S. since submitting most recent approved DACA request; and
  c. Have not been convicted of a felony, significant misdemeanor, or three or more misdemeanors, and do not pose a threat to national security or public safety.
Overview of DACA Application Renewal Packet

1. **Form I-821D**, Consideration of Deferred Action for Childhood Arrivals
   - Use the most recent version of Form I-821D on the USCIS website or application will be rejected and you will not receive a refund.

2. **Form I-765**, Application for Employment Authorization

3. **Form I-765W**, Worksheet

4. Photocopy of work permit (both sides)

5. Two identical passport-style photographs

6. $495 check or money order payable to U.S. Department of Homeland Security
This DACA Renewal Guide can be found at:

Processing DACA Applications

a. Renewals are being processed within 2-3 months of filing, with some exceptions.

b. Applicants are still being approved even with law enforcement contact.

c. DACA recipient information is *not* being shared with U.S. Immigration and Customs Enforcement (ICE) for enforcement purposes.
AB 540
Non-Resident Tuition Exemption
AB 540

What is AB 540?

• Assembly Bill 540 is a California state law enacted in October 2001 which:
  • Exempts students from paying non-resident tuition at public colleges and universities in California.
  • Often referred to “AB 540” after the Assembly Bill which enacted the exemption.
  • Makes students eligible to receive state financial aid (CA Dream Act).

Who can apply for non-resident tuition exemption under AB 540?

• Undocumented individuals
• DACA beneficiaries
• T visa holders (victims of human trafficking)
• U visa holders (victims of criminal activity)
• U.S. citizens
• Lawful permanent residents
• What are the non-resident tuition exemption requirements under AB 540?
  a. Time and coursework requirements
  b. Degree or unit requirements
  c. Register or enroll in an accredited California college or university.
  d. Submit a signed California Nonresident Tuition Exemption Request form with their college or university.
     a. Some schools will refer to this form as an “AB 540 affidavit.”
Important Clarifications

1. AB 540 does **not**:
   1. Apply to private colleges and universities
   2. Apply to colleges and universities outside of California
   3. Grant legal status
   4. Grant federal financial aid eligibility

2. Not all beneficiaries of AB 540 are undocumented

3. If an undocumented student does not qualify to pay in-state tuition granted by AB 540, they may still be admitted to attend a university
SB 68
Expansion of In-State Tuition Eligibility
### PART ONE
Length of time & coursework completed per school

Three full-time years of attendance or attainment of equivalent credits earned in a California:

- **High School**¹
  - Adult School²
    - FT attendance = min of 420 hrs/school year
- **Community College**:
  - Credit courses
    - 12 units/semester or quarter equivalent
    - and max 2 years FT attendance
  - Noncredit courses
    - FT attendance = min of 420 hrs/school year
- or any combination of the above

### PART TWO
Degree Completion, Unit Requirements or a GED

Fullfill one of the following:

- Graduate from a CA High School
- Obtain a G.E.D in CA
- Attain an associate degree from a CA Community College
- Fulfill minimum transfer requirements for University of California or California State University

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¹ California High schools must be established by the State Board of Education

² California Adult school must be established by:
  - County Office of Education
  - Unified School District/High School District
  - The Department of Corrections and rehabilitation
CA Dream Act
CA Dream Act = AB 130 + AB 131

**AB 130**
- Opens certain scholarships administered by public institutions of higher education to students who are classified AB 540/SB 68

**AB 131**
- Makes available state-funded grants including Cal Grants, State grants, UC grants, the CA College Promise Grant, and Extended Opportunity Programs & Services (EOP&S) to students who are classified AB 540/SB 68
Eligibility Requirements

Students are eligible to complete the CA Dream Act application if they:
• Meet the requirements of AB 540/SB 68; and/or
• Reside in California with a U visa; or
• Reside in California with a Temporary Protected Status (TPS).
Supporting Dreamers
Supporting Dreamers

Not all undocumented students have access to the same support.
How to Support Dreamers

Engage with an Open Mind
a. It’s important to know that there won’t be a single answer or path for all students
b. When you don’t know something, work *with* students to find out answers so you can share them with other students and colleagues

Create a Safe Space
a. Don’t ask students to self-identify
b. Understand that trust takes time
c. Be mindful of language; say “undocumented” rather than “illegal” and avoid terms like “alien”
d. Do all you can to identify yourself as an ally; use your *stickers* and *lapel pin* to make your support visible
Supporting Dreamers Checklist

Learn about Relevant Policies and Legislation

☑ Understand in-state tuition and state-based aid requirements

☑ Understand DACA and encourage youth to contact a legal service provider prior to applying

☐ Research local and state-wide immigration-related policies

Build Your Own Educator Network

☑ Build relationships and collaborate with other educators at the college

☐ Reach out to educators at local colleges who are supportive to collaborate on activities or events (e.g., conferences, workshops, advocacy efforts, etc.)
Citrus College Webpage for Dreamers

http://www.citruscollege.edu/stdntsrv/ab540/Pages/default.aspx
Student Resource Guide

“This guide is dedicated to providing students with information on free and low-cost services in an effort to ease some of these pressures, while also serving as a resource for college employees to reference when helping students in need.”

—Dr. Maryann Tolano-Leveque, Dean of Students

This guide includes resources for Dreamers.

California Community Colleges

Dreamers Project

Strengthening Institutional Practices
To Support Undocumented Student Success

COMPLETE REPORT

https://foundationccc.org/What-We-Do/Equity/Dreamers-Project
Benefits & Rights Based on Immigration Status
# Education & Financial Aid

For more information about immigrants’ rights in education, please visit [www.nilc.org/education.html](http://www.nilc.org/education.html)

<table>
<thead>
<tr>
<th>EDUCATION &amp; FINANCIAL AID</th>
<th>U.S. Citizen</th>
<th>Legal Permanent Resident</th>
<th>DACA Beneficiary</th>
<th>Undocumented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Free Public School K-12 Education</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Federal Financial Aid</td>
<td>YES</td>
<td>YES</td>
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<tr>
<td>State Financial Aid &amp; Grants</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
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<tr>
<td>In-State Tuition (Colleges &amp; Universities)</td>
<td>YES if state resident for 1 year or AB540 eligible</td>
<td>YES if state resident for 1 year or AB540 eligible</td>
<td>YES if AB540 eligible</td>
<td>YES if AB540 eligible</td>
</tr>
<tr>
<td>Private Scholarships</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Government Loans</td>
<td>YES</td>
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<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Private Loans</td>
<td>YES</td>
<td>YES</td>
<td>MAYBE with a legal resident or USC co-signer</td>
<td>MAYBE with a legal resident or USC co-signer</td>
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<tr>
<td>Work-Study</td>
<td>YES</td>
<td>YES</td>
<td>NO Check individual schools</td>
<td>NO Check alternative funding at individual schools</td>
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# Work & Related Benefits

<table>
<thead>
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<th>WORK &amp; RELATED BENEFITS</th>
<th>DACA Beneficiary</th>
<th>Undocumented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Security Number</td>
<td>YES</td>
<td>YES</td>
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<tr>
<td>Work Authorization (Able to be Hired by Employer)</td>
<td>YES</td>
<td>YES</td>
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<td>Independent Contract Work</td>
<td>YES</td>
<td>YES</td>
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<tr>
<td>Owning a Business (Including LLCs)</td>
<td>YES</td>
<td>YES</td>
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<tr>
<td>Required to Pay Taxes (Using Either SSN or ITIN)</td>
<td>YES</td>
<td>YES</td>
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<tr>
<td>Unemployment Benefits</td>
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<td>NO</td>
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<td>Workers’ Compensation</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Eligible for Professional Licenses</td>
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## Constitutional & Civil Rights

<table>
<thead>
<tr>
<th>CONSTITUTIONAL &amp; CIVIL RIGHTS</th>
<th>DACA Beneficiary</th>
<th>Undocumented</th>
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</thead>
<tbody>
<tr>
<td>Able to Vote</td>
<td>YES</td>
<td>NO</td>
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<tr>
<td>Right to a Free Criminal Attorney If Can't Afford One</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Right to a Free Immigration Attorney If Can't Afford One</td>
<td>NO</td>
<td>NO</td>
</tr>
</tbody>
</table>

DACA Beneficiary: NO  
Undocumented: NO
# Immigration Benefits

<table>
<thead>
<tr>
<th>IMMIGRATION BENEFITS</th>
<th>DACA Beneficiary</th>
<th>Undocumented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Can Be Deported</td>
<td>MAYBE</td>
<td>YES *Riskiest if entered after 01/01/2010</td>
</tr>
<tr>
<td>Able to Naturalize</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Able to Petition for Family Members</td>
<td>NO</td>
<td>NO</td>
</tr>
</tbody>
</table>

- **Can Be Deported**: NO, except if de-naturalized
- **Able to Naturalize**: N/A
- **Able to Petition for Family Members**: YES, but CANNOT petition for married children, siblings, or parents
