

UNDOCUMENTED STUDENT INFORMATION SHEET

Legislation was passed in the state of California that provides support for some, but not all undocumented students. The front of this sheet covers these state policies.

AB540

- Authored by Assembly member Marco A. Firebaugh
- Signed by Governor Gray Davis on October 12, 2001

What is it?

AB540 *exempts* certain students from paying *nonresident tuition* at all public colleges and universities in California, and allows them to apply for various of the *California Dream Act financial aid*.

Requirements

- Attended a California HS for 3 or more years*
- AB 2000 (2014) allows students that graduate early to use time in elementary or middle school to effectively complete the full 3 years
- SB 68 (2017) expanded benefits and allows students to count full-time attendance at a California Community College, Adult School, Department of Rehabilitation and Correction School, High School, or combination of these schools to meet the 3 years required to be eligible for in-state tuition.
- Graduated from a California high school or attained the equivalent of a high school diploma
- Register or be currently enrolled in 1 of the 3 state institutions of higher learning
- File an affidavit with the institution

CA DREAM ACT

- CA Dream Act is name given to AB 130 and AB 131
- AB 130– Campus Administered Scholarships, effective January 1, 2012
- AB 131– State Institutional Student Aid, effective beginning January 1, 2013

What is it?

- AB 130– All CSU, UC, and CCC administered scholarships are available to some AB540 students; not other undocumented students
- AB 131– Allow AB540 eligible students to apply for and receive State grants through the CA Dream Act application.

Requirements

- Males must register with Selective Service via dream act
- AB 540 students are eligible for state student financial aid, including Cal-Grants, BOG, EOPS Grant, UC & State University Grant, and Middle Class Scholarship
- Application is available at: <https://dream.csac.ca.gov> (March 2nd Priority Deadline)

Key Concepts

- California financial aid
- Scholarships
- EOPS
- BOG waiver

IMMIGRATION ADVICE SHOULD ONLY BE PROVIDED BY AN IMMIGRATION ATTORNEY.

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It is important to distinguish between state and national policies, as they have a different impact on our students and various immigrant populations. According to the Immigrant Legal Resource Center (ILRC), "The Deferred Action for Childhood Arrivals (DACA) program is still available and the government is still accepting and approving DACA initial and renewal applications. However, the program could be terminated at any time. As a result, always stay up to date (March 1, 2017).".

DACA

- Deferred Action for Childhood Arrivals (DACA)
- Executive Order, announced by Obama on June 15, 2012
- Under the new administration the status of DACA is being challenged

What is it?

- Certain people who came to the US as children may request consideration of deferred action for a period of 2 years, subject to renewal.
- Deferred action is a use of prosecutorial discretion to defer removal action against an individual for a certain period of time.
- Deferred action does not provide lawful status.

Key Concepts

- Deferred action
- Executive Order
- Immigration Attorney
- Federal

Requirements

- Applicant must be over 15* and under 31 as of June 15, 2012
- Must have continuous presence
 - o Came to the U.S. before age 16
 - o Lived in the U.S. continuously from June 15, 2007, up to present
- Education or Military Service (at least one of the following):
 - o Currently in school (public or private- middle or high school, college, university, vocational training or GED programs)
 - o High school diploma or GED
 - o Honorably discharged from U.S. Coast Guard or Armed Forces
- Criminal History: Not been convicted of any of the following: A felony, a significant misdemeanor, or three or more misdemeanors
- Department of Homeland Security (DHS) does not consider youth a public safety or a national security threat

Recommendation by ILRC and other immigration attorneys

- Current DACA Recipients: Stay Calm and out of trouble
- Initial DACA Applications: Recommended ONLY with Attorney representation, there are many risks make sure all are reviewed
- DACA Renewal: Recommended for Certain Applicants
- Advance Parole-Not recommended
- Consult with an experienced immigration attorney to review options
- Avoid negative interactions with law enforcement
- If you have criminal record, consult with an expert.

Resources/reference list:

- www.ilrc.org
- www.csac.ca.gov
- www.chirla.org
- www.myundocumentedlife.org
- www.nilc.org
- www.undocumendia.org
- www.maldef.org

KNOW YOUR RIGHTS

Everyone, regardless of their status, has constitutional rights before the immigration authorities.

1. Remain Silent: Don't provide any personal information. You have the right to remain silent.
2. Do Not Open Your Door: If agents come to your home, ask that a search warrant be passed under your door or shown through a window. Do not open the door for them if they cannot show you a warrant signed by a judge. You lose certain rights by allowing agents in to your home.
3. Do Not Sign Anything: Ask to speak with an attorney and a hearing in immigration court before signing away any of your rights.