Protecting Immigrant and Undocumented Students

Townhall sponsored by
Anthropologist Action Network for Immigrants and Refugees
Welcome and Introduction to AANIR
Lauren Heidbrink, California State University, Long Beach

New Policy Developments in Immigration and Higher Education + Q & A
Gregory Chen, Director of Advocacy, American Immigration Lawyers Association

State-Level Challenges and Opportunities in Higher Education
Nancy Jodaitis, Director of Higher Education Initiatives, Educators for Fair Consideration

Campus-level Actions and Next Steps
Kristin Yarris, University of Oregon
Whitney Duncan, University of Northern Colorado

Question & Answer
ANTHROPOLOGIST ACTION NETWORK FOR IMMIGRANTS AND REFUGEES (AANIR)

- Origins of AANIR
- (Private) Facebook Group: Protecting Undocumented Students
- 2016 AAA Emerging Session
- AANIR Google Group (listserv and archive)

**Mission:** To organize efforts and disseminate information on how faculty and higher ed. administration can protect differently-documented students and their families.
GREGORY CHEN
DIRECTOR OF ADVOCACY
AMERICAN IMMIGRATION LAWYERS ASSOCIATION
NANCY JODAITIS

Educators for Fair Consideration (E4FC)
Supporting Undocumented Students

Nancy Jodaitis
Director of Higher Education Initiatives
Educators for Fair Consideration (E4FC)

Anthropologists Action Network for Immigrants & Refugees
Our Mission

We empower undocumented young people to achieve educational and career goals through personal, institutional and policy transformation.
The Problem That Must Be RESOLVED

- Undocumented young people confront inequities and fears imposed by political, legal and education systems that constrain their educational success and limit their career opportunities.

- Post-Election:
  - Hostile Environment on a Federal Level
  - Rise in Individual Discrimination/Hate Crimes
Common Challenges
Undocumented Students Encounter

- Secrecy vs. Need for Support
- Living in Fear
- Complex immigration & economic concerns
- Often work to pay for school & help their families
- Many face legal constraints to work
- Inability to receive federal financial aid
- Lack of sufficient institutional awareness/support
Knowing Current Legislation Helps YOU Support Undocumented Students
Executive Orders on Immigration

- President has issued three Executive Orders (EOs) on immigration:
  - “Border Security and Immigration Enforcement Improvements” (Border, detention, parole)
  - “Enhancing Public Safety in the Interior of the United States” (Enforcement priorities, local enforcement of federal immigration law, sanctuary cities)
  - “Protecting the Nation from Terrorist Attacks by Foreign Nationals” (Visa suspension, suspension of refugee resettlement)
EO on Interior Enforcement

- Replaces existing immigration enforcement priorities with new, significantly broader priorities that render virtually any individual in the U.S. without status as a potential priority for deportation;

- Would prohibit federal grants (except for law enforcement purposes) to localities that DHS and AG deem a “sanctuary jurisdiction”
Immigration Raids Response Networks

- Coalitions of immigrant rights’ orgs, legal advocacy organizations, private immigration attorneys, labor unions coming together to:
  - Educate community members about their rights when encountering immigration enforcement;
  - Initiate rapid response to raids in community, including advocacy and representation of individuals detained;
  - Assess conduct of raids for potential litigation to challenge unconstitutional or unlawful practices
Help Students Know Their RIGHTS

www.unitedwedream.org/knowyourrights

**WHAT TO DO IF ICE COMES TO YOUR DOOR**

**DO NOT OPEN DOORS**
ICE cannot come in without a signed warrant by a criminal court judge. They can only come in if you let them.

**REMAIN SILENT**
ICE can use anything you say against you in your immigration case so claim your right to remain silent!
Say: “I plead the fifth amendment and choose to remain silent.”

**DO NOT SIGN**
Don’t sign anything ICE gives you without talking to an attorney.

**REPORT & RECORD!**
Report immediately. UWG hotline 1-844-403-1423.
Take pictures & video unless you’re on federal government property.
Take notes of badge numbers, number of agents, time, type of car and exactly what happened!

**FIGHT BACK!**
Get a trustworthy attorney & explore all options to fight your case. If detained, you may be able to get bail - don’t give up hope!
Join your local team to defend yourself from enforcement!
Deferred Action for Childhood Arrivals (DACA)

- Executive Order by President Obama
- Gave 2 year Work Authorization & Stay of Deportation
- More than 750,000 DACA Recipients in the U.S.

- Current Recipients should RENEW, if possible
- NEW Applicants should APPLY after legal consultation
- Not Advised To Participate in Advanced Parole

- MOST Up-to-date Info: nilc.org, ilrc.org, e4fc.org
Nine States That Offer In-State Tuition Based on DACA

- Alabama
- Arizona
- Georgia
- Massachusetts
- Missouri
- New Hampshire
- Oklahoma
- Ohio
- Virginia

Many New Scholarships are Daca Based, as well
Sixteen States with In-State Tuition by Legislation

- California
- Colorado
- Connecticut
- Florida
- Illinois
- Kansas
- Maryland
- Minnesota
- Nebraska
- New Jersey
- New Mexico
- New York
- Oregon
- Texas
- Utah
- Washington
Six States Ban In-state Tuition for Unauthorized Immigrants

- Alabama
- Arizona
- Georgia
- Indiana
- Missouri
- South Carolina
SIX States Offer Financial Aid for Undocumented Students

- California
- Minnesota
- New Mexico
- Oregon
- Texas
- Washington
**Important California Legislation**

e4fc.org/thecaliforniadreamact.html

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**REMEMBERING THE DIFFERENCES!**

**AB 540 VS. AB 2000 VS. CA DREAM ACT VS. DACA**

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>STATE OF CALIFORNIA</th>
<th>FEDERAL (US)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law or Policy</td>
<td>AB 540</td>
<td>AB 131</td>
</tr>
<tr>
<td></td>
<td>AB 2000</td>
<td></td>
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<td></td>
<td>AB 130</td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>Non-Resident</td>
<td>DACA</td>
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<td></td>
<td>Tuition Exemption</td>
<td>Deferred Action for Childhood Arrivals</td>
</tr>
<tr>
<td>Effective Data</td>
<td>2001</td>
<td>2012</td>
</tr>
<tr>
<td></td>
<td>2015</td>
<td>2013</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>2012</td>
</tr>
<tr>
<td>What It Does</td>
<td>Exempts students from out-of-state tuition fees</td>
<td>Allows individuals to receive:</td>
</tr>
<tr>
<td></td>
<td>Expands AB 540 to include students who graduate early from high school with 3 years of HS credit</td>
<td>• Employment authorization card with valid Social Security Number</td>
</tr>
<tr>
<td></td>
<td>Helps these students to utilize federal financial aid available for AB 540 students</td>
<td>• Temporary Relief from Deportation</td>
</tr>
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<td></td>
<td>Opens state-funded grants (including Cal grants, State grants, CSU Grants, &amp; the BOG Fee waiver) and state programs (EDP &amp; EOPS) to AB 549 students</td>
<td>• Advanced Parole, in some cases</td>
</tr>
<tr>
<td>What It Does Not Do</td>
<td>Does not change their state residency status</td>
<td>Does not provide a path to lawful permanent residence or citizenship</td>
</tr>
<tr>
<td></td>
<td>Does not change their state residency status</td>
<td>Does not give eligibility for federal financial aid awarded through the FAFSA</td>
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<tr>
<td></td>
<td>• Does not include eligibility for federal grants or funds</td>
<td></td>
</tr>
<tr>
<td>Eligibility Requirements</td>
<td>Student must: • Attend three full years of high school in CA or the equivalent for a GED • Graduate from a CA high school, obtain a Certificate of Completion</td>
<td>Individual must have or be:</td>
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<tr>
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<td>Student must: • Attend CA high school or graduate early with the equivalent of three or more years of credits</td>
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<tr>
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<td>Student must meet: • AB 540 eligibility • Individual scholarship requirements</td>
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<tr>
<td></td>
<td>Student must meet: • AB 540 eligibility • Priority filing deadline • Income guidelines • GPA &amp; other Cal Grant eligibility</td>
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### Jurisdiction

- **Law or Policy**
  - AB 540
  - AB 2000
  - AB 130
  - AB 131

### Title

- Non-Resident Tuition Exemption
- California Dream Act: State Based Financial Act
- DACA: Deferred Action for Childhood Arrivals

### Effective Data

- 2001
- 2015
- 2012
- 2013
- 2014
- 2012

### What It Does

- Exempts students from out-of-state tuition fees
- Expands AB 540 to include students who graduate early from high school with 3 years of HS credit
- Opens certain scholarships administered by public institutions to AB 549 students
- Opens state-funded grants (including Cal grants, State grants, CSU Grants & the BOG Fee waiver) and state programs (EDP & EOPS) to AB 549 students
- Allows individuals to receive: • Employment authorization card with valid Social Security Number • Temporary Relief from Deportation • Advanced Parole, in some cases

### What It Does Not Do

- Does not change their state residency status
- Does not change their state residency status
- • Does not include eligibility for federal grants or funds
- • Should not be confused with the Federal Dream Act
- • Does not provide a path to lawful permanent residence or citizenship
- • Does not give eligibility for federal financial aid awarded through the FAFSA

### Eligibility Requirements

- **Student must:**
  - • Attend three full years of high school in CA or the equivalent for a GED
  - • Graduate from a CA high school, obtain a Certificate of Completion
  - • Attend CA high school or graduate early with the equivalent of three or more years of credits

- **Student must meet:**
  - • AB 540 eligibility
  - • Individual scholarship requirements

- **Student must meet:**
  - • AB 540 eligibility
  - • Priority filing deadline
  - • Income guidelines
  - • GPA & other Cal Grant eligibility

- **Individual must have or be:**
  - • Continuously present in the US since 6/15/97
  - • Physically in the US on 6/15/12 without lawful status or with an expired status
  - • Under the age of 31 as of 6/15/12
  - • Arrived in US before 16th birthday
Massachusetts Policy

Updated As Of: January 23, 2017

IN-STATE TUITION POLICY

Massachusetts has not passed legislation extending in-state tuition eligibility to all undocumented students. However, there are some avenues to in-state tuition:

- DACA beneficiaries are eligible for in-state tuition at all public colleges and universities.
- Other colleges and universities maintain informal tuition policies that allow undocumented students to access in-state tuition.

LEGISLATIVE HISTORY

- SB 237 in 2003 and HB 3924 in 2004 failed to pass, but would have made undocumented students eligible for in-state tuition.
- In 2010, SB 603 was introduced to allow undocumented students to receive in-state tuition but failed to pass.
- In 2012, Governor Deval Patrick declared that DACA beneficiaries would be eligible for in-state tuition if they fulfilled all other residency requirements.
- HB 1078/SB 577 would provide in-state tuition to undocumented students who meet certain criteria. A joint study of the bills was authorized in June 2014.
- In 2015, HB 3053 was introduced by Marc Lombardo. This bill would deny in-state tuition rates and fees to students who are neither US citizens nor lawful permanent residents.

OTHER RELEVANT POLICIES
Scholarships Available for Undocumented Students

- E4FC Scholarship List
  - Undergrad & Grad
  - School Specific
  - CC & 4 year
  - Community Based Organizations

- Many Many MORE PLACES to FIND SCHOLARSHIPS!

SCHOLARSHIPS THAT DON'T REQUIRE SOCIAL SECURITY NUMBERS
FOR BAY AREA IMMIGRANT STUDENTS

e4fc.org/scholarshiplists.html
REASSURE Students

- We cannot foretell the future, BUT.....
- 100s of colleges & universities have proclaimed support for undocumented student populations
- Most STATE LAWS have NOT CHANGED!
- Cities across the country have sanctuary status
- States have strong base of pro-immigrant legislation
SUPPORTING
Undocumented Students
Undocumented?
You're not alone.
We're in this together.
Educators for Fair Consideration
www.e4fc.org/resources

Top 10 Ways to Support Undocumented Students

- Engage with an Open Mind
- Create a Safe Space
- Learn About Legislation
- Advocate for Financial Support
- Build Your Educator Network
- Identify & Connect Role Models
- Build Agency & Power
What WE CAN DO NOW!

www.e4fc.org/whateducatorscando.html

POST-ELECTION: WHAT EDUCATORS CAN DO TO SUPPORT UNDOCUMENTED STUDENTS
Framework for Conceptualizing Institutional Support

Individual
- Foundational

Group of People
- Emerging

Institutional
- Comprehensive
How Educators Can HELP

- **Institutional Level**
  - Letters of Support and/or Sanctuary Campus, Trainings, Financial Support, Institutional Practices

- **With Students & Their Families**
  - Create Safe Spaces, Investigate Potential Remedies, Integrate, Offer Support & Make it Visible!

- **Individually**
  - Self-Care, Connect with Other Educators, Know the Laws
A school that is inviting and public about their support for undocumented students and invests resources in their students by providing information, scholarships and programs.
Sanctuary School & Safe Zone Movement
NEW Guide for Educators!

Understanding the Sanctuary School and Safe Zone Movement
A Quick Guide for Educators
How Can Universities Protect Undocumented Students?

- Limit the sharing of student information with federal immigration authorities
- Restrict immigration agents’ access to campuses
- Prohibit campus security from collaborating with federal immigration authorities for the purposes of enforcement
- Provide resources and information for immigrant students and their families
Important Next Steps to HELP

- ENSURING Students Are PROTECTED
  - With POLICY GUIDELINES

- REVIEW Institutional Policies
  - UndocuCollege Guide & Equity Tool: California

- Make the School’s Support Visible!
  - Posters, Stickers, Information & Resources
UndocuCollege Guide & Equity Tool
www.e4fc.org/resources

- Institutional Focus
- Identifies Statewide Challenges
- Highlights Best Practices
- Equity Tool Provides Structure to Foster Campus Conversations

- GOAL: Strengthen Institutional Practices
United We Dream

National Toolkit

- Strong Network of Students, Educators, Community Organizations
- National Focus
- Examples by Schools

unitedwedream.org
Wave Your FLAG!

Supporting Undocumented Students
AT SF STATE
Strengthen Your Support Network
Contact Information

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Educators for Fair Consideration
415.359.3194
nancy@e4fc.org
CAMPUS & COMMUNITY EFFORTS AT UNIVERSITY OF OREGON

• **UO Faculty Senate Resolution 11/15/16**
• **UO President issues statement 11/16/16 “Reaffirming support for students regardless of immigration status”**
• **Article in UO Daily Emerald 1/30/17**
  
  [Link to article](http://www.dailyemerald.com/2017/01/30/el-pueblo-unido-campus-community-joins-protecting-undocumented-students/)
• **Eugene City Council issues ordinance on 3/13/17**
  

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**El pueblo unido: campus community joins in protecting undocumented students**

Andrew Field — January 30, 2017 at 6:00 am
WHITNEY DUNCAN

University of Northern Colorado
RESOURCES AND NEXT STEPS

• **American Immigration Lawyers Association** – aila.org
• **Educators for Fair Consideration** (E4FC) – e4fc.org
• **United We Dream** - unitedwedream.org
  - See their “Here to Stay toolkit for educators”
• **“Protecting undocumented students” Secret Facebook Group**
  - Send the email address associated with your FB account to whitney.duncan@unco.edu
• **For anthropologists, join Anthropologist Action Network for Immigrants and Refugees (AANIR)** – search for it on groups.google.com
  - AANIR members will hopefully have a session, “Engaged Anthropology with Undocumented and Immigrant Students in the Trump Era,” at the 2016 American Anthropological Association meetings in DC in November