Supporting the Success of Undocumented Students: Implications of Federal Policy for Student Affairs

Webinar
Wednesday, August 14, 2013
We are recording today’s webinar to archive and share.

The webinar will be available online at:

www.uleadnet.org
Today’s Moderator

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Introduction and Overview of the Webinar

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NASPA
Student Affairs Administrators in Higher Education

National Forum
on Higher Education for the Public Good
Today’s Agenda

• Introduction and Overview of the Webinar

• Navigating Different Student Success Policy Environments

• Access to Education and Services for Students Granted DACA

• Student Success for Undocumented Students

• Q & A
Framing Undocumented Student Issues from a Student Affairs Perspective

• Three steps in framing this issue from NASPA’s perspective
  • Demographics
  • State and Federal policy overview and introduction
  • Thoughts on why this topic is of critical importance to student affairs as a profession
A Demographic Portrait

- 28% of the immigrant population in the U.S. is undocumented (11.1 million total).
  - 9.1 million are from Latin America
  - 6.5 million (58%) are from Mexico
  - 1.3 million (11%) are from Asia
  - 500,000 (4%) are Europe and Canada

- Unauthorized immigrant population has more than tripled since 1990, when it was 3.5 million.

- An estimated 65,000 undocumented children graduate from high school each year.
State Policy Context

• State policy around undocumented students is diverse and far ranging.

• Policy ranges from full-inclusion of students at public institutions, including in-state tuition rates and access to state financial aid.

• To the other end of the spectrum, where some states specifically bar undocumented individuals from attending public postsecondary institutions at all.

• Let’s map it!
Map of Undocumented State Policy
Federal Policy Context

• Federal policy around undocumented individuals and postsecondary education has largely been contained to two specific policy debates.

• Deferred Action for Childhood Arrivals (DACA)

• Development, Relief, Education for Alien Minors (DREAM) Act
Why this matters to NASPA and Student Affairs as a Profession

This issue is critically important to NASPA and student affairs for three reasons:

1. Universal commitment to supporting all students

2. Historic support for student access and success, driven by our dedication to social justice

3. Unique position of student affairs professionals to influence the experience of undocumented students on our campuses.
Today’s Panelists

Serena Dávila
Executive Director of Legislative Affairs
Hispanic Association of Colleges and Universities

Tanya Broder
Senior Staff Attorney, Oakland
National Immigration Law Center

Kandy Mink Salas, PhD
Associate Vice President for Student Affairs
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Navigating Different Student Success Policy Environments

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Goals of Presentation

• Historical overview, explanation and evolvement of the DREAM Act and DACA

• Federal implications of the DREAM Act and DACA on higher education

• Overview of Current Legislation before Congress

• Future implications for educational professionals working with students impacted
Overview of DREAM Act and Deferred Action for Childhood Arrivals (DACA)

• History of the DREAM Act – Senator Durbin, 10 years of work

• How DACA came about:
  June 15, 2012- No Congressional action so President Obama acted with DACA before election- Congressional action still needed
Deferred Action for Childhood Arrivals (DACA) – What It Is

• Temporary fix, still need Congressional action

• 2 Year waiver to remain in the country

• Young adults can apply to attend college or work
Deferred Action for Childhood Arrivals (DACA) - Guidelines

• Were under the age of 31 as of June 15, 2012;

• Came to the United States before reaching your 16th birthday;

• Have continuously resided in the United States since June 15, 2007, up to the present time;

• Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
Deferred Action for Childhood Arrivals (DACA) - Guidelines

• Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;
• Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
• Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Age Requirements
• Anyone requesting consideration for deferred action under this process must have been under 31 years old as of June 15, 2012. You must also be at least 15 years or older to request deferred action, unless you are currently in removal proceedings or have a final removal or voluntary departure order.
Deferred Action for Childhood Arrivals (DACA) – What It Is Not

• A pathway to citizenship

• Eligibility for financial aid – depends on the state

• Somewhat Limbo Status - Unfortunately, there isn’t one status for college enrollment purposes. Each state, system, school, etc. sets their own policies on residence for enrollment and tuition purposes, so they will have to decide how to treat DACA students.
DACA Data - as of June 14, 2013

- 539,128 total received applications
- 365,237 total approved applications
- 2,614 Average accepted/day
- Relatively smooth process
Federal Implications of DREAM Act and DACA on Higher Education

• More students educated

• Universities and states allowing for in-state tuition

• Students no longer have to live “in the shadows” and now have a support system
Development, Relief, and Education for Alien Minors (DREAM) Act

Various versions have been introduced over the last 10 years, but the current Senate Comprehensive Immigration Reform (CIR) legislation is the most liberal yet and states:

• Must have entered the United States before the age of 16 (i.e. 15 and younger)
• Must have been a registered provisional immigrant for at least 5 years
• Must have earned a high school diploma or obtained a GED
• Has acquired a degree from an institution of higher education or completed at least 2 years in a bachelor’s degree or higher degree or served in the Uniformed Services for at least 4 years
• Provided a list of each secondary school attended
• NO AGE CAP
Current and Future Implications for Educational Professionals

• Important to understand the difference between DACA and the DREAM Act, as well as state rules - DACA is not a path to citizenship, need Congress to pass a law for that

• Possible Fall bill, Senate passed liberal CIR bill, House the more difficult body. Senate bill large and comprehensive, House piecemeal approach

• With bill and pressure to write bill, students and administrators wouldn’t be in difficult positions
Q & A
DACA!
DACA Grantees: Employment

• Apply for a work permit, also known as an employment authorization document (EAD)

• If get a work permit, can apply for a Social Security Number: http://www.ssa.gov/pubs/deferred_action.pdf

• Can work lawfully as an employee, and may have access to employer sponsored benefits, if available

• FAQ on DACA & workers’ rights: http://nilc.org/dacaworkplacerights.html
Driver’s Licenses

• In most states, a work permit (EAD) and SSN are sufficient to obtain a driver’s license, but other document requirements may pose barriers.

• Only AZ and NE deny driver’s licenses to DACA grantees with an EAD. Litigation is pending in both states.

• NC marks licenses “LEGAL PRESENCE NO LAWFUL STATUS”.

• NM, WA, UT issue driver’s licenses or privilege cards regardless of status. IL, MD, OR, NV, CO, CT, VT and PR enacted laws that will offer driver’s licenses or cards regardless of status; similar laws are pending in CA and DC.
Benefits for DACA Grantees?

- **Ineligible for major federal benefit programs**
  (SNAP, TANF, SSI, Public Housing, federal financial aid)

- **Lawfully present** for purpose of Title II Social Security benefits or SSDI - but unlikely to meet the general program requirements

- If work authorized, may qualify for Workforce Investment Act (WIA) services

- Additional services may be available in some states or localities.
DACA Grantees: Health Coverage

• Ineligible for major federal public health insurance programs (non-emergency Medicaid, CHIP, Medicare)

• Ineligible for ACA programs (Pre-Existing Condition Insurance Plan, insurance sold through the exchanges, premium tax credits and cost-sharing reductions)

• Eligible for programs and services available to individuals regardless of immigration status; some states or counties may also provide coverage
Health Care Available Regardless of Immigration Status

• Emergency Medicaid or emergency medical services, including labor and delivery

• Immunizations, testing/treatment for communicable diseases (outside of Medicaid)

• Public and safety-net hospitals and clinics

• Migrant and community health centers

• Medical services in some states or counties
Higher Education
Current State Laws & Policies on Access to Higher Education for Immigrants

Legend

- States with tuition equity laws
- States with tuition equity policies at major institutions
- States with tuition equity laws and scholarships
- States with tuition equity laws and state financial aid
- States that ban enrollment to undocumented students
- States where some college systems deny enrollment
In-State Tuition

In states without tuition equity policies, access for DACA grantees may depend on:

- Residency definition
- Lawful presence or document requirements
- Whether tuition is considered a public benefit
- Also may vary by institution or college system
Tuition Equity Campaigns

• Tuition equity policies allow students who attend a state’s high schools, graduate, and meet other criteria, to pay in-state tuition rates, regardless of their status.

• At least 18 states have tuition equity laws or policies. This year, tuition equity laws were adopted in OR, CO, MN, with similar policies adopted by the University of HI and the University of MI. MN also will offer institutional aid to eligible students regardless of their status.
Scholarships, Fee Waivers, and State Financial Aid

• DACA grantees ineligible for federal financial aid, and may be ineligible for state financial aid (rules vary);

• CA, TX, NM offer state financial aid to eligible students regardless of status; CA, IL, MN offer institutional aid or private scholarships; bills offering state financial aid or scholarships to students who meet certain criteria regardless of their status filed in CT, NY, WA.
Educators Weigh In

Educators familiar with these students have testified about:

- their hard work, potential, and barriers that they face or have overcome, and

- the value of a higher education to the individual and the broader community, and

- the relatively low cost of this investment
Resources

• NILC’s Access to Higher Education Toolkit
  http://www.nilc.org/eduaccesstoolkit.html

• Fiscal Policy Institute Report

• Immigration Policy Center Materials

• The Commonwealth Institute
  http://tcifiscal.tumblr.com/post/41216191708/among-legislation-being-considered-during-the

• Migration Policy Institute
For More Information

• National Immigration Law Center (www.nilc.org)

• We Own the Dream (www.weownthedream.org)

• Immigration Policy Center (www.immigrationpolicy.org)

• U.S. Citizenship and Immigration Services (www.uscis.gov)
Q & A
Student Success for Undocumented Students

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Educate Yourself

• Know your state laws
• Know your system policies (if applicable)
• Know your campus policies and practices
• You will have students who are all along the continuum
• Good philosophy to keep in mind:
  If your state/system/campus has allowed or encouraged undocumented students to enroll, then these students have the right to an education with the same benefits as any other student. It is our job in Student Affairs to make sure this happens.
Create/Strengthen Your Campus Support Network

• Find the undocumented student “champions” on campus
• Create a Task Force or Committee
• Tap into faculty and staff who have similar life experiences or who have focused research with undocumented/immigrant students
• Create “safe spaces”
• “Under the radar” vs. open support
Connect with Students

• Many students reluctant to self identify; find ways to make this a safe experience
• Talk to students continuously to learn about their experiences and where the barriers exist
• “Audit” the student experience from application through admission/registration and on to accessing of services to look for points of inequity
• Make sure students have a place to express concerns/complaints
Common Barriers

- Accessing of services/experiences that require a government issued identification card
- Internships requirements and major restrictions
- Travel restrictions
- Transportation difficulties
- Insensitive comments in the classroom
- Lack of information
- Financial concerns
Financial Issues

• Undocumented students do not have access to federal financial aid at this point
• Very few states provide state-based financial aid – California, New Mexico and Texas
• Most financial assistance for undocumented students comes via private funds and scholarships
• Know state or campus policies concerning processing of private funds for undocumented students
Financial Issues Continued

• DACA does allow for students to work; make sure students who have accessed DACA are aware of campus student employment opportunities

• Many undocumented students begin at the community college because of cost and transportation issues
Student Development Experience of Undocumented Students

• Higher rates of stress and stress related health concerns (e.g. DACA process):
  • Deciding to apply for DACA
  • Waiting for DACA papers
  • What happens if DACA expires or is discontinued?
  • Changing family expectations such as work or transportation responsibilities

• Feelings of anxiety and guilt in perhaps putting family at risk by self-disclosing, becoming part of state-based database, etc.
Student Development Experience of Undocumented Students

• Additional life stressors such as funding, transportation, health care, family concerns may contribute to decreased academic performance

• Continuous decision of when to self-disclose and who is “safe”

• Important to create a student community such as peer mentors, EOP-type programs

• Students along the continuum have different developmental experiences in college (e.g. recent immigrant vs. 1.5 generation)
Campus Based Education

• Staff development is an important component of the work with undocumented students
• Staff and faculty need to know the campus policies and practices; information sessions or workshops can help
• Focus on departments with high impact such as admissions, registrar, and campus police
• Presentations from faculty who are doing research on immigrant communities can help educate and help create a stronger network
Connect with Your Community

• Recruitment and accurate information begins with community connections

• Work with school districts, community based organizations, faith based organizations

• Tap into local resources for funding, language assistance, legitimacy

• Working with parents and parent organizations is key
Advocacy

• Since this work is emerging and sometimes in “the shadows”, you will find yourself in an advocacy role. Be smart politically.

• On campus, seek out an upper level leader to serve as a champion on these issues

• At a system-wide level, find allies and champions

• At a state-based level, your students may also get involved. Student governments can serve as allies.
Final Thoughts

• As student development educators, promote the use of an asset model rather than a deficit model in our work with students.

• There are many campuses doing great work. Website links to be posted on the uLEAD Network website.

• Undocumented students are our students. They deserve the best education we can offer.
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Dialogic Model of Change

Awareness → Understanding → Action → Commitment

Dialogic Model

National Forum on Higher Education for the Public Good

NASPA: Student Affairs Administrators in Higher Education
Q & A
For more resources, please visit us at:

uLEAD Network - www.uleadnet.org
National Forum - www.thenationalforum.org
NASPA – www.naspa.org
HACU – www.hacu.net
NILC – www.nilc.org
The archived webinar will be available online at:

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