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Supporting Undocumented Students on the Path to College

NPEA Conference: April 17, 2015

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NPEA Annual Conference

April 17, 2015



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Part I

Navigating an Invisible System: How to Help Undocumented Students

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- All children, regardless of status, have the constitutional right to attend our nation's public (K-12) schools.





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What about Higher Education?

What happens then?

PICC believes that access to education should be available to ALL groups regardless of immigration status.

It's about education justice and the right to quality education and a better life for our communities



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Federal vs. State Dream Act

- Since 2001, when the Development, Relief, and Education for Alien Minors (DREAM) Act was first introduced as bipartisan legislation, its main provision:
 - providing permanent resident status (i.e. a “green card”) upon completion of two years of college or service in the military
- Where are we today?
 - 2015 and NO Dream Act law in place = No pathway to legalization for nearly 65,000 undocumented students living in the US today



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State Dream Act

- Tuition equity bills generally allow students who attend high school in a state, and who graduate and meet other criteria, to pay in-state tuition rates, regardless of their immigration status.
- 18 states have provisions allowing in-state tuition rates for undocumented students.
- Fourteen states provide these provisions through state legislation— California, Colorado, Connecticut, Florida, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Mexico, New Jersey, New York, Oregon, Texas, Utah, and Washington.
- Two states—Oklahoma and Rhode Island— allow in-state tuition rates to undocumented students through Board of Regents decisions.
- Three states—Arizona, Georgia, and Indiana—bar undocumented students from receiving in-state tuition rates

Retrieved from NCSL research



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Navigating an Invisible Education System

○ My Story



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Ways to Create Change

- Advocate for your students, attend lobby days, visit, call or write to your local legislator
- Request meetings with local institutions of higher education
- Do they have a clear admissions policies for undocumented student?
- Is the application easy to fill out?
- Is there a check box for **NO STATUS** or **DACA students**? – We can advocate to add it! 
- Ask about scholarships available (private or non status specific)



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Create Safe & Welcoming Spaces

- Students and administration can work together to create safe spaces (before or after school programs)
- DON'T use the "I" word "Illegal" - we use "Undocumented" or "Dreamers"
- Remember not all undocumented students are Latinos
- Be supportive and encouraging
- Patient and understanding

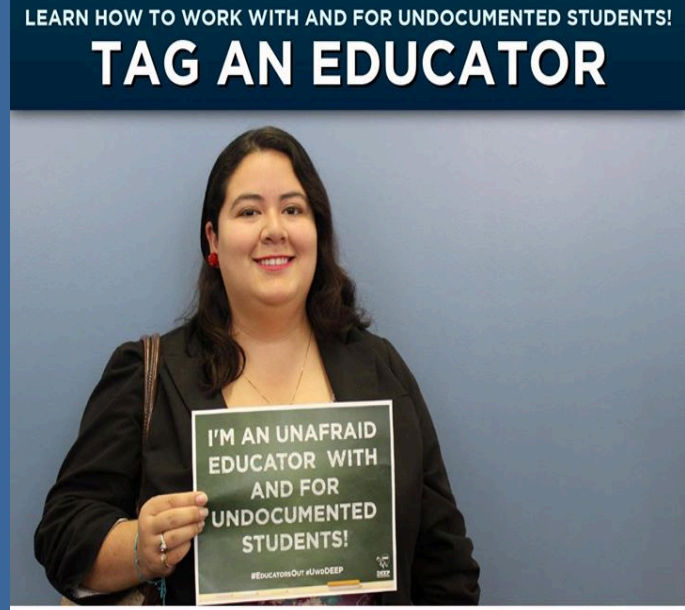


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Educators Friendly Sites

- United We Dream- The DREAM Educational Empowerment Program DEEP
- Educators for Fair Consideration E4FC
- National Immigration Law Center NILC





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Students

- Use your experience to help bring ideas and concerns to the attention of the administration
- Draft a policy change and work with the school to find out how this can be implemented
- Help other prospective students
- Share information and assist others
- Join a student group at school, or start your own...Change is up to you
- Join a Dreamer group



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Financial Aid

- Check with your students to make sure they are aware they DO NOT need a SSN in order to take the SAT's and ACT's
- Call colleges, universities individually to find out their admissions policy and financial aid for undocumented students
- Children of undocumented parents can receive financial aid
 - Parents must enter 000-00-0000 for SSN number
- DO NOT advise an undocumented student to file a FAFSA form. They do not apply and can put themselves in danger of deportation
- Sometimes a student might have to fill out a FAFSA in order to prove financial need. Make sure
 - Print it out and send it to the college/university
 - The application only goes to the college or university
 - The application never gets mailed to the government



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Questions to Ask

1. Do you offer any institutional scholarships for undocumented students
 - What about private scholarships?
2. What are the names of these scholarships and how much money do they provide?
3. Are these scholarships only for incoming freshman?
4. Do you have any scholarships for transfer students?
5. What is the application process for these scholarships? Deadlines, essays, letters of recommendation, etc.?
6. Do you require that the student submit a paper FAFSA?

CHAN, B. (n.d.). Financial aid guide for college bound undocumented students . Retrieved from http://financialaid.ucsc.edu/forms-resources/brochures_guides/E4FC_FinAidGuide.pdf



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Questions to Ask

7. Are there certain qualifications needed to apply for these scholarships, i.e. GPA, SAT/ACT scores or community service requirements?
8. Are these scholarships good for the entire time the student is at your school?
 - What if it takes 5 years to graduate?
9. What does the student need to do to keep the scholarship?
10. Can the student lose the scholarship money if he/she gets poor grades?
11. Is there a website or brochure outlining more information about these scholarships?
12. How will the student know if they are awarded one of these scholarships?
13. Anything else we should know when helping undocumented students apply to your school?

CHAN, B. (n.d.). Financial aid guide for college bound undocumented students . Retrieved from http://financialaid.ucsc.edu/forms-resources/brochures_guides/E4FC_FinAidGuide.pdf



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Scholarships I

- TheDream.US Scholarship Program
- CORE Que Lleva Café Scholarship
- Davis-Putter Scholarship
- Activ8 Scholarship
- Platt Family Scholarship Prize Essay Contest
- La Unidad Latina Foundation Scholarship
- Herbert Lehman Scholarship
- National Peace Essay Contest for High School Students



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Scholarships II

- Elie Wiesel Prize in Ethics Essay Contest
- Los Hermanos de Stanford Scholarship
- Momeni Foundation Financial Assistance Scholarship
- Broome & Allen Scholarship
- Point Foundation Scholarship Program



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Scholarships III

- Foster Care to Success Scholarships
- A Voice for Animals Contest
- Ayn Rand Anthem Essay Contest

- Full list of scholarships can be found at blog.collegegreenlight.com/blog/easy-scholarships-for-undocumented-students/



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Helpful Resources

- <http://www.palomar.edu/counseling/parentinfo/ResourceGuideforUndocumentedStudents.pdf>
- http://professionals.collegeboard.com/profdownload/Repository-Resources-Undocumented-Students_2012.pdf
- http://www.ilrc.org/files/youth_handbook_english_0.pdf



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Part II

Immigration Relief Options for Undocumented Youth

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<http://hiaspa.org>



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Who is HIAS Pennsylvania?

- Hebrew Immigrant Aid Society
- Refugee Resettlement and Immigration Legal Services
 - Family reunification, green cards, citizenship
 - Litigation
 - Representation of victims of torture and interpersonal violence
 - Immigrant Youth Advocacy Project
- Advocacy for just and inclusive immigration policies



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Goals of This Presentation

- Provide an overview of the immigration process
- Identify/explain common immigration terms and statuses that you may see
- Help you identify children in need of immigration legal services and what relief they may be eligible for



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How Does a Person Immigrate to the United States?

- 3 categories of ways to immigrate to the US legally:
 - Employment
 - Family
 - Humanitarian

- 11 million+ immigrants in the United States did not go through these channels and are “undocumented”
 - People who crossed the border without inspection
 - People who came on a visa but overstayed it



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How Does a Person Immigrate to the United States?

- There is no “general” visa, work-permit, or legal status application
- Options for going from “undocumented” to “documented” are very limited



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Common Terms

- **Visa** = permission to enter or remain in the U.S. for a specific purpose
- **Lawful Permanent Resident (LPR)** = person granted permission to reside permanently in the U.S. LPRs can work, get driver's licenses, attend college, get financial aid, and eventually apply to become U.S. citizens.
- **Green Card** = the document a Lawful Permanent Resident is given proving their status
- **Refugee** = person granted protection in the United States due to feared persecution abroad. Refugees are brought legally to the U.S. through the refugee resettlement program, have many of the same rights as LPRs, and can apply to become an LPR after one year.



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Family-based Immigration

- US Citizens or Lawful Permanent Residents (“green card” holders) can petition for certain relatives to become LPRs (spouse, child, parent, son/daughter, siblings)
- Wait times vary depending on legal status of petitioner and family relationship. Can take years or even decades.



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Family-based Immigration - The Problem for Undocumented People

- Most undocumented people who entered the U.S. without inspection (i.e. crossing the border without papers) cannot apply for legalization through a U.S. citizen or LPR spouse
- Undocumented person must leave and seek permission to re-enter from the U.S. consulate, but most are then subject to a **10-year bar** to reentry (unless a special waiver is granted), or, in some cases, a **permanent bar!**



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Question

So how can I apply for legal status if I am undocumented?



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Special Immigration Options for Children and Young People:

- Special Immigrant Juvenile Status (SIJS)
- Deferred Action for Childhood Arrivals (DACA)



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Special Immigrant Juvenile Status (SIJS)

What is SIJS?

- Available to youth who have been **abused, neglected, or abandoned** by one or both parents
- Child must be **adjudicated dependent** or **placed in a caretaker's legal custody** by order of a family court judge
- The court must make specific findings concerning the abuse, neglect or abandonment and the child's best interests



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Special Immigrant Juvenile Status (SIJS)

Benefit of getting SIJS

- A child granted SIJS is immediately eligible for Lawful Permanent Resident status (a green card)
- Lawful Permanent Resident → eligible for student loans, in-state tuition, public benefits; authorized to work



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Special Immigrant Juvenile Status (SIJS)

Tips for identifying SIJS-eligible youth

- Children in **foster care** are very often eligible
- Also potentially eligible:
 - Child whose parent or parents is/are deceased
 - Child who lives with non-parent caretaker due to abandonment/abuse/neglect by parent(s)
 - Child who lives with one parent and was abandoned/abused/neglected by the other
- **Age 18** is a crucial deadline; after that, in Pennsylvania, the family court no longer has power to issue needed custody/dependency order (unless child has already been adjudicated dependent)



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Deferred Action for Childhood Arrivals (DACA)

What is DACA?

- On June 15, 2012, President Obama announced that certain young, undocumented immigrants will be able to apply for Deferred Action
- The DACA eligibility requirements were broadened in November 2014, but in February 2015 a federal court in Texas issued an injunction putting “expanded DACA” on hold
- People can continue to apply for DACA under the 2012 guidelines if eligible



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Deferred Action for Childhood Arrivals (DACA)

DACA Eligibility Requirements

- Entered U.S. before age 16
- Entered U.S. on or before June 15, 2007 [January 1, 2010 under “expanded DACA”] and has resided here since
- Was present in the U.S. and did not have legal status on June 15, 2012
- Graduated high school, obtained a GED, or is currently enrolled in school [including some GED, ESL or job-prep programs]
- No disqualifying criminal or delinquency history
- Must be 15 or older to apply unless in removal proceedings
- Born after June 15, 1981 [this requirement is removed under new DACA expansion]



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Deferred Action for Childhood Arrivals (DACA)

Benefits of DACA

- Protection from deportation
- Protection from accruing unlawful presence
- Employment authorization
- Valid for 3 years and subject to renewal
- Eligible for a Social Security card, state ID, driver's license
- Can travel outside the U.S. if USCIS first grants special permission (for work, school, or humanitarian reasons)
- **DACA does NOT provide a pathway to permanent residence/citizenship, access to federal financial aid, or eligibility for public benefits**



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Other Immigration Options That may be Available:

- ◆ **U visa** - victim of crime in the United States who reported the crime to law enforcement
- ◆ **Violence Against Women Act (VAWA)** - child or parent was abused by U.S. citizen or Lawful Permanent Resident parent or spouse
- ◆ **Temporary Protected Status (TPS)** - citizens of certain countries present in the U.S. at the time the President designates that country for TPS
- ◆ **Asylum** - fears persecution in home country on account of race, religion, nationality, political opinion, or membership in a particular social group; risk of deportation if application is denied



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Question

What if none of the above applies to me?



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Prospects for Immigration Reform?

- Comprehensive immigration reform:
 - Various proposals to provide a pathway to citizenship for “Dreamers”, others who have strong ties to the U.S.
 - Would need to get passed by both houses of congress; outlook dim
- Executive Action (DACA; DAPA)
 - President uses executive authority to reprioritize deportations; grant “deferred action” to certain people
 - Lawsuit has delayed implementation; expected to eventually be resolved in favor of DACA/DAPA
- Beware immigration fraud!



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Resources

- To find a non-profit immigration legal service provider near you: <http://www.immigrationadvocates.org/nonprofit/legaldirectory/>
- Detailed information on immigration status and relief options: <http://www.americanhumane.org/assets/pdfs/children/pc-migration-sw-toolkit-status-relief.pdf>



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Part III

Steppingstone Legal Partnership with Ropes & Gray

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Background on Legal Partnership

○ Immigration Relief is Key for College Access

- As most are aware, undocumented students face many challenges when it comes to college access; most specifically, they do not have access to federal financial aid and limited access to other funding sources.
- Ultimately, an individual's immigration status is a legal one and to navigate the complex processes and policies to change your immigration status, legal assistance is required.
- In August 2011, Steppingstone and Ropes & Gray formed a partnership to provide immigration services to Scholars and their families.
- A team from Greater Boston Legal Services conducted a training for Ropes & Gray attorneys on immigration relief for minors and provides continuing legal support and mentorship.



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Background on Legal Partnership

- Ropes & Gray forms attorney-client relationships with individual Steppingstone Scholars whose immigration status prevents them from obtaining financial aid.
 - Ropes & Gray will work with the Scholar and his/her family to determine if any immigration relief is available, and if so, will assist the Scholar in obtaining that relief.
- We also work with families of Steppingstone Scholars to determine if any immigration relief is available.
 - Because Scholars are positively impacted by the ability of their immediate family members to live and work in the United States without fear of deportation, Ropes & Gray may also provide assistance to the Scholar's immediate family members – parents/guardians and siblings under 18.



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Referral Process, Intake, and Case Assignment

- Steppingstone staff refers cases to us, and we have also presented at Steppingstone events where families are present to let them know about our partnership.
 - A Ropes & Gray team trained Steppingstone staff on how to discuss the partnership with Scholars and families who may need assistance.
- Once a Scholar or family member is referred to us, we perform a preliminary review of the known facts,
 - We typically assign an attorney case team at the outset to cases where the Scholar is seeking relief.
 - Where a family member of a Scholar is seeking relief, we perform an intake session to gather more information.
- Once the case has been assigned, the specific case team works with the Scholar and family to pursue a specific avenue for legal immigration status.
 - Attorney-client relationships are privileged and confidential, and attorneys cannot speak to Steppingstone staff about the case.



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Possible Paths for Relief

- Potential Paths for Relief Include:
 - Special Immigrant Juvenile Status
 - Deferred Action for Childhood Arrivals (“DACA”) Applications
 - Temporary Protected Status Applications
 - Asylum
 - Family Based Immigration Petitions



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Success Stories

- Represented an 18-year old Guatemalan Scholar applying to college
 - Raised by single mother, had been abandoned by his father during infancy
- Helped him apply for and receive Special Immigrant Juvenile Status (SIJS), giving him status as a lawful permanent resident and allowing him to obtain a green card
- He is now attending Lehigh University



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Success Stories

- Helped mother from Mexico obtain sole custody of her children (a Steppingstone Scholar and his sister)
 - Demonstrated to Family Court judge that the children's best interest would be served by staying in the U.S.
- Then helped both children apply for and receive Special Immigrant Juvenile Status (SIJS), giving them status as lawful permanent residents and allowing them to obtain green cards.



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Legal Partnership— Statistics

- Over 3,600 hours of pro bono work on these matters by over 45 attorneys.
 - Five Scholars have received lawful permanent residence status or citizenship
 - Four Scholar family members have received lawful permanent residence status or citizenship
 - Seven Scholars are in the midst of legal proceedings seeking lawful permanent residence status
 - Two Scholar family members are in the midst of legal proceedings seeking lawful permanent residence status
 - Four Scholars have been granted discretionary relief under DACA
 - Two Scholar family members have been granted discretionary relief under DACA



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Other Work for Steppingstone Families

- In some cases, relief is not available yet or no relief is available
- Sometimes this is because Scholars are not yet old enough to apply for DACA
 - We invite these Scholars to contact us, through Steppingstone, when they reach the appropriate age. At that time we will assist them with applications
- Other times, there is no relief available, but we provide advice in a confidential setting about sensitive immigration issues
 - This is most often in cases where parents are seeking assistance. There are far fewer immigration options available to adults.
 - Many families have never had a meaningful opportunity to understand their legal status and were grateful to finally understand their immigration status and the potential changes in the immigration laws



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Other Work for Steppingstone Families

- In addition to our core programs assisting scholars and families with immigration needs,
- The program has also sponsored other events to support scholars and alumni.
 - In January 2015, the Partnership sponsored an alumni event with a spotlight on legal careers and becoming an attorney. Alumni in college attended, and the event included a panel of attorneys in a variety of legal fields.
 - In 2014, the Partnership hosted a community building event to raise awareness of Steppingstone.
 - In 2013, the Partnership hosted a firm breakfast for all Ropes & Gray attorneys highlighting Steppingstone's success.



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Pro Bono Partnerships

- Law Firms have made huge strides in developing internal pro bono programs to enrich their lawyers' experiences and give back to the local communities where we live and work.
- More than 85 of the country's largest Law Firms have hired full time pro bono professionals to assist with the management of pro bono partnerships, distribution of case assignments, and support for pro bono attorney teams.
- Firms have incentives to increase pro bono work because of its inclusion in most national rankings of law firms and also because commercial clients are interested in community involvement.
- Pro bono partnerships also provide meaningful client-facing opportunities for lawyers and provide significant opportunities for professional development.



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Pro Bono Partnerships

- Resources for pro bono relationships with Law Firms include:
 - Pro Bono Institute and American Bar Association Equal Justice conferences
 - Association of Pro Bono Counsel (organization of national pro bono counsel)
 - Pro Bono Net (on-line resource)
 - Lawhelp.org (individuals can search for legal services by jurisdiction and subject matter area)



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Pro Bono Partnerships

- For inquiries regarding establishing a similar pro bono partnership, please contact:
 - **Rosalyn Nasdor**, Ropes & Gray, Director of Pro Bono Legal Services
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