Undocumented Students and their Pursuit of Higher Education in Utah

Student Advocacy Services Summer Conference

June 8, 2017
The Undocumented Student Access and Success Committee’s vision is to create educational equity for undocumented students statewide. We seek to collaborate with K-16 partners to eradicate institutional barriers and achieve the same access and resources for undocumented students to higher education as their documented peers.
Defining Undocumented

- The NILC, defines an undocumented individual as a foreign national who:
  - Entered the US without inspection or with fraudulent documents, or
  - Entered with the proper authorization but then violated the terms of their status and remained unauthorized in the US.

- Determining a common language
Estimated unauthorized immigrant population in the U.S. lower in 2015 than in 2009

In millions

*There is no statistically significant difference between the 2015 estimate and 2016 preliminary estimate.


PEW RESEARCH CENTER
Unauthorized Immigrant Population, by State, 2012

States with Largest Shares of Unauthorized Immigrants in the Population, 2012

Unauthorized immigrants % of total state population

<table>
<thead>
<tr>
<th>State</th>
<th>Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nevada</td>
<td>7.6%</td>
</tr>
<tr>
<td>California</td>
<td>6.3%</td>
</tr>
<tr>
<td>Texas</td>
<td>6.3%</td>
</tr>
<tr>
<td>New Jersey</td>
<td>5.8%</td>
</tr>
<tr>
<td>Florida</td>
<td>4.8%</td>
</tr>
<tr>
<td>Arizona</td>
<td>4.6%</td>
</tr>
<tr>
<td>Maryland</td>
<td>4.3%</td>
</tr>
<tr>
<td>Georgia</td>
<td>3.9%</td>
</tr>
<tr>
<td>New York</td>
<td>3.8%</td>
</tr>
<tr>
<td>Illinois</td>
<td>3.7%</td>
</tr>
<tr>
<td>North Carolina</td>
<td>3.6%</td>
</tr>
<tr>
<td>Utah</td>
<td>3.6%</td>
</tr>
<tr>
<td>Colorado</td>
<td>3.5%</td>
</tr>
<tr>
<td>Connecticut</td>
<td>3.5%</td>
</tr>
<tr>
<td>Virginia</td>
<td>3.5%</td>
</tr>
</tbody>
</table>

Note: Percentages calculated from unrounded numbers. Differences between consecutive ranks may not be statistically significant. States with the same shares are shown alphabetically.

Source: Table A3, derived from Pew Research Center estimates based on augmented 2012 American Community Survey data from Integrated Public Use Microdata Series (IPUMS).
Undocumented Student Myths

“They will never gain residency”

“They are all are Latino”

“They don’t pay taxes”

“They are all criminals”

“They are in ESL/ELL classes”

“They are all aware of their status”

“They can’t go to college”
The reality for Undocumented Student

- No access to federal financial aid (FAFSA)
- No access to institutional or public scholarships (only privately funded scholarships)
- Out of state tuition by default, regardless of how many years they have lived in a state
- No driver's license or other form of identification
- Scarcity in available jobs
- Difficulty traveling in or out of a state
- Constant fear of deportation by ICE or local police
Immigration Roadmap
- Find your way to green card

http://ImmigrationRoad.com
Last updated: July 12, 2006
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Disclaimer: This immigration roadmap is for general guidance only and should not be used as legal advice. U.S. immigration laws and regulations are constantly changing, so always consult with an attorney and or a qualified professional with regard to your case. No warranty is made regarding the accuracy of any information. The information is provided "as is" and without warranty of any kind, either expressed or implied. No representation is made that the information provided is accurate, complete, or up to date. This document may not be copied, reproduced, or republished, in whole or in part, without the prior written permission of Immigration Road. Immigration Road is not responsible for the products or services of any third parties described or recommended in this document.

The diagram is a flowchart that outlines the steps and decisions one must make to pursue U.S. immigration. It covers various pathways, including family-based immigration, employment-based immigration, and diversity lottery, among others. Each decision point leads to different potential outcomes, indicated by yes or no responses. The flowchart is designed to help individuals understand the complex process of obtaining a green card or other immigration status.

The diagram is too complex to transcribe into plain text in its entirety. However, it provides a visual guide to the immigration process, showing the various stages and decisions involved. For a detailed understanding, it is recommended to consult the diagram or the website for more information.
DREAM Act
Federal: Pathway to Citizenship

- Various versions were created, but for nearly 10 years they have all failed to pass
  - Would provide conditional permanent residency for those with good moral conduct
  - Must have earned a high school diploma or obtained a GED
  - Must have entered the United States before the age of 16
  - 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
  - No age cap
DACA - Deferred Action for Childhood Arrivals
Executive Action: Temporary Fix

- Not a congressional action and not a pathway to citizenship
- A 2-year waiver to remain in the country and gain legal presence
- A process for obtaining a work permit
  - Have entered the United States before the age of 16
  - Have been in the United States for five years prior to June 15, 2012
  - Be older than age 15 to apply
  - Not be older than 30 years of age
  - Have either graduated from a high school or equivalent, enrolled in school or are a veteran of the U.S. military
  - Submit to a background check and have a clean record without felonies, misdemeanors
<table>
<thead>
<tr>
<th>Residence</th>
<th>Accepted to Date</th>
<th>Approved to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Initials</td>
<td>Renewals</td>
</tr>
<tr>
<td>California</td>
<td>240,580</td>
<td>196,354</td>
</tr>
<tr>
<td>Texas</td>
<td>139,785</td>
<td>107,342</td>
</tr>
<tr>
<td>New York</td>
<td>48,705</td>
<td>50,014</td>
</tr>
<tr>
<td>Illinois</td>
<td>45,352</td>
<td>36,262</td>
</tr>
<tr>
<td>Florida</td>
<td>38,947</td>
<td>37,843</td>
</tr>
<tr>
<td>Arizona</td>
<td>30,435</td>
<td>23,253</td>
</tr>
<tr>
<td>North Carolina</td>
<td>29,435</td>
<td>21,934</td>
</tr>
<tr>
<td>Georgia</td>
<td>28,380</td>
<td>21,200</td>
</tr>
<tr>
<td>New Jersey</td>
<td>25,187</td>
<td>23,329</td>
</tr>
<tr>
<td>Missing</td>
<td>11,649</td>
<td>44,966</td>
</tr>
<tr>
<td>Washington</td>
<td>19,415</td>
<td>15,694</td>
</tr>
<tr>
<td>Colorado</td>
<td>18,991</td>
<td>14,065</td>
</tr>
<tr>
<td>Virginia</td>
<td>13,739</td>
<td>12,546</td>
</tr>
<tr>
<td>Nevada</td>
<td>14,058</td>
<td>11,474</td>
</tr>
<tr>
<td>Oregon</td>
<td>11,991</td>
<td>9,440</td>
</tr>
<tr>
<td>Maryland</td>
<td>11,322</td>
<td>10,249</td>
</tr>
<tr>
<td>Indiana</td>
<td>10,668</td>
<td>7,876</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>8,914</td>
<td>9,943</td>
</tr>
<tr>
<td><strong>Utah</strong></td>
<td><strong>10,463</strong></td>
<td><strong>7,360</strong></td>
</tr>
<tr>
<td>Tennessee</td>
<td>9,258</td>
<td>6,779</td>
</tr>
</tbody>
</table>

DAPA - Deferred Action for Parents of Americans

Executive Action: Temporary Fix

- Not a congressional action, not a pathway to citizenship
- For parents of U.S. citizens or lawful permanent residents DAPA would have:
  - Expanded the original DACA (broader eligibility)
  - Employment authorization and deportation deferral for three years
- Dec. 2014, 26 states sued the Obama Administration blocking DAPA
- Supreme Court reviewed June 2016, deadlocked at 4-4
House Bill 144 (HB 144)  
Local Policy: In-State Tuition

- Student must have attended 3 years at a Utah High School
- Student must graduate from a Utah High School
- Student must sign an HB 144 Affidavit with institution once admitted
- No access to scholarship or financial aid, it only provides residency for tuition purposes
- Up for repeal every year
Senate Bill 81 (SB 81)
Local Policy: Limits Access

- Forces institutions to perform background checks for unpaid as well as paid work
- Student IDs are only valid on campus, not as any kind of identification off campus
- Students must certify lawful presence in order to apply for financial aid, state or private aid that is administered by a college.
- Other mandates: police power to be ICE agents; no public benefits for undocumented people, e-verify system
Senate Bill 253 (SB 253)
exceptions for privately funded scholarships

- Passed during 2015 Legislative Session
- Went into effect May 12, 2015
- Regents Policy R519-19
  - When Verification of Lawful Presence is Not Required. As provided by Utah Code Ann. §63G-12-402, verification of lawful presence in the United States is not required of a student who is a graduate of a high school located in Utah and (1) is exempt from paying the nonresident portion of total tuition under Utah Code Ann. §53B-8-106; or (2) applies for, and may be awarded, a privately funded scholarship that is administered by a USHE institution.
Resources
Scholarships.....

Great resource: educate-utah.org/

Utah Senate Bill 253 (2015)

Great news, everyone! As of May 12, 2015, Utah SB 253 makes it so any student who graduates from a Utah high school (regardless of high school graduation year) is NOT required to provide proof of lawful U.S. presence for scholarships or tuition waivers in Utah's public colleges and universities. Therefore, regardless if the student has or does not have DACA, as long as they have graduated from a Utah high school, they may apply to privately funded scholarships administered by a Utah public college or university.

SCHOLARSHIPS DUE:

- Jameson Family Scholarship
  - February 12th, 2016
  - 19 days to go

- ACLU of Utah Young Activist Scholarship
  - February 15th, 2016
  - 22 days to go

- Que Llueva Café Scholarship
  - February 27th, 2016
  - 1 month to go
Resources
Higher Ed Matrix

All USHE institutions, Westminster, & BYU/LDS BC

- Website links
- How to fill out admissions application/SSN questions
- Where to find/submit HB 144 affidavit
- Safe contacts
- Payment plan info
- Exceptions to policies
- Concurrent Enrollment
Recommendations for Best Practices

10 Things Utah Undocumented Educators Should Know

Start Here
01 | Make Yourself Visible
   Update your marketing materials to openly state support for undocumented and DACAmented students. Proudly display immigrant rights artwork in your office!

02 | Visit
   Get involved in spaces that are welcoming to undocumented and DACAmented students. The Dream Center at the Office of Engagement and the Center for Ethnic Student Affairs are great offices to visit at the U.

In Your Daily Practice
03 | Do Not Force Disclosure
   Build Trust. Be Patient!

04 | Put The Student First
   Listen to their Narrative.

05 | Familiarize Yourself With Campus Resources

06 | Personalize Services To Undocumented and DACAmented Students

Keep in Mind
07 | Immigration Is Diverse
   There is not one undocumented or DACAmented student experience. There are multiple narratives out there!

08 | Critically Review Policies
   ...and ensure that your services are open to all students regardless of their immigration status.

09 | Stay Informed
   Keep up to date on relevant information, attend Dream Center and community workshops, trainings and events.

Go Beyond!
10 | Leverage Your Allyship
   Advocate for positive change and opportunities for access on behalf of undocumented and DACAmented students; there is always room for U
Recommendations for Best Practices

- Establish trust
  - Normalize the situation
  - Identify yourself as an ally
- Keep up with the latest research and literature
- Understand mental health concerns
- Do not attempt to offer legal advice
- Advocate for undocumented students’ success
- Share resources
Recommendations for Best Practices – Know your Rights

What to Do if You Are Arrested or Detained by Immigration

August 2007

Immigrants who are arrested or detained by Immigration have certain rights. These rights change, however, if you are arrested or detained at the border or in an airport. In these cases, you may have fewer rights.

You probably have more rights if you are arrested by Immigration at work, on the street, after a traffic stop, or at home. If you are arrested and detained, it is important that you keep calm and remember the following things:

☒ You have the right to remain silent. You should ask to speak to a lawyer.
☒ Do not sign anything without first talking to a lawyer. You may be signing away your right to see a lawyer or a judge.
☒ Write down the name and telephone number of the deportation officer assigned to your case.
☒ Do not take “voluntary departure” (that is, do not agree to leave the United States) without first talking to a lawyer. Signing a voluntary departure agreement means that you won’t get a hearing, you will have to leave the U.S., and you may never be allowed to enter the U.S. again or get legal

Sesión Informativa gratuita

SRE
Consulado de México en Salt Lake City

Actualidad Migratoria y Servicios Consulares

Conoce tus derechos en el marco de las recientes acciones ejecutivas, qué hacer ante una detención migratoria, el proceso para obtener la Doble Nacionalidad para tus hijos/as, y más

Habrá personal del Consulado que podrán contestar tus preguntas y darte más información sobre estos temas.

¡Este taller está abierto a todo el público latinoamericano!
Canvas Course
8 USBE relicensure points

Summer session to opened June 1, will close August 31

Topics include:

- Defining undocumented & appropriate language
- Historical context & current political climate
- National and state demographics
- National and state policies
- Supporting undocumented students & becoming a resource
- To register: https://uen.instructure.com/enroll/NNXWM6
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801-366-8454