

# Myths & Misconceptions

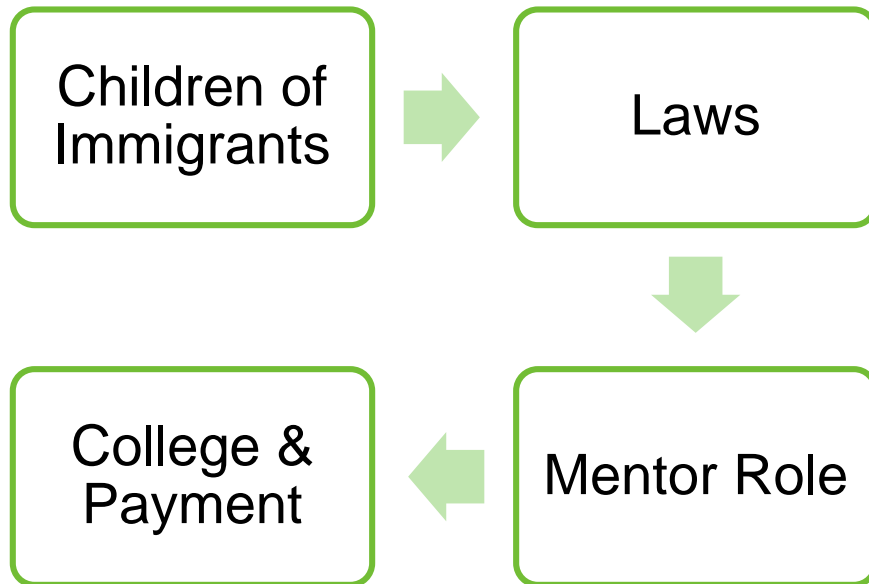
ISSUES OF ELIGIBILITY FOR CHILDREN OF IMMIGRANTS

**La Casa** | Live.Learn.Thrive.  
a Resurrection Project initiative



# Objective

To provide tips and perspective on issues of *student eligibility*.



# Anticipate Questions

## Know the answers...

- 1 • Can undocumented, DACA, and DREAMer students go to **college**?
- 2 • Can I complete a FAFSA?
- 3 • How can I get assistance in **paying** for college?
- 4 • How can I qualify for **in-state tuition**?
- 5 • The application asks for an **SSN**. Should I apply?
- 6 • What do I put on my **application** if I do not have a Social Security Number?
- 7 • Will I have the option to **work on campus**?
- 8 • Are there **majors** that are not available to me because of my status?
- 9 • Should I reveal my **status** to the college?... to the scholarship agency?
- 10 • Can I **work** after I graduate?
- 11 • What should I do if my **immigration status changes**?
- 12 • Who can request **DACA**? Who can **renew DACA**?
- 13 • Who may be considered for **DAPA**?

# Undocumented

## Definition

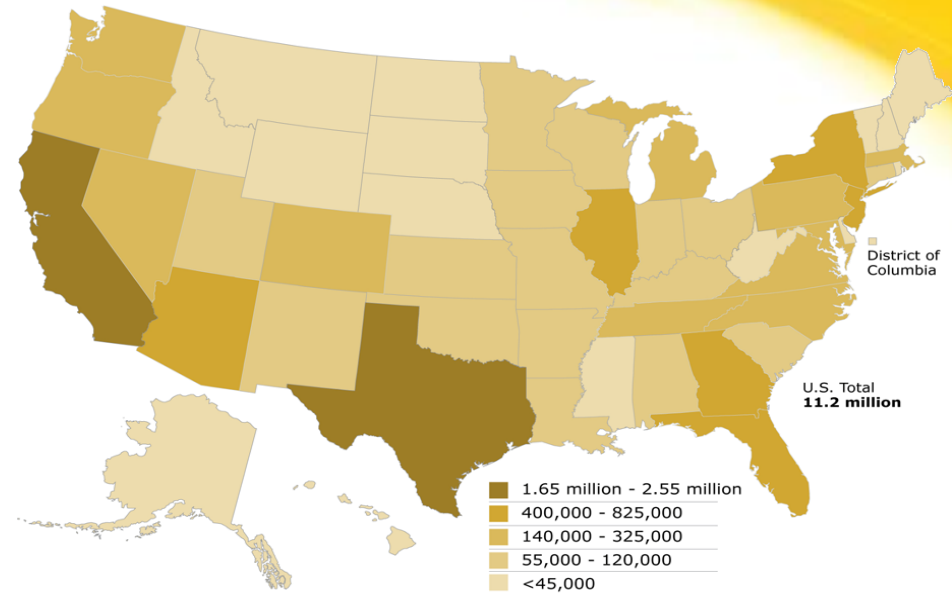
A term used to describe **foreign nationals** who reside in the U.S. without the legal permission of the federal government.

Entered the country legally on a tourist or work visa but then chose to remain in the U.S. without authorization after the **visa expired**

Entered the U.S. **without** any form of **documentation**

*Source:* Oliverez, P.M. (2006). The College and Financial Aid Guide for AB540 Undocumented Immigrant Students. *Center for Higher Education Policy Analysis*, 5.

## Unauthorized Immigrant Population by State, 2010

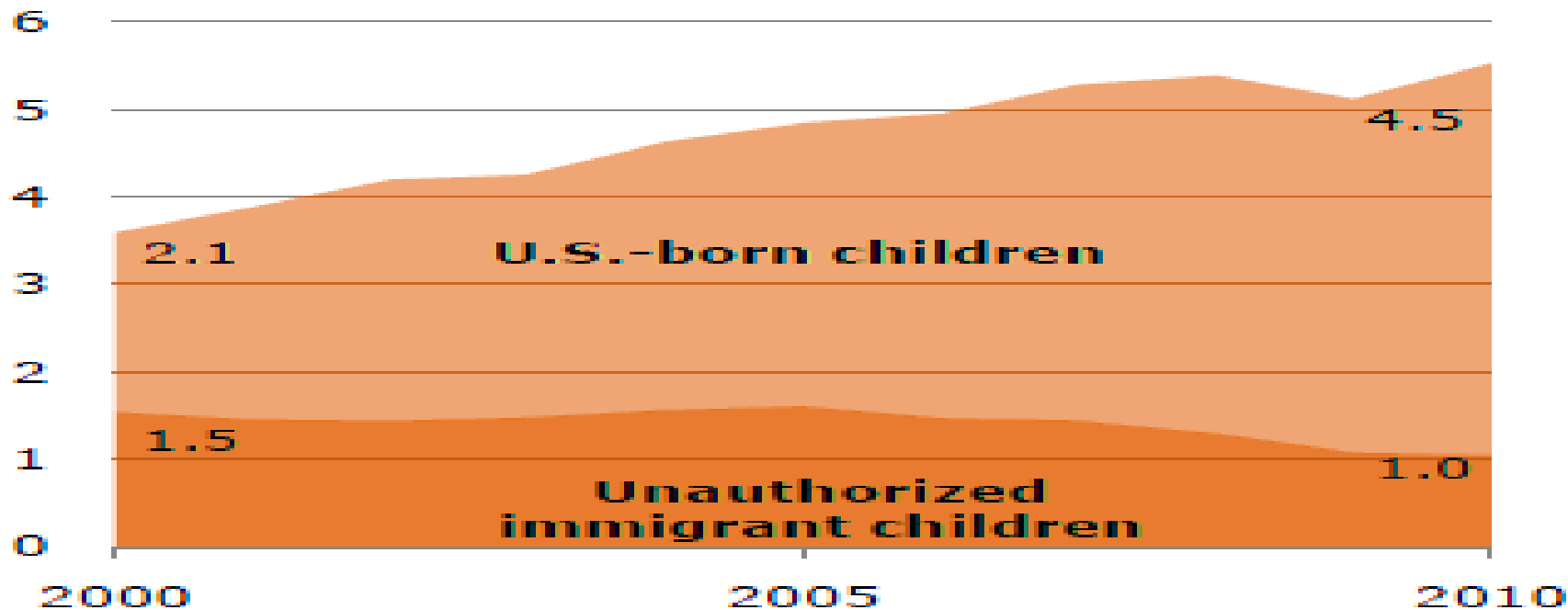


# Who Are Children of Immigrants?

Children of immigrant parents are the fastest growing segment of the nation's child population.

## Children Under Age 18 with at Least One Unauthorized Immigrant Parent, by Status, 2000-2010

(millions)



In March 2010, there were 11.2 million unauthorized immigrants living in the US. Unauthorized immigrants made up 3.7% of the nation's population and 5.2% of its labor force. This represents a significant reversal in a two-decade pattern of growth that peaked at 12 million in 2007.

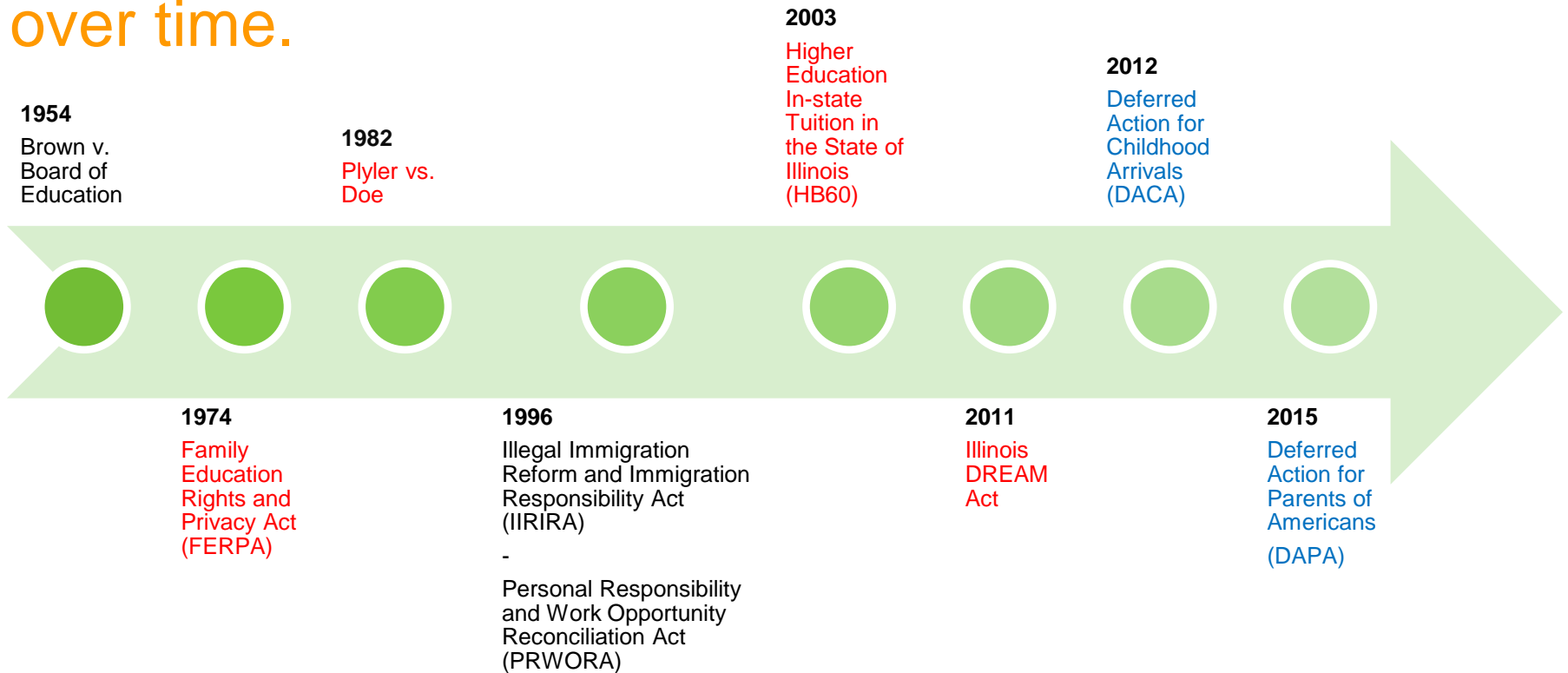
**Among children with at least one unauthorized immigrant parent, 70% have parents from Mexico, 17% from other Latin American countries, 7% from Asia, 2% from Europe and Canada, and 3% from Africa and other nations.**

*Source:* Jeffrey S. Passel and D'Vera Cohn. "Unauthorized Immigrant Population: National and State Trends, 2010." Washington, DC: Pew Hispanic Center (February 1, 2011).

# Laws and Regulations

# Immigrant Sensitive Laws

State and federal legislation is subject to change over time.



Over the course of the last six decades, a series of court decisions, statutes, legislative actions, and proposals have made it possible for the *children of immigrants* to obtain greater access to education.



# Family Educational Rights and Privacy Act, 1974

A federal law that protects the privacy of student education records at educational institutions, *including colleges and universities.*



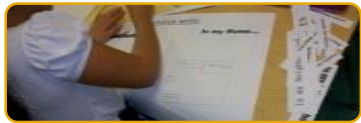
- Applies to **all schools** that receive funds under an applicable program of the U.S. Department of Education
- Gives parents **certain rights** with respect to their children's records; **transfer** to the student at age 18 or when attending a school beyond the high school level
- **Any information that a student shares with a college or university is protected by this Act.**

# Plyler vs. Doe, 1982

The *Supreme Court* ruled that public schools are forbidden from denying immigrant students access to public K-12 education.



School officials *cannot require* children to demonstrate **proof of immigration status**.



Schools *do not require* **Social Security numbers**.



School staff is prohibited from sharing **information about the immigration status** of students. It is not shared with individuals or institutions, not even government agency that enforce immigration laws.



Undocumented students are **required to attend school**, as are all other students, until they reach the age imposed by State law.



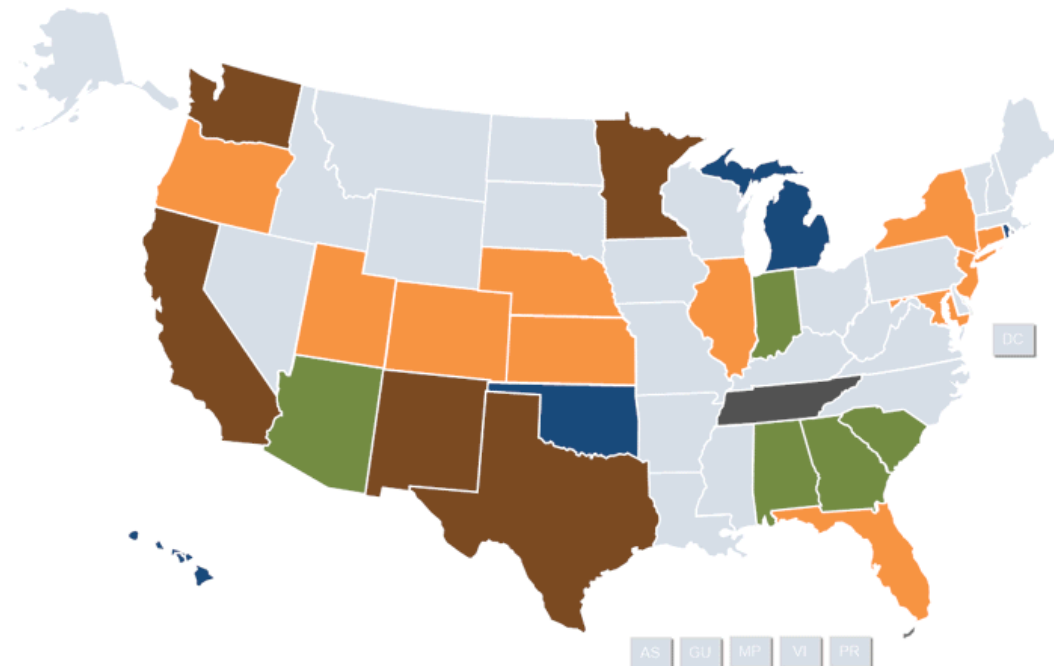
Public schools and school personnel are **prohibited from adopting policies or actions that deny access** to education on the basis of immigration status.

# In-State Tuition, 2001-2011

**Illinois**

**2003 – HB 0060 (Public Act 93-007)**

Twenty states offer in-state tuition to unauthorized immigrant students, 16 by state legislative action and 4 by state university systems. These laws allow students who attend and graduate from in-state high schools to qualify for in-state tuition at their public colleges, regardless of immigration status.



**Note:** There is a conflict between Federal and State law regarding the eligibility of undocumented students for in-state tuition rates.

*Source:* National Conference of State Legislatures. Retrieved on December 14, 2014 from <http://www.ncsl.org/research/immigration/tuition-benefits-for-immigrants.aspx>

# Illinois DREAM Act, 2011

When signed by Gov. Pat Quinn, four (4) measures became effective immediately:



Require Professional Development for School Personnel



Amend Section 529 Prepaid and Saving Plans in Illinois



Establish Illinois DREAM Fund



Appoint an Illinois DREAM Fund Commission

# Who is an Illinois DREAMer?

In order to qualify for benefits of the Illinois DREAM Act, a student must:



Have **resided with a parent or guardian** while attending high school in Illinois.



Have **graduated high school or received the equivalent** of a high school diploma in Illinois.



Have **attended a high school in Illinois** for at least 3 years.

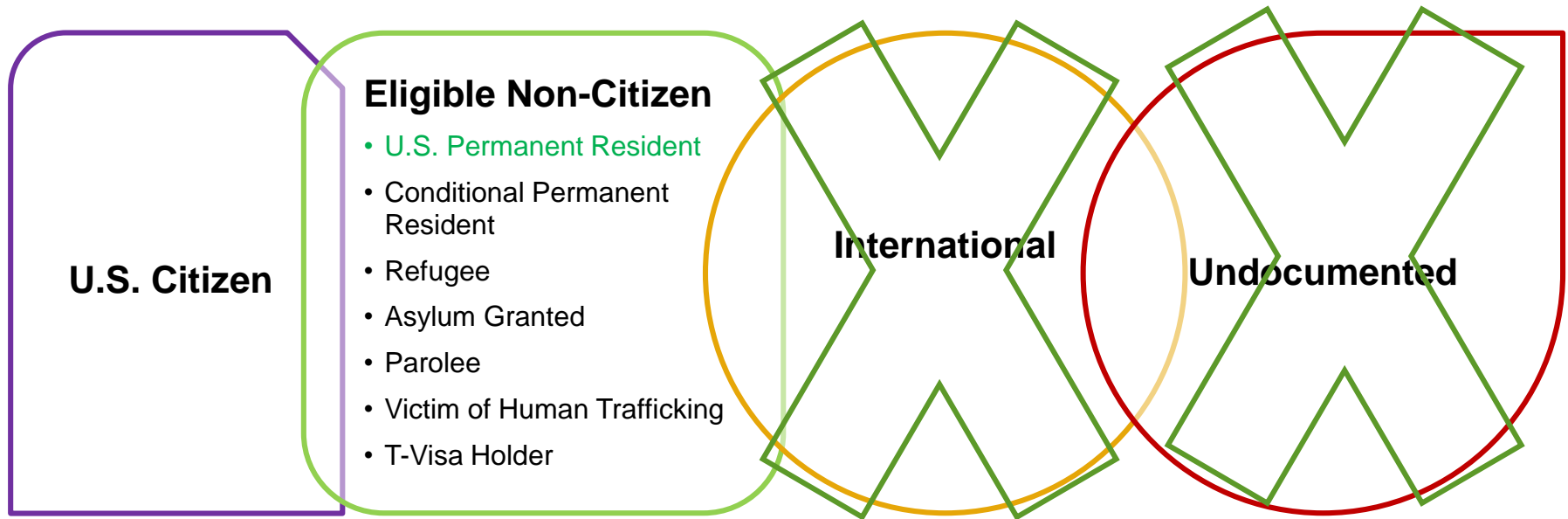


Have **at least one parent who immigrated** to the US.

# DREAMers & DACA in relation to FAFSA

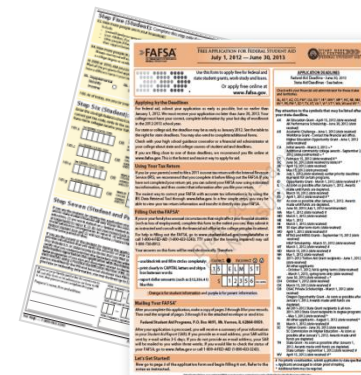
DO NOT encourage DREAMers or DACA students to complete the *Free Application for Federal Student Aid (FAFSA)*.

**Consider Student Status (FAFSA Q14).** For purposes of benefitting from state and federal student aid programs, *undocumented* and *international* students are *not* considered *eligible noncitizens*.



# Citizens Who Have Undocumented Parents

“What matters in determining student eligibility for state and federal financial aid programs is the status of a student NOT that of a parent.”



**How does an undocumented PARENT report on the FAFSA?**

- Parents who do not have a valid Social Security Number (SSN) **must** report:

**000-00-0000**

**What stumps the process?**

- **False data will cause unnecessary flags and conflicting information.**
- A FAFSA may also be rejected when a parent submits an *Individual Taxpayer Identification Number (ITIN)*. ITINs are only valid for tax purposes.

# Social Security Numbers

The Social Security Administration issues three types of Social Security cards.

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Type 1:

**Work without restrictions**

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Type 2:

**Valid for work only with DHS authorization**

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Type 3:

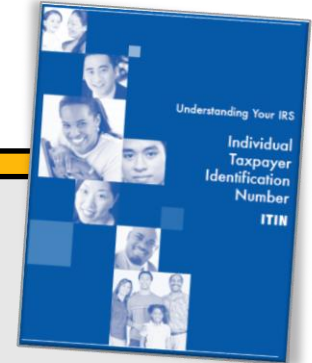
**Not valid for employment**





# Individual Tax Identification Number

## 9XX-7X-XXXX



### What is an ITIN?

- A tax processing number, issued by the *Internal Revenue Service*, for certain resident and nonresident aliens, their spouses, and their dependents.
- A nine-digit number beginning with the number “9”, has a range of numbers from “70” to “88” for the fourth and fifth digits and is formatted like a SSN

### Can an ITIN be used on the FAFSA?

**NO!!!! Absolutely not...**

### What is the purpose?

- ITINs are used for tax purposes only and are not intended to serve any other purpose.

### Who can get an ITIN?

- Individuals who are not eligible to get a Social Security Number.
- It is only available to individuals who are required to have a taxpayer identification number for tax purposes.

# Mentor's Role and Strategies

## Support Students

# School Counselor's Role

You are the college and career expert.

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Do not require students and families to reveal their immigration status.

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Protect privileged information received through confidential interactions with students and parents or guardians.

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Reserve the right to consult with other professionally competent persons when it is in a student's best interest.

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Notify students about the need to consult with other people.

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Confidentiality is not abbreviated by the school or counselor except when there is clear danger to the students or other persons.

It's a team effort.



# When a Student Reveals Status

Situations in which a student might disclose to you.

You are a member of his or her own ethnic/racial group

You are a trusted mentor

You have imposed requirements that they cannot complete without telling you of their inability to comply

You are in a position to assist with a concern

You have been referred by another student

**Students have no way of knowing whether your reaction will be positive or negative.**

# A Note About False Claims

Dear Mentor:

**Don't** give immigration advice, suggest that an undocumented person identify himself or herself as a US citizen, drive without a license, or use false identification.

If a question pertinent to the college planning process does not apply, ask students and families to do one of two things:

1. seek guidance from the source; or
2. opt to leave the question blank

Dear Student:

**Never, ever misrepresent or lie** about immigration status, social security numbers, etc..

**Avoid giving advice or assistance that may compromise a student's future pathway to citizenship.**



# College and Payment

Take inventory of resources and opportunities that are *currently* available.

# University Policies & Procedures

There are three main areas on the path to higher education where the *children of immigrants*, particularly *undocumented students*, may have special concerns or face obstacles:



## Admission Policies



## Tuition Policies

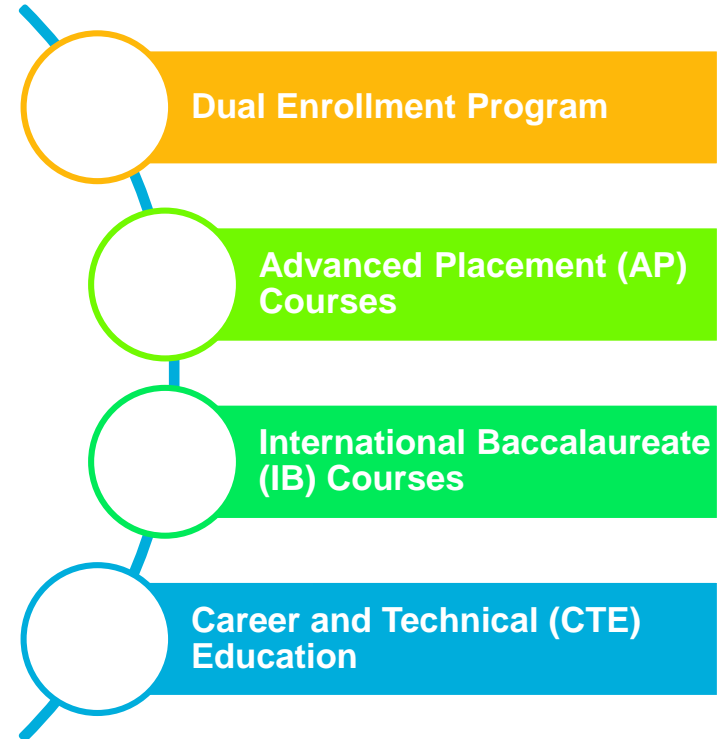


## Financial Aid Policies

# Prepare

An early start to getting ready for college can provide a broader set of options.

1. Take courses that align with **college entrance requirements**
2. While in high school, take courses that put a student on a fast track to earning **early college credit.**
3. Take the **ACT & SAT** seriously!  
(SSN is not required to register)



**A little planning and keeping up with grades could add up to a worthwhile reward.**



# Affidavit

## What is it? Why is it required?

To be considered for in-state tuition under HB 60 (Public Act 93 - 007), universities require *undocumented students* to sign an affidavit that indicates a promise to legalize their immigration status as soon as eligible.

### Definition:

Affidavit (n). AF•Fi•da•Vit [àffi dáyvit] **written version of sworn statement:** a written declaration made on oath before somebody authorized to administer oaths, usually setting out the statement of a witness for court proceedings (example: a public notary)

**If you can answer yes to the following questions, you may be eligible for resident tuition according to 110 ILCS 3057e-5:**

1. Did you reside with your parent(s) while attending a public or private high school in Illinois?  
 yes  no
2. Did you graduate from a public or private high school or receive the equivalent of a high school diploma in Illinois?  
 yes  no
3. Did you attend school in Illinois for at least 3 years as of the date you graduated from high school or received the equivalent of a high school diploma?  
 yes  no
4. If you are not a citizen or permanent resident of the United States, will you provide the University of Illinois with an affidavit stating that you will file an application to become a permanent resident of the United States at your earliest opportunity?  
 yes  no

(Note: If the above criteria are all met, but you subsequently establish permanent residence outside the State of Illinois, you are ineligible for resident tuition according to 110 ILCS 3057e-5.)

I, \_\_\_\_\_  
permanent resident of the United States

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_

NOTARY PUBLIC

STATE OF ILLINOIS )  
                                  ) ss.  
COUNTY OF DEKALB )

**AFFIDAVIT**

The undersigned, swears, affirms or, deposes the truth and accuracy of the following under penalties of perjury that:

1. The Individual Student, \_\_\_\_\_ (Please Print Name of Student) will file an application to become a permanent resident of the United States at the earliest opportunity he/she (the Individual Student) is eligible to do so.
2. In accordance with the terms and conditions of Illinois Public Act 93-0007, Section 40 (made effective May 20, 2003), this Affidavit is intended by the undersigned to provide Northern Illinois University with the necessary documented sworn declaration required in the Northern Illinois University Law, 110 ILCS 685/30-88 to qualify for in-state tuition rate charges until such time as the Individual Student establishes a residence outside the State of Illinois.

Individual Student's Signature (if over age 18) \_\_\_\_\_ Date \_\_\_\_\_

Parent/Guardian Print Name \_\_\_\_\_ Parent/Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

(Note: Parent/Guardian action required only if Individual Student is under age 18)

**CERTIFICATION**

\_\_\_\_\_ appeared before me and subscribed, and swore or affirmed that the foregoing Affidavit is true, correct and executed as a knowing, free and voluntary act for the purposes stated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public \_\_\_\_\_ (SEAL)

# « Major » Program of Study

When a student chooses a program of study, consider *completion requirements*; **not all majors are undocumented student friendly**

**A student “may” not be able to complete some programs of study, including any major that requires:**

- clinical observation hours;
- background check;
- certification or state licensure;
- Social Security number

**According to the *Illinois Association of College Admission Counseling (IACAC)*, this relates to many of the “helping” fields like:**

- Education
- Law Enforcement
- Health Professional
- etc...

# Financial Aid Options

## Who is eligible?

	<b>U.S. Citizen</b> Holds a US Passport or US birth certificate	<b>Legal Permanent Resident</b> Holds a Green Card	<b>Visa Holder</b> Holds a valid visa	<b>Undocumented   DACA   DREAMer</b> Holds no documentation or has pending application
<b>Illinois DREAM Fund</b>	No	No	No	<b>Yes</b>
<b>In-State Tuition</b>	Yes, if a student is a Resident of Illinois*	Yes, if a student is a Resident of Illinois*	Depends on visa; not eligible for HB60 (Public Act 93-007)	<b>Yes, if eligible for HB60 (Public Act 93-007)</b>
<b>Federal Aid</b> (i.e. Pell, FSEOG, etc)	Yes	Yes	No	No
<b>State Aid</b> (i.e. MAP, etc)	Yes	Yes	No	No
<b>Federal Work-Study</b>	Yes	Yes	No	No
<b>Private Scholarships</b>	Depends on eligibility requirements	Depends on eligibility requirements	Depends on eligibility requirements	<b>Depends on eligibility requirements</b>
<b>Institutional Aid</b>	Yes	Yes	Depends on visa, and school's policy	<b>Depends on school's policy</b>
<b>Federal Loans</b>	Yes	Yes	No	<b>No</b>
<b>Private Loans</b>	Yes	Yes	Depends on eligibility requirements	Yes. <u>Some</u> banks; credit-worthy <i>cosigner</i> required.

- A *dependent* student is a **resident of Illinois** if the parent, who is required by the instructions to complete the *Free Application for Federal Student Aid* (FAFSA), physically resides within the State of Illinois and Illinois is his or her true, fixed and permanent home.
- An *independent* student is a **resident of Illinois** if the applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of 12 continuous, full months immediately prior to the start of the academic year for which assistance is requested and Illinois is his or her true, fixed and permanent home.

# Scholarships

Scholarships represent a *type of aid* that is most commonly available and accessible to undocumented students.

**Look to find** scholarships (particularly local ones) that do not require citizenship, legal permanent residency, or proof of FAFSA completion.

**Research organizations** to understand what they are looking to reward.

**Answer the question(s);** provide statements that highlight accomplishments.

**It's all about the package.** Do a final checklist to ensure that all necessary supporting documents are included, such as signatures.

**Get comfortable with interviews and practice public speaking.** Some private scholarships require face-to-face interviews.



# Options After College

## Employment

- May be presented with opportunities to start the legalization process through employer sponsorship under rigorous requirements
- Entrepreneurship may be an option

## Graduate or Professional School

- There are no restrictions to prevent attendance at Graduate/Professional schools in Illinois
- Some professional schools require employment as part of their curriculum (i.e. teaching credentialing program)
- Obtaining Certifications/State Licenses required for some professions is difficult for undocumented immigrants due to requirements such as background-checks, social security, and state examination
- College cost continues to be a concern; cosigners are needed for private loans

## Internships & Fellowships

- Internships provide supervised work experience and practical training in a field or profession of interest
- Fellowships may be viewed as paid internships, for which some undocumented students may be eligible

## Research

- Working on research with faculty members at a college is one way to gain experience
- Sometimes students receive a “stipend” if the source of funding is tax-exempt
- Undocumented students are not eligible for stipends that come from a public college or university that is government funded

## Networking

- The size and quantity of a student’s academic/professional network will largely determine access to opportunities and information while in college and when exploring career options



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