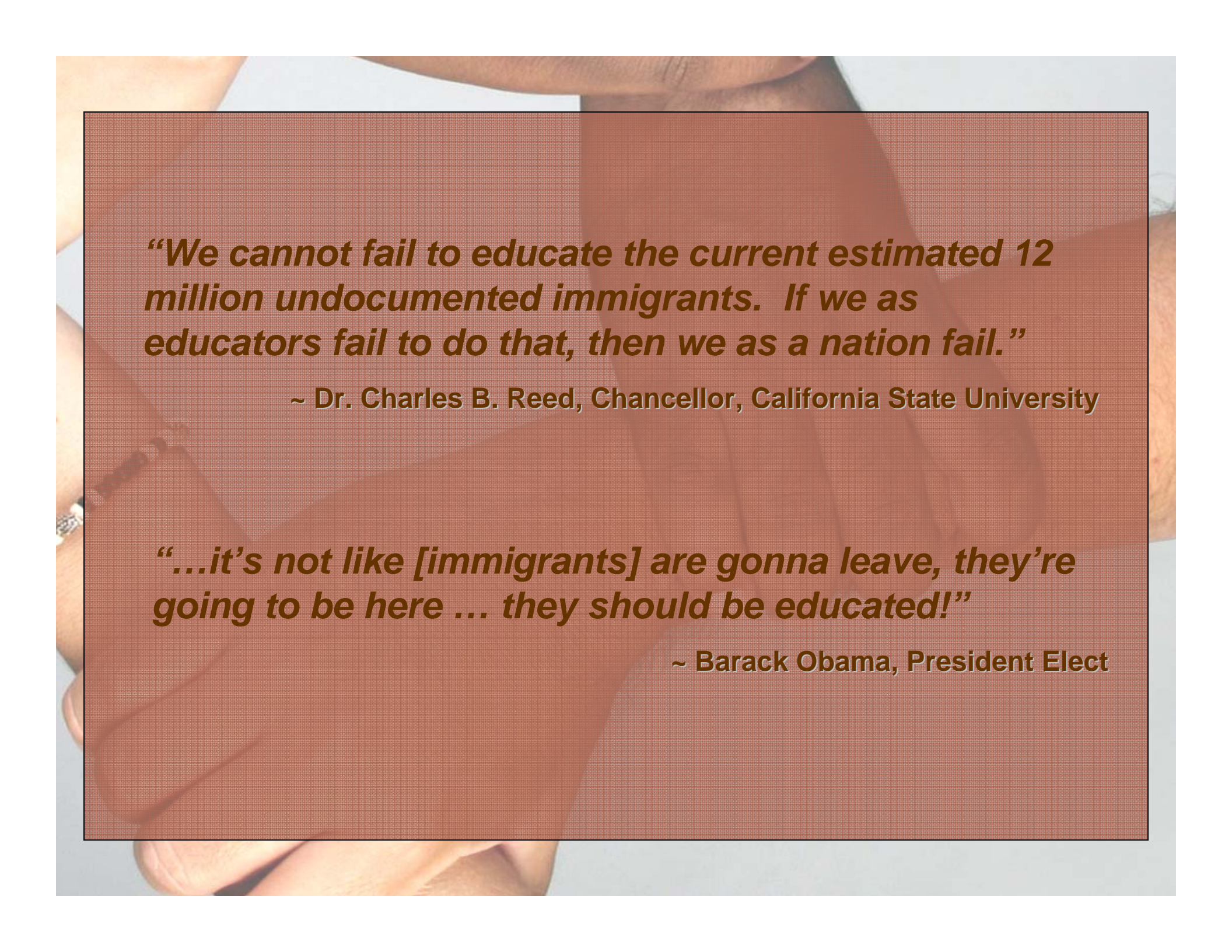




The Undocumented Student: Helping with the Dream

**Presented by:
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“We cannot fail to educate the current estimated 12 million undocumented immigrants. If we as educators fail to do that, then we as a nation fail.”

~ Dr. Charles B. Reed, Chancellor, California State University

“...it’s not like [immigrants] are gonna leave, they’re going to be here ... they should be educated!”

~ Barack Obama, President Elect

The Heart of the Debate

The issue of whether illegal immigrants should receive government subsidies has been debated vigorously by the Republican presidential candidates.

On Nov. 28, 2007, Mike Huckabee and Mitt Romney had a sharp exchange over whether illegal immigrants should pay the same tuition and be eligible for the same taxpayer-financed scholarships as other state residents.

When Huckabee explained why he favored such benefits when he was governor of Arkansas, Mr. Romney, the former governor of Massachusetts, pounced.

“Mike, that’s not your money, that’s the taxpayers’ money,” Mr. Romney said, adding, “Illegals are not going to get taxpayer-funded breaks that are better than our own citizens.”

Mr. Huckabee responded, “In all due respect, we’re a better country than to punish children for what their parents did.”

New York Times: Debates Persist Over Subsidies for Immigrant College Students, Joseph Berger, 12/12/07.

HEA Title IV

Sec. 484(a)(5), 34 CFR 668.32(d), 668.33

A student must be a citizen or eligible noncitizen to be eligible for aid from Title IV programs.

Eligible Citizens

- **US Citizens or Nationals**
- **US Permanent Residents**
- **Citizens of certain Pacific Islands**
- **Other eligible noncitizens**

US Citizens & Nationals

US citizens are citizens from the 50 states, the District of Columbia, Puerto Rico, US Virgin Islands, Guam, and the Northern Mariana Islands.

- ~ **All US citizens are considered US Nationals** ~
- ~ **But not all US Nationals are US Citizens** ~

Natives of American Samoa and Swain's Island are not US citizens but are nationals and therefore may receive Title IV funds.

Eligible Non-Citizen Status

- Residents: A noncitizen who is legally permitted to live and work in the United States permanently.
- Refugees: Status is considered temporary, although refugees can apply for permanent residence.
- Asylees: Status continues unless revoked by DHS or until permanent residence status is granted.
- Humanitarian Parolee: Entered US under emergency conditions; status is temporary.

Non-Eligible Status

- Family Unity Status: Granted relief of deportation under Family Unity Program.

Previously eligible for Title IV aid.

- Temporary Residents: Allowed to live and work in the US under special agricultural program.

Previously eligible for Title IV aid.

- Nonimmigrant Visa: Includes work visas, students (F-1), visitors, and foreign government officials.

Filing the FAFSA

If the student files a FAFSA and gets a comment regarding citizenship...

- If an error is in one of the four elements, the student (or school) must correct it through the CPS and a second match will be performed.
- If the student and school have resolved the SSN problems, but still cannot confirm citizenship, other documentation must be provided.
- If not, the student must be treated as undocumented and no federal or state aid can be awarded.

Definition of Undocumented

- **If a person is not a U.S. citizen, legal permanent resident, does not possess a green card, visa, or other legal documentation, then she or he is considered undocumented.**



Who are undocumented students?

- **Undocumented students include those born outside of the United States, many of whom have lived in this country for a significant portion of their lives, and who reside here without the legal permission of the federal government.**

A pair of hands is shown holding a white card. The card features a graphic of a scale of justice in the background. The text on the card is as follows:

**US Citizens or Eligible Residents
with Undocumented Parents:**

HEA Requirements

SSN Issues

- **When completing the FAFSA, a parent who legitimately does not have a SSN should supply all zeroes.**
 - **Leaving the item blank on paper will cause a rejected application.**
 - **FAFSA on the Web will not allow blanks.**
 - **Zeroes are considered a valid response.**

Citizenship Rules

IRS Publication 519

- **Includes a chart for determining resident vs. nonresident status for IRS purposes**
- **A taxpayer identification number (TIN) must be on a return (usually the SSN).**
- **Resident alien's income is generally subject to tax in the same manner as a U.S. citizen.**
 - **Nonresident alien's income is usually subject to U.S. income tax only on U.S. source income.**

The job of the IRS is to collect taxes, it is not in the immigration business.

- **The IRS is precluded, by law, from turning over any personal information it collects while performing its job of collecting taxes. Therefore, no data on any individual taxpayer is transmitted to DHS.**
- **The Internal Revenue Service began issuing Individual Taxpayer Identification Numbers in 1996, with Congressional support, so that undocumented immigrants could pay taxes. Since then, about 7 million undocumented immigrants have contributed to the tax pool.**

Reporting Income on the FAFSA

- **If the parents of a dependent applicant are undocumented workers, they must still supply income and asset information.**
- **Same rules apply if the applicant is undocumented, but will probably run into citizenship match issues.**

Verifying Income

- Applicants with income above the minimum threshold for filing must file a tax return. *If they do not, it is conflicting information.*
- An IRS provision allows undocumented workers to file a tax return by applying for an individual taxpayer ID number for tax return filing purposes only.
 - See IRS Publication 519, page 23
- If below the minimum threshold for filing, schools can accept W-2s or a signed, dated statement from parents verifying sources and amounts of income.



Dependency Override

Aid administrators cannot do a dependency override solely because a parent is an undocumented worker and concerned about their status being revealed (similar to any parent who refuses to supply information).

PLUS/Additional Unsubsidized Eligibility

Dear Colleague Letter GEN-05-16 (Q&A # 5):

- **A dependent student is eligible for additional unsubsidized Stafford loan amounts based on the fact that there are exceptional circumstances that preclude the parent from borrowing a PLUS.**
- **Can occur if dependent student's parent is not a U.S. citizen or permanent resident.**

The Dream Act

If passed, the DREAM Act would "permit certain immigrant students who have grown up in the U.S. to apply for temporary legal status and eventually obtain permanent status and become eligible for citizenship if they go to college or serve in the U.S. military.

Future is uncertain

Never brought to a vote in the House, and failed in the Senate.



President Elect,

Barack Obama

“The failure to pass the DREAM Act, only worsens the immigration crisis by continuing to drive thousands of young people every year into hiding. We need to do more to transcend the divisive politics in this country to provide solutions that help the most vulnerable members of our society. “



The Dream Act Portal

**To keep abreast of the Dream Act, go to
the Dream Act Portal:**

www.dreamact.info



Undocumented Californians

The California Dream Act

VETOED

"At a time when segments of California public higher education, the University of California and the California State University, are raising fees on all students attending college in order to maintain the quality of education provided, it would not be prudent to place additional strain on the general fund to accord the new benefit of providing state subsidized financial aid to students without lawful immigration status."

~ Governor Arnold Schwarzenegger

Senate Bill (SB) 160

Senator Gilbert Cedillo

California's 22nd District

Follow the California Dream Act at:

www.dist22.casen.govoffice.com

AB540


- **AB540, signed into law on October 12, 2001, authorizes undocumented students, who meet specific criteria, to pay in-state tuition at California's public colleges and universities.**
- **Any undocumented student, except a person in nonimmigrant status, who meets the requirements, shall be exempt from paying nonresident tuition at all public colleges and universities in California.**
- **Under AB540, students who meet ALL of the outlined requirements will qualify to pay in-state tuition.**

AB540: The Facts

- AB540 does not apply to private colleges and universities.
- AB540 does not grant legal residency to qualifying students.
- AB540 does not grant state or federal financial aid eligibility.
- AB540 only provides an exemption to the requirements to pay nonresident tuition.

AB540 Qualifications

- **To qualify a student must:**
 - **Attend a California high school for 3 or more years**
 - **Graduate from a California high school or receive the equivalent general education diploma (GED)**
 - **Register or be currently enrolled in a California Community College, California State University, or a University of California**
 - **Sign a statement with the college or university (not with INS) stating that they will apply for legal residency as soon as they are eligible to do so**

A hand is holding a map of California, which is the central focus of the image. The map is a dark brown color and is positioned diagonally across the frame. The background is a light blue-grey color, and the hand is visible at the top and right edges of the map.

An undocumented student can attend any public college or university in California, if they meet the admissions requirements.

They cannot be denied admission to a public California college based on their immigration status.

Undocumented Students and Private Colleges

- **Private colleges and universities determine their own policies toward undocumented students. If a student is interested in applying to a private institution, they should call the admissions office and ask if they have any particular policies toward undocumented students. Some schools are more accommodating than others.**
- **Some private schools offer financial aid for undocumented students.**
- **If a student is nervous about calling, suggest that they ask a friend or guidance counselor to inquire on their behalf.**

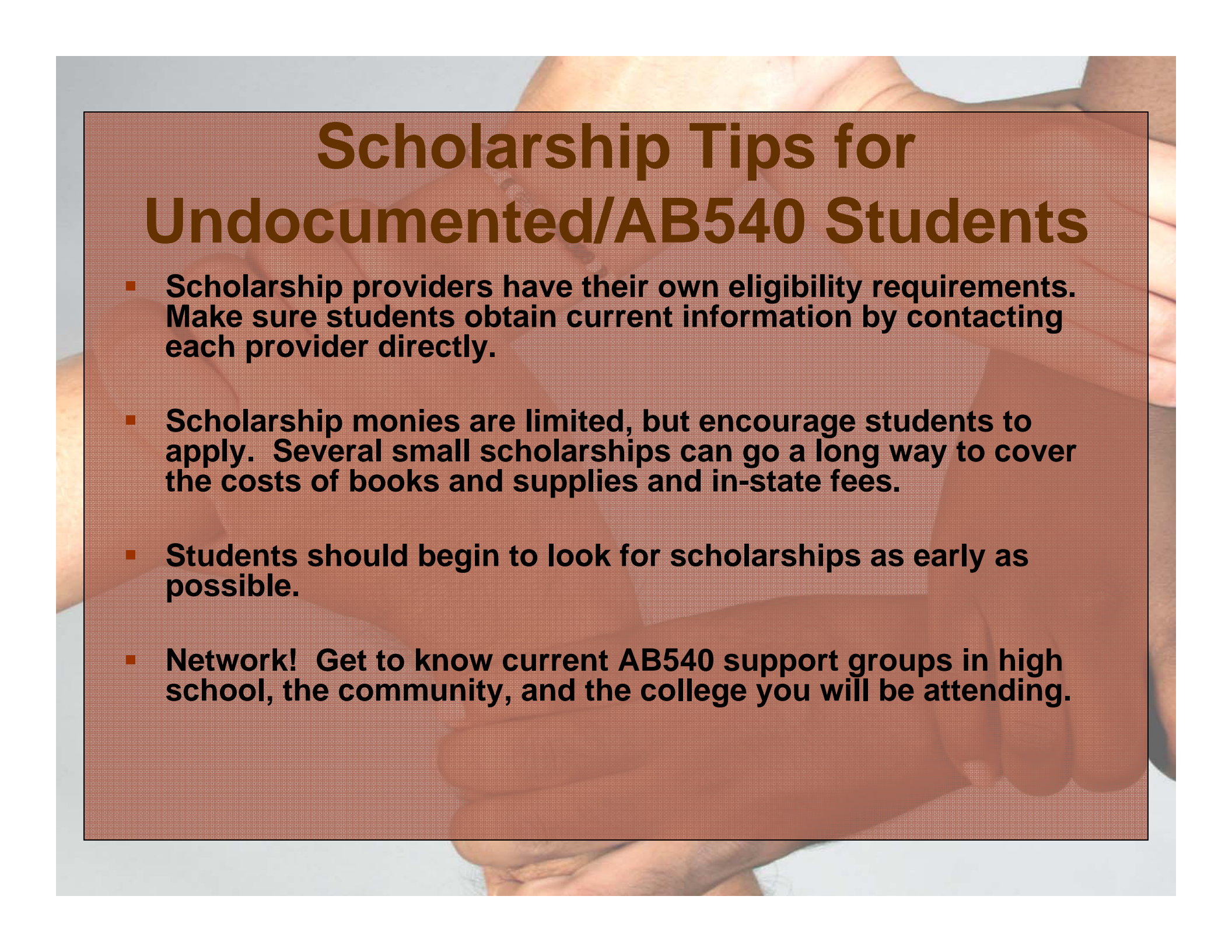


Be Creative

- **Suggest creative ways to fund education (i.e. ask family members, teachers, local businesses or large companies).**
- **Apply for scholarships that do not require U.S. citizenship or residency.**
- **Each student should evaluate their personal situation and make decisions based on their needs.**

Scholarship Searches

- Students should be encouraged to look for outside scholarships using search engines such as www.fastweb.com.
- MALDEF has a publication that lists scholarships that do not have a citizenship requirement.
www.maldef.org/pdf/Scholarships_072003.pdf



Scholarship Tips for Undocumented/AB540 Students

- **Scholarship providers have their own eligibility requirements. Make sure students obtain current information by contacting each provider directly.**
- **Scholarship monies are limited, but encourage students to apply. Several small scholarships can go a long way to cover the costs of books and supplies and in-state fees.**
- **Students should begin to look for scholarships as early as possible.**
- **Network! Get to know current AB540 support groups in high school, the community, and the college you will be attending.**



Useful Websites

- **FinAid.org**

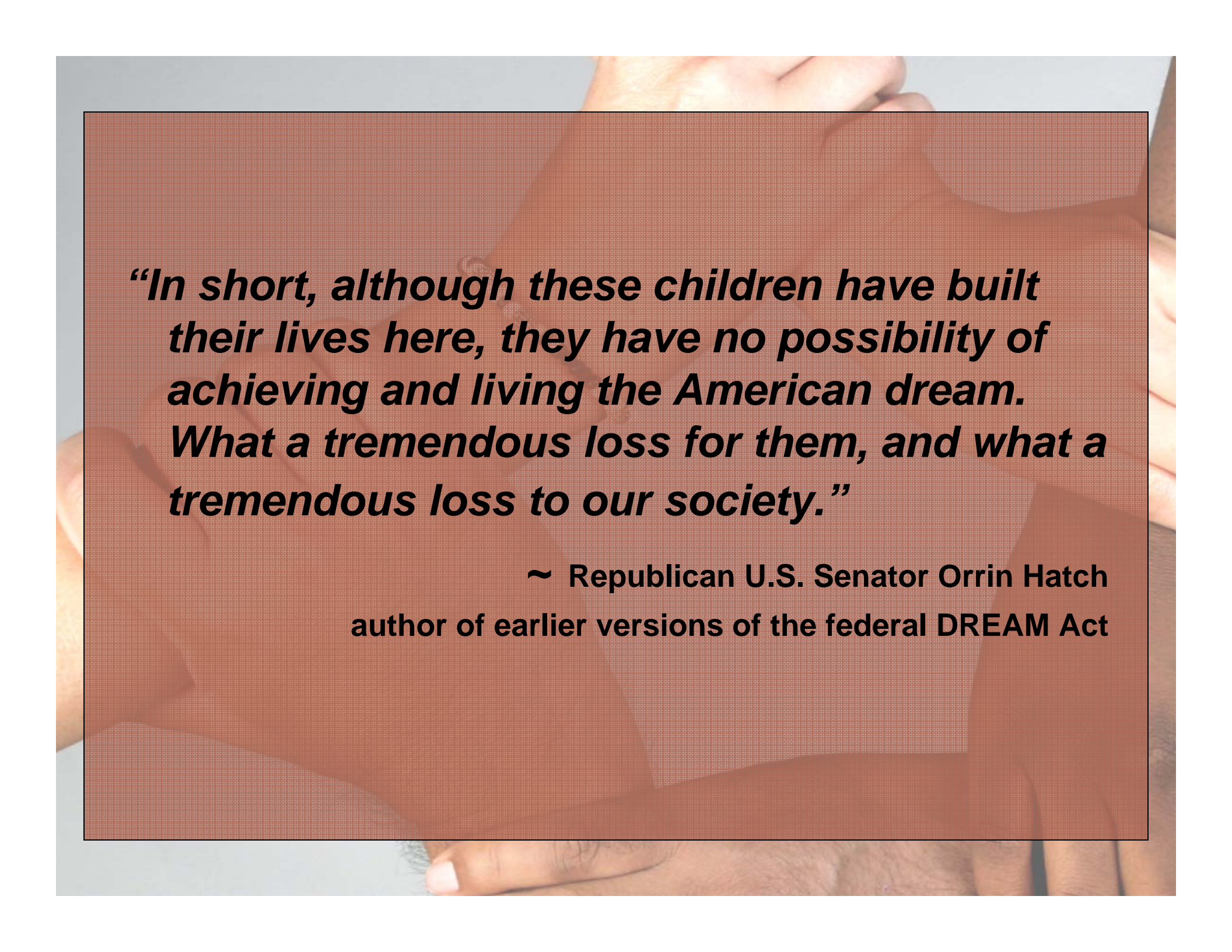
www.finaid.org/otheraid/undocumented.phtml

- **Latino College Dollars**

www.latinocollegedollars.org

- **Institute for Higher Education Law and Governance**

www.law.uh.edu/ihelg/undocumented/homepage



“In short, although these children have built their lives here, they have no possibility of achieving and living the American dream. What a tremendous loss for them, and what a tremendous loss to our society.”

**~ Republican U.S. Senator Orrin Hatch
author of earlier versions of the federal DREAM Act**



Questions?