

2023



COLLEGE CHANGES EVERYTHING®
CONFERENCE

Unifying Educational Equity: Illinois' Undocumented Students

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Agenda

1. Setting Context
2. DACA Through the Years
3. Opportunities for Illinois Students
4. Resources

SETTING CONTEXT

Understanding Various Immigrant Statuses

- **Naturalized Citizen**
 - Born outside the US, applied and received US citizenship
 - Cannot be US president
 - **Legal Resident**
 - U.S. permanent resident (LPR), conditional resident, or having other visa permitting residence in the US
 - Cannot vote and cannot be selected for jury duty
 - **Undocumented**
 - Citizen of a country other than the United States and
 - Entered the US “without inspection” or
 - Visa expired and remained in the US
- Note:** DACA is not an official immigrant status

Inside Higher Ed Report: California Student Aid Commission

- California Dream Act Application
 - Passed in 2011
 - CA has the largest undocumented student population with almost 100,000 enrolled in postsecondary education
- For 2021-2022, 14% of California's undocumented students received financial aid
- Some report recommendations to address these issues:
 - Simplify the application
 - Reduce verification
 - Connect undocumented students with scholarships
 - Coordinate efforts between campus departments
 - Expand Pell eligibility

Undocumented Immigrant Demographics: Illinois

- 425,000 undocumented immigrants¹
 - Majority between the ages of 35-44
 - Roughly 23,000 active DACA recipients
 - 55,199 DACA eligible residents
- Regions of birth:
 - Latin America: 74%
 - Asia: 17%
 - Europe: 6%
- Economic impact²
 - \$945.5 million in federal taxes
 - \$708.9 million in state and local taxes

¹migrationpolicy.org/IllinoisStateData

² <https://www.americanimmigrationcouncil.org/research/immigrants-in-Illinois>

Undocumented Students in Higher Education

- More than 427,000 undocumented college students
 - 81% are enrolled in public institutions
 - 9% enrolled in private institutions
- Illinois is ranked #5 in terms of the number of undocumented students in higher education
- 17,757 undocumented students in Illinois
 - 8,784 DACA eligible students
 - 4,000 undocumented students graduating high school every year

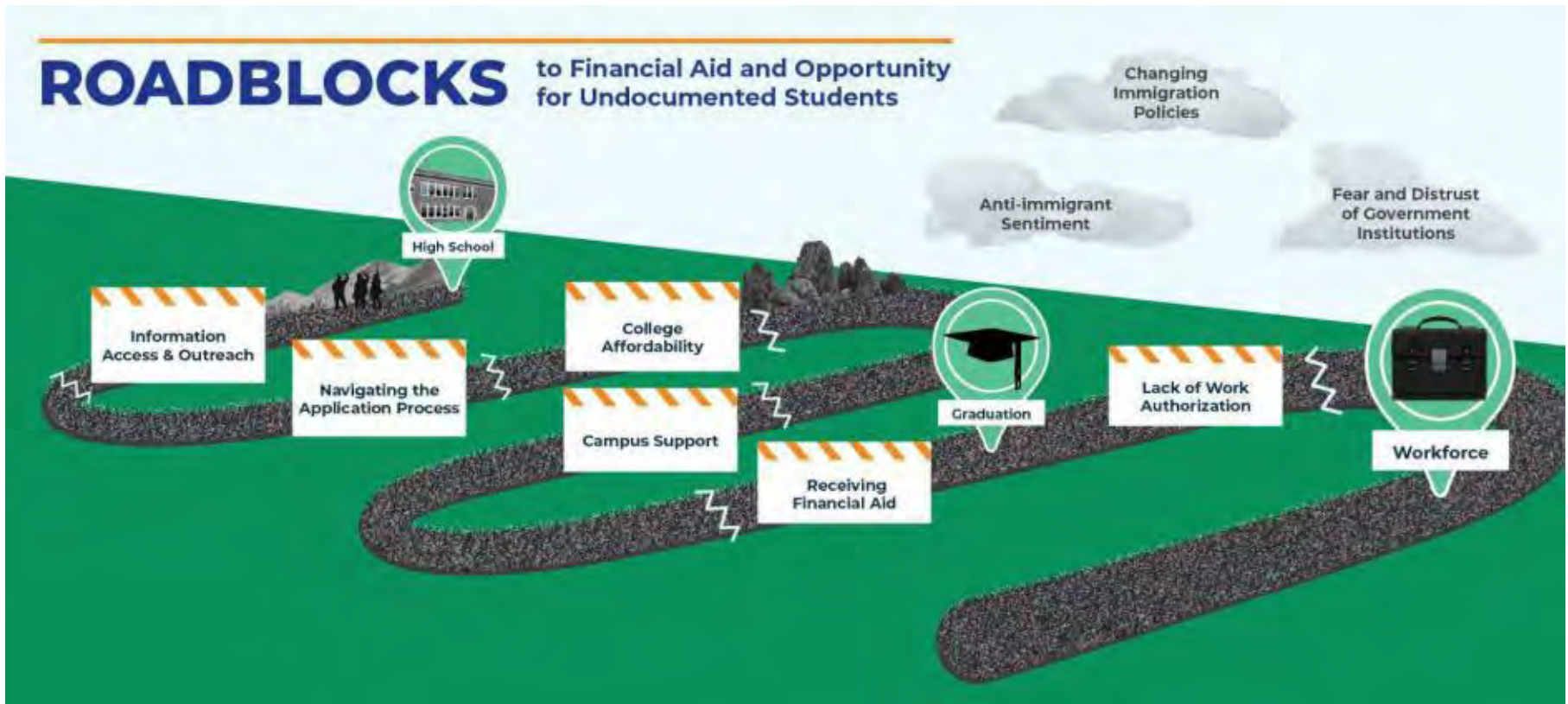
Federal DREAM Act

- Immigration reform can only occur at the federal level
- DREAM Act was first introduced in Congress in 2001
 - Path to citizenship for eligible youth
 - At least 11 versions of the DREAM Act has been introduced but has failed to pass both chambers of Congress
- DREAM Act of 2023 was introduced in February
 - Would allow approximately 1.9 million youth brought to the US as children to have protection from deportation and an opportunity to obtain legal status
- Not to be confused with the Illinois DREAM Act

Illinois DREAM Act (2011)

- Signed August 1, 2011
- Students can participate in 529 savings plans
 - Students need an Individual Tax Identification Number (ITIN) to participate
- Sets up DREAM Fund Commission
 - Raises private contributions for DREAM Fund (scholarship)
 - Up to \$2,000 at community colleges and up to \$6,000 at 4-year institutions
 - Develops and runs training program for counselors
- Does **not** provide any state aid to students

Barriers to Education



Psychological Impacts of Status

May be unaware of their status

Stress due to the college and financial aid application process

Constant fear of deportation (own deportation or family's)

Uncertainty over obtaining employment

Anxiety, depression, fear associated with status and social stigma of being undocumented

DACA THROUGH THE YEARS

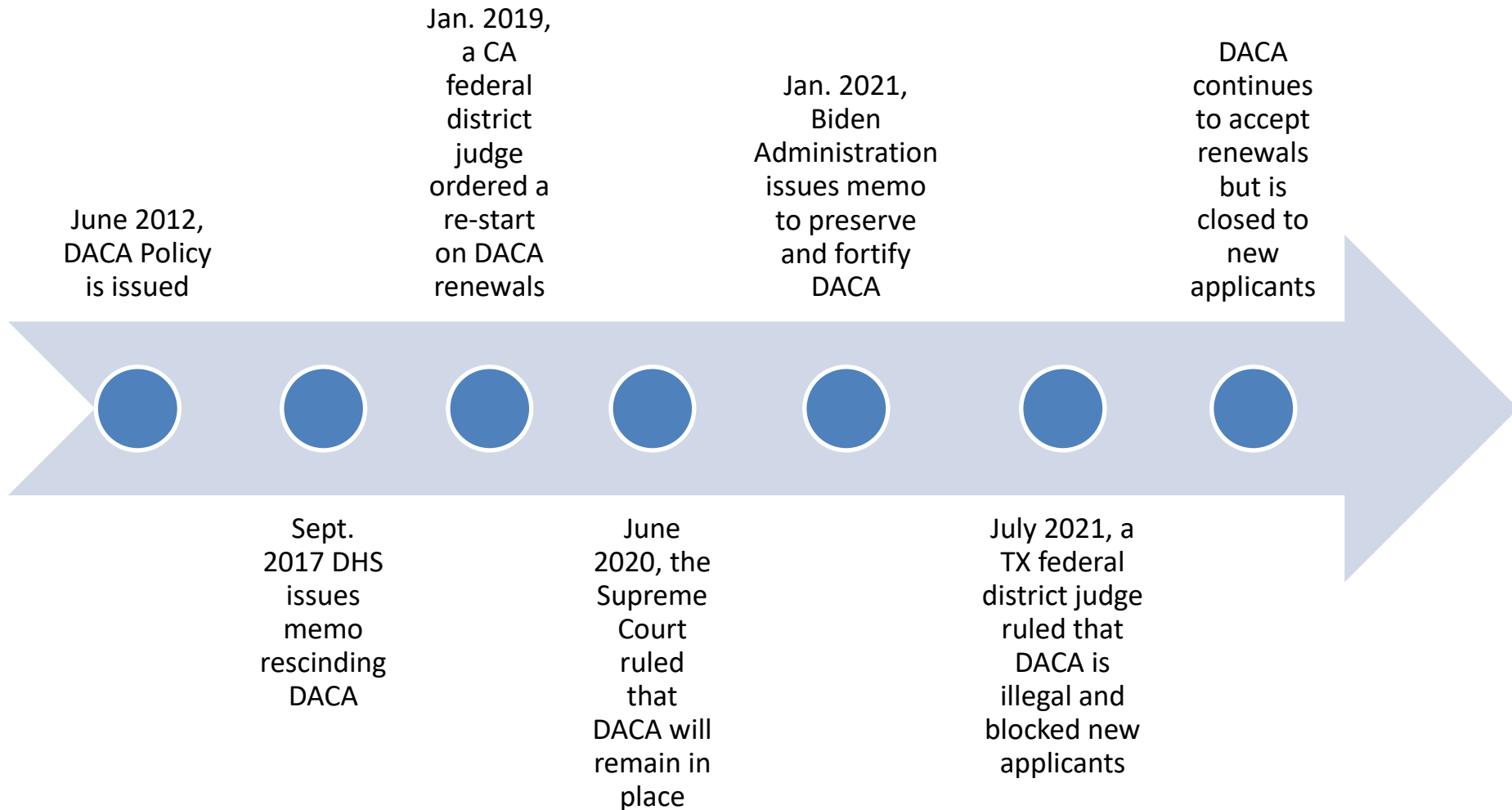
DACA at a Glance

- June 15, 2012 – Executive order issued to implement Deferred Action for Childhood Arrivals (DACA)
 - “Deferred Action” for eligible youth born by 2007
 - 2-year stay from deportation
 - Eligible for work permit & social security number (SSN) for work purposes
- Not a path to citizenship
- Can be eliminated at any time
- Students with DACA are not eligible for Federal Student Aid
 - Some states/institutions may require the FAFSA for state or institutional aid
- If students fill out the FAFSA they must select, **“No, I am not a citizen or eligible noncitizen”**

DACA Requirements

1. Were under the age of 31 as of June 15, 2012 (born on or after June 16, 1981);
2. Came to the U.S. before reaching your 16th birthday;
3. Have continuously resided in the U.S. since June 15, 2007, up to the time of your DACA filing;
4. Were physically present in the U.S. on June 15, 2012, and at the time of filing your request for DACA with USCIS;
5. Had no lawful immigration status on June 15, 2012, and at the time of your DACA filing:
 1. You never had a lawful immigration status on or before June 15, 2012, or
 2. Any lawful immigration status or parole that you obtained had expired as of June 15, 2012, and
 3. Any lawful status that you had after June 15, 2012, expired or otherwise terminated before you submitted your request for DACA;
6. Currently enrolled in school, have graduated or obtained a certificate of completion from high school, have obtained a GED certificate, or are an honorably discharged veteran of the U.S. armed forces; and
7. Have not been convicted of a felony, significant misdemeanor, or 3 or more other misdemeanors, and do not otherwise pose a threat to national security or public safety

Timeline of Events



Key Legal Challenges

- September 2017
 - “Duke memorandum” issued by DHS
 - Employment authorization documents (EAD) expiring on or before March 5th, 2018 were eligible for renewal if done before October 5th, 2017
 - EADs expiring on or after March 6th, 2018 were no longer eligible for renewal or benefits
 - Numerous legal challenges to the rescission were brought to district courts
- June 2020
 - Supreme Court in a 5-4 ruling declared the Trump administration failed to provide an adequate explanation for ending DACA
 - Allowed for new applications but also made it clear that the administration has the authority to end DACA if they follow the correct procedures

Key Legal Challenges (continued)

- July 2020
 - “Wolf memorandum” issued by DHS
 - Annual renewal with \$495 instead of every two years
 - In December 2020, DACA was reinstated to 2012 terms due to a paperwork error and several lawsuits that followed the “Wolf memorandum”
- July 2021
 - U.S. District Judge Andrew Hanen ruled that DACA was unlawful
- October 2022
 - U.S. Court of Appeals for the 5th Circuit (TX) upheld Judge Hanen’s DACA ruling that the policy is unlawful
 - Legal challenge due to lack of notice-and-comment procedures

Current State of DACA

- Final rule issued August 30th, 2022, and was set to take effect October 31st, 2022
- USCIS is **only** processing renewal applications and is **not** processing any initial applications
- If courts strike down the policy, it is unclear if there will be a “wind down” period with no renewals or if DACA recipients will lose their work authorization overnight
- Even if DACA remains in place the number of young adults who may benefit from DACA is decreasing over time
 - Given the requirement to have entered the U.S. prior to June 15, 2007, and to be under the age of 31 as of June 15, 2012

OPPORTUNITIES FOR ILLINOIS STUDENTS

Public Act 93-0007 (2003)

- An individual is considered an Illinois resident, for in-state tuition purposes, until they establish residence outside of the state, if they meet all of the following:
 1. Reside in Illinois with parent or guardian while attending high school;
 2. Graduate from an Illinois high school or earn a GED in Illinois;
 3. Attend an Illinois high school for at least three years;
 4. Provide the university with an affidavit stating that he/she will file an application to become a permanent resident of the U.S. once he/she becomes eligible to do so. (Affidavit must be notarized.)

Retention of Illinois Students & Equity (RISE) Act

- Signed into law on June 21, 2019
- Provides a pathway for **eligible undocumented students** (e.g., DACA, U-Visa holders, etc.) who are disqualified from federal student aid to apply for ISAC, and other state funded financial aid programs
 - Relies on criteria already in state law that's used to determine eligibility for in-state tuition at public institutions

Note: The RISE Act does not exempt students from meeting existing program eligibility criteria

Eligibility Criteria for the RISE Act

- The law defines Illinois resident, as “any person who is deemed an Illinois resident for tuition purposes”
- References same criteria from Public Act 93-0007
 1. Resided with their parent or guardian while attending a public or private high school in this State;
 2. Graduated from a public or private high school or received the equivalent of a high school diploma in this State;
 3. Attended school in this State for at least 3 years as of the date the individual graduated from high school or received the equivalent of a high school diploma in this State;
 4. Provides an affidavit stating that they will file an application to become a permanent resident of the United States at the earliest opportunity they are eligible to do so;
 5. Has not established a residence outside of Illinois

The Alternative Application

- Alternative process for applying for MAP
 - FAFSA-eligible students should continue filing a FAFSA for MAP consideration
- Prescreening questions to determine which application (Alternative Application or FAFSA) should be completed
- Became available on October 1, 2022, for the 2023-24 award year
- Accessible via ISAC website
- Patterned after the FAFSA
 - Generates an Expected Family Contribution (EFC) which will be used to calculate an award amount estimate for MAP

Eligibility for Financial Aid

Citizenship Status	Federal Aid	State Aid (IL)	Institutional Aid
U.S. Citizen U.S. Permanent Resident/Eligible noncitizen	Yes	Yes	Yes
DACA	No	Yes*	Varies by institution
Non-eligible noncitizen	No	Yes*	Varies by institution

*Must meet qualifying criteria

State Class Definitions for Professional & Occupational Licensure

State Class Definitions

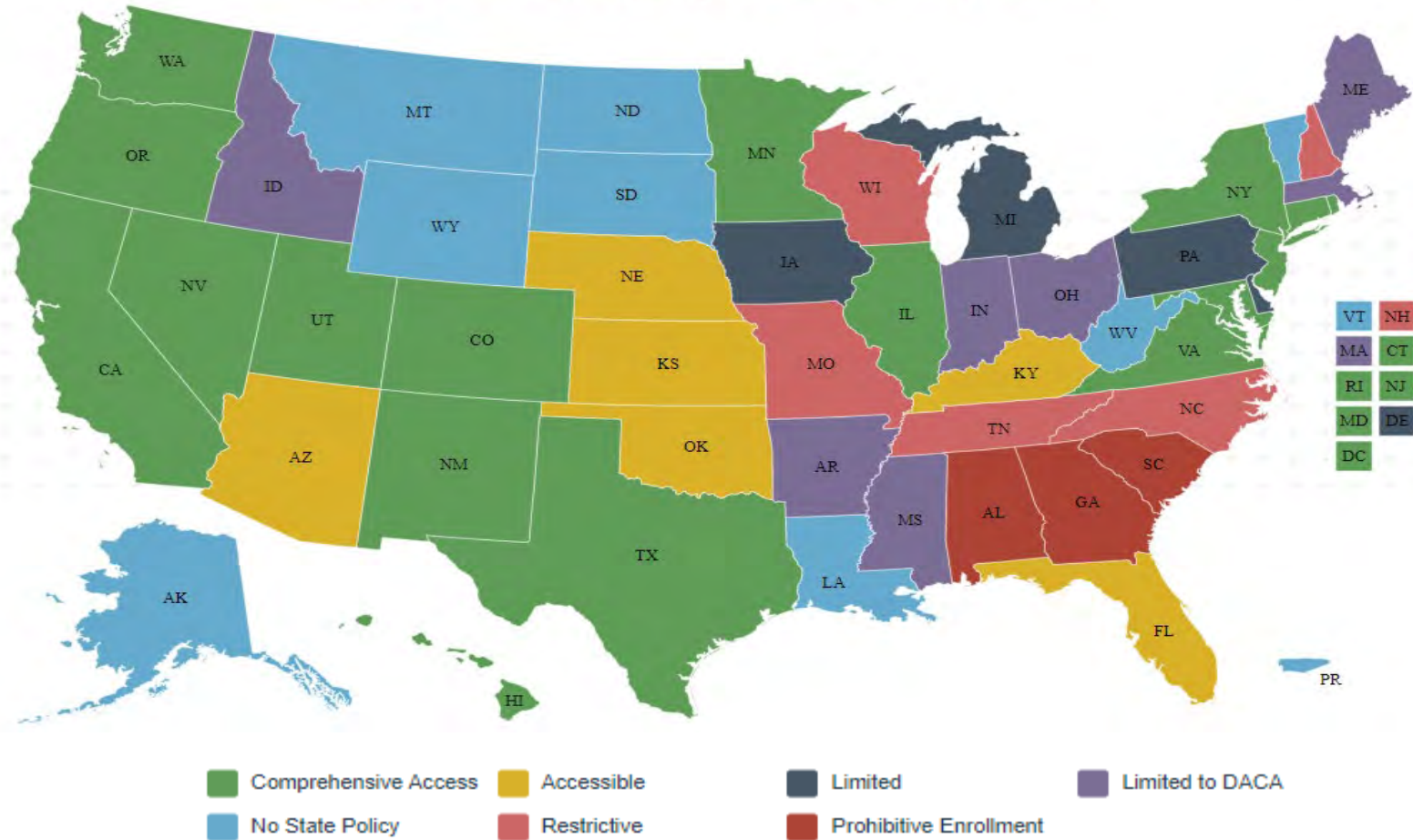
- **Comprehensive Access:** Policies allow individuals to obtain occupational licensure in all professions regardless of their immigration status, provided that they meet all other requirements.
- **Accessible:** Policies allow undocumented individuals to obtain occupational licensure in one or more professions regardless of their immigration status, provided that they meet all other requirements.
- **Limited:** Policies allow individuals with work authorization, such as DACA recipients, to obtain occupational licensure in one or more professions that require licensure.
- **No State Policy:** No policies identified that actively expand access to occupational licensure for individuals who do not have legal immigration status.
- **Restrictive:** Policies actively prohibit individuals without legal status from accessing occupational licensure in most or all of the professions that require licensure.

Professional & Occupational Licensure by State

Comprehensive	Accessible	Limited	No State Policy			Restrictive
CA	NM	AR	AK	ME	OK	AL
CO	OR	CT	AZ	MD	PR	
IL		FL	DE	MA	RI	
NV		IN	DC	MI	SC	
NJ		MS	GA	MN	SD	
		NE	HI	MO	TX	
		NY	ID	MT	VT	
		PA	IA	NH	VA	
		TN	KS	NC	WA	
		UT	KY	ND	WI	
			LA	OH	WY	

Tuition & Financial Aid Equity for Undocumented Students

Tuition & Financial Aid Equity for Undocumented Students



RESOURCES

How Universities are Helping

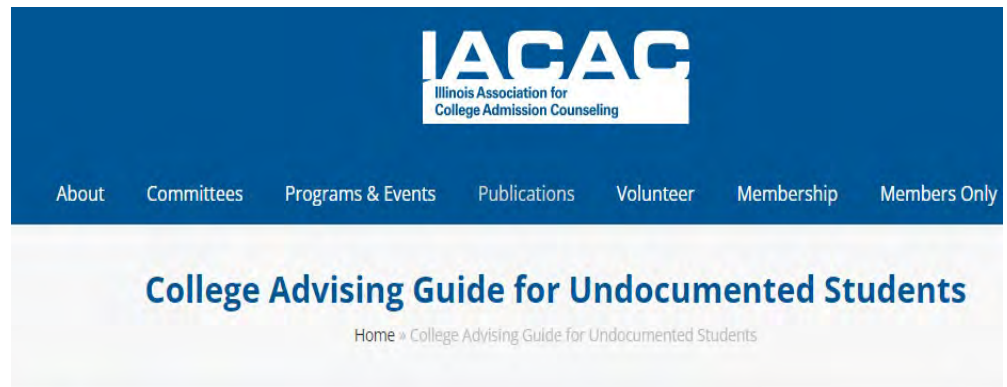
- Mental Health Counselors
 - Specialized counselors who are training to mentally and emotionally able to support students
- Undocumented Student Resource Liaison
 - Liaisons available at public 2-year/4-year institutions in IL who will assist undocumented students and mixed status households with navigating access to resources on college campuses
- Resource Center on Campus
 - Some institutions have also created a specialized resource center for undocumented students
 - Northern Illinois University (NIU) has created an Undocumented Student Resource Center—***the first and only in Illinois***
- Access to Tuition-Free Programs
 - Some states have made it state law that allows for undocumented students to have access to tuition-free programs, primarily community colleges

Financial Aid & Scholarships for Undocumented Students

- Illinois Coalition for Immigrant and Refugee Rights
- Golden Door Scholars
- TheDream.US
- Jack Kent Cooke Foundation
- QuestBridge
- Cappex
- Mexican America Legal Defense and Educational Fund (MALDEF)
- Educators for Fair Consideration (ED4FC)

College Guide for Undocumented Students

- College information
- Question list for students to ask colleges
- Financial aid information
- Sharing the Dream Conference
- Legislative updates
- Resource list



IACAC Resource List

Undocumented Resources

Home » College Advising Guide for Undocumented Students » Undocumented Resources

Undocumented Resources for Educators, Parents, Students, and College Graduates

A compilation of some of the best resources available for students, parents and educators from such organizations as Immigrants Rising, the College Board, the IL Coalition for Immigrant Refugee Rights and many others.

To add to this list of resources, email ias@iacac.org.

+ Resources for Educators

+ Resources for Parents

+ Resources for Students

+ Resources for College Graduates



<https://www.iacac.org/undocumented/resources/>

Campus Checklist from the Presidents' Alliance on Higher Education and Immigration

II. Campus Checklist

❑ **Develop Rapid Response Plan**

- ❑ Develop a rapid response network for steps to take after a court decision
- ❑ Train students, faculty, and staff on their rights in response to ICE enforcement on campus
- ❑ Utilize FERPA privacy protections to protect immigrant student information

❑ **Continue and Expand Legal Representation and Screenings**

- ❑ Partner with nonprofits, private attorneys, campus clinics, and others
- ❑ Identify existing and emerging paths to legalization for students
- ❑ Provide informational sessions to students, faculty, and staff on existing and emerging paths to legalization for undocumented immigrants
- ❑ Provide resources and informational sessions on how to renew DACA in light of the current litigation
- ❑ Establish a relationship with your Member of Congress's constituent services staffer

❑ **Audit and Update Internal and Institutional Policies**

- ❑ Solidify the language used to refer to undocumented students, developing messaging that encompasses specific relevant student populations (DACA students, undocumented students, Dreamers, etc. See below)
 - ❑ Decouple institutional admissions, aid/funding, and tuition policies from DACA
 - ❑ Create a page on the institution's website dedicated to updated undocumented student information/resources specific to the institution
 - ❑ Clarify admissions and financial aid policies for undocumented students on your website
 - ❑ Ask local, national, and field-specific organizations that provide scholarship/fellowships to expand eligibility access to undocumented undergraduate and graduate students
 - ❑ Expand eligibility for admissions, tuition, and aid to undocumented students if not already the case, and decouple eligibility from DACA status (if an existing requirement)
 - ❑ Establish local, state, and regional collaboratives with other higher ed institutions
 - ❑ Ensure focus on access and funding includes undocumented graduate and professional students
- ### ❑ **Prepare a Comprehensive Communications Plan**
- ❑ Create a communications plan for changes to DACA, eligibility, or the application process.
 - ❑ Participate in unity or coalitional messages in support of DACA post-rule or court decision
 - ❑ Meet with or establish a campus immigration task force to support DACA students, faculty, and staff
- ### ❑ **Promote Holistic Support Services and Career Guidance**
- ❑ Provide and communicate the availability of holistic support services, including mental health support, grants, food security, and career guidance. Establish or direct students to a hub where information is available
 - ❑ Train student support services staff on how to be an ally to undocumented students
 - ❑ Review and update existing financial aid appeal and adjustment processes
 - ❑ Share alternative income options with students and campuses

Additional Resources

- National Immigrant Justice Center
 - www.immigrantjustice.org or (312) 660-1370
- Legal Aid Chicago
 - <https://www.legalaidchicago.org/> or (312) 341-1070
- Illinois Coalition for Immigrant and Refugee Rights (ICIRR)
 - www.icirr.org or (312) 332-7360
- The current state of DACA
 - immigrationforum.org/article/the-current-state-of-daca-challenges-await-in-litigation-and-rulemaking/

Thank You!

Questions? Email us at
isac.outreachtraining@illinois.gov

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