Explore Resources to Help Undocumented Students Succeed
21<sup>st</sup> Century Challenge
“...of the roughly 4,500 undocumented students who graduate from New York High Schools every year, only 5-10 percent are able to pursue a college education.”

New York State Assembly
Solutions
Today’s Topics

• Undocumented Immigrants and DACA
• NY State Law
• SUNY’s Support
• NY Dream Act
• Resources
Undocumented Defined

An individual who has either:

(a) migrated from their nation of origin to another nation without legal documentation, or
(b) entered a nation with legal documentation that has since expired, and is currently residing in that nation without legal documentation (e.g., entering with, and overstayng, a tourist visa).
Deferred Action for Childhood Arrivals (DACA)

- Created by executive order by President Obama on June 15, 2012
- Deferred action for a 2-year period, subject to renewal
- Granted eligibility for work authorization
- Does not provide an individual with lawful status
Deferred Action Eligibility Guidelines (DACA)

- Under age 31
- Immigrated to the U.S. before age 16
- Continuously resided in the U.S. since 2007
- At least 15 years of age to apply
- Entered without inspection, or lawful immigration status expired
- Have not been convicted of a felony, a significant misdemeanor, 3 or more other misdemeanors, and do not pose a threat to national security or public safety
- Is currently in school, graduated or obtained a certificate of completion of high school; or obtained a GED; or is an honorably discharged veteran of the U.S. Coast Guard or Armed Forces
DACA Updates

- 703,890 active DACA recipients (estimated)
- DACA was rescinded on September 5, 2017
- If student’s DACA status expired on or after September 5, 2016, student may file a renewal request.
- If student’s DACA status expired before September 5, 2016, or was previously terminated, DACA cannot be renewed, but student may file a new initial DACA request.
Financial Aid and Undocumented Students
In-state Tuition

Under New York State Law SB7784 (2002), to receive in-state tuition, a student must:

- Attend an approved NY State high school for 2 or more years and graduate, or attend an approved NY State GED program and receive a NY State-issued GED
- Apply to attend CUNY or SUNY within 5 years, or have been enrolled in SUNY or CUNY in fall 2001 and authorized to pay in-state tuition
- Students without lawful immigration status must file a notarized affidavit of intent.
State University of New York
Administrative Policy Manual
Section 010.1, Appendix B

STUDENT AFFIDAVIT OF INTENT
TO LEGALIZE IMMIGRATION STATUS

State of New York:

County of ____________________________:

________________________, being duly sworn, deposes and says that
(Student's name)

he/she does not currently have lawful immigration status but has filed an application
to legalize his/her immigration status or will file such an application as soon as
he/she is eligible to do so.

________________________ (Student's signature)

Sworn to before me this ___ day of _____________, 200__
Guidance for Undocumented Students

• Student needs to present the affidavit at the time of enrolling to get in-state tuition; not at the time of application.

• Community college students will need to show a certificate of residency of their county, if they are residents of a county outside the college’s service area.
SUNY Support

Memo 2012
SUNY Board of Trustees affirms the support of The State University of New York for equitable financial and educational access to higher education for all New Yorkers, including its undocumented immigrants.

Memo 2017
Chancellor affirms support for undocumented students.
SUNY Support

The University will continue its long-standing practice of **vigorously defending the privacy rights of students** and requiring a subpoena, court order, search warrant, or other applicable exception to the Family Educational Rights and Privacy Act (such as a health and safety emergency or student waiver), **prior to releasing information to law enforcement about a student** or group of students. This includes information about national origin, religion, and immigration status.
SUNY Support

SUNY does not and will not consider national origin or immigration status as a factor in admissions.
SUNY Support

The University will continue its long-standing practice of developing diverse and inclusive campus populations and will continue inclusivity and diversity training for faculty and staff.
SUNY Support

• On or before April 1, 2017, each state-operated campus shall adopt policies for its University police department that are consistent with the NYS Attorney General Immigration Enforcement Guidance...

• The University strongly encourages its community colleges to work with their local sponsors and local law enforcement authorities to similarly adopt policies consistent with the NYS Attorney General Immigration Enforcement Guidance.
Guidance from NY Attorney General’s Office

The U.S. Supreme Court recognized in Arizona v. United States, “as a general rule, it is not a crime for a removable alien to remain present in the United States.”

In addition, undocumented aliens—like other New Yorkers—are afforded certain rights by the New York State and United States Constitutions.

“Sanctuary” is not a legal term and does not have any fixed or uniform legal definition, but it is often used to refer to jurisdictions that limit the role of local law enforcement agencies and officers in the enforcement of federal immigration laws.
Guidance from NY Attorney General’s Office

- Local Law Enforcement Agencies (LEAs) should not engage in certain activities solely for the purpose of enforcing federal immigration laws.
- Absent a judicial warrant, LEAs should not honor U.S. Immigration & Customs Enforcement (ICE) or U.S. Customs & Border Protection (CBP) requests for certain nonpublic, sensitive information about an individual.
- Local agency resources should not be used to create a federal registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.
- Local agencies should limit collection of immigration-related information and ensure nondiscriminatory access to benefits and services.
Senator José Peralta New York State
DREAM Act
“Diversity is our greatest strength . . . our immigrant population is an enormous advantage for our economy and society. We applaud the Legislature for passing the Senator Jose Peralta New York State Dream Act, giving undocumented students access to financial aid and scholarships toward a college education.”

SUNY Chancellor Kristina M. Johnson
January 31, 2019
State of the University System Address

New York Dream Act

**Senate Bill S1250**

*2019-2020 Legislative Session*

Enacts the Jose Peralta New York state DREAM Act; repealer

**SPONSORED BY**

Luis R. Sepúlveda
(D) 32nd Senate District

**CURRENT BILL STATUS - PASSED SENATE & ASSEMBLY**

- Introduced
- In Committee
- On Floor Calendar
- Passed Senate
- Passed Assembly
- Delivered to Governor
- Signed/Vetoed by Governor
New York Dream Act

- Provides access to the Tuition Assistance Program (TAP) and other scholarships for certain undocumented students
- Opens 529 tuition savings accounts to all New York State youth
- Establishes a Dream Fund Commission to raise private funds for a college scholarship program for children of immigrants
- HESC will develop a financial aid form.
What else can we do to help?
“I encourage everyone to pursue & achieve their education dreams regardless of their immigration status, gender, sexual orientation, class, religion or age.”
Ways to Support

• Identify scholarships that do not require residency
• Contact and encourage scholarship providers to allow undocumented students to apply
• Drop the “I” word
• Make resources about undocumented students easily available to all students
• Warn students to avoid scams
Resources

USCIS  www.uscis.gov/childhoodarrivals
Own the Dream  http://www.weownthedream.org/
United We Dream  http://unitedwedream.org/
Immigration Advocates Network  http://www.immigrationadvocates.org/
Immigration Legal Resource Center  http://www.ilrc.org/
National Immigration Law Center  http://www.nilc.org/
New York Immigration Coalition  http://www.thenyic.org/
National Immigration Project (of the National Lawyer’s Guild)  http://www.nationalimmigrationproject.org/
Supporting-undocumented-youth.pdf
Questions?