

Deferred Action for Childhood Arrivals

A GUIDE FOR EDUCATORS AND
SCHOOL SUPPORT STAFF



TOOLS AND RESOURCES TO HELP OPEN THE DOOR OF OPPORTUNITY FOR UNDOCUMENTED YOUTH



A Union of Professionals



The content in this guide was compiled by United We Dream's DREAM Educational Empowerment Program (DEEP), Own the DREAM, the National Immigration Law Center and the AFT.



AFT members and allies: Own the Dream, NILC and DEEP are here to help!

Learn more about Own the DREAM at bit.ly/OwnTheDream.

Learn more about DEEP at www.unitedwedream.org/deep.

Learn more about NILC at www.nilc.org.

Learn more about the AFT's work on immigration at go.aft.org/immigration.



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OUR MISSION

The **American Federation of Teachers** is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

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This guide was created for educators and service providers who teach, mentor and help our American undocumented youth (**DREAMers**). Educators, school support staff and service providers are often the first individuals a student comes out to as an undocumented immigrant, a trend that will likely continue under the federal government program **Deferred Action for Childhood Arrivals (DACA)**. It's critically important that educators and service providers know about the tools and resources available to help guide undocumented youth to become "DACAmended."

Did you know that many undocumented students are eligible for in-state tuition and can obtain a Social Security number, work permit and driver's license?

Case Law

Under federal law (*Plyler v. Doe*, 1982), **all students—regardless of citizenship or residency—are entitled to a K-12 education, including college counseling services.**

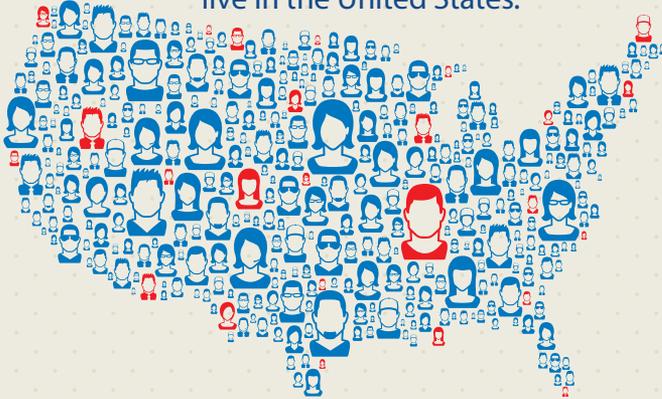
Undocumented students:

- Are aspiring citizens who came to the United States without legal documentation or who have overstayed their visa.
- Often don't know they are undocumented until they begin the college process.
- Don't qualify for federal grants or loans even if they are in financial need and their parents pay taxes.
- Have done everything our society has asked them to do. They have worked hard, studied hard and played by the rules, and they want the ability to use their talents and gifts to give back to their communities.



FACTS ABOUT UNDOCUMENTED YOUTH

Approximately **2.5 million** undocumented youth live in the United States.



Each year, **80,000** undocumented youth turn **18 years of age**.



Each year, **65,000** undocumented youth graduate from high school, of which only **5 to 10 percent** enroll in college.



Of these undocumented youth enrolled in college, only **1 to 3 percent** graduate each year.



Educator's FAQ

- **Are undocumented students eligible for state financial aid?**

Yes, but only in California, New Mexico, Texas and Washington.

- **Are undocumented students eligible for in-state tuition?**

Yes, undocumented students may be eligible for in-state tuition in the following states: California, Colorado, Connecticut, Florida, Illinois, Kansas, Kentucky, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York, Oklahoma, Oregon, Rhode Island, Texas, Utah and Washington.

- **What is a DACAmended person?**

A DACAmended person is one who has been granted Deferred Action for Childhood Arrivals (for more information on DACA, see page 4).

- **Are DACAmended students eligible for in-state tuition?**

Yes, DACAmended students are eligible for in-state tuition in the states mentioned above and in some schools in Arizona, Florida, Massachusetts, Missouri and Ohio.

- **Is DACA permanent?**

No, DACAmended individuals must renew their status every two years (for more information, see page 13).

For information about tuition equity, see www.unitedwedream.org/deep and www.nilc.org/fsinstat.html.



What Is DACA?

On June 15, 2012, the U.S. Department of Homeland Security announced a program, called Deferred Action for Childhood Arrivals, for undocumented youth who meet a number of requirements. Youth granted DACA are protected from deportation for two years, subject to renewal, and provided with a work permit. In almost every state, DACAmented students can apply for a driver's license.

Eligibility Requirements for Applicants

You may request consideration of DACA if you:

- Were under the age of 31 as of June 15, 2012;
- Came to the United States before reaching age 16;*
- Have lived in the United States continuously since June 15, 2007;
- Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;
- Were physically present in the United States on June 15, 2012, and at the time of submitting your DACA application;
- Are currently attending school, have a high school degree or general education development (GED) certificate, or are an honorably discharged veteran of the U.S. Armed Forces; and
- Have not been convicted of certain crimes.

***NOTE ABOUT THE AGE REQUIREMENT**

Applicants have to be at least 15 years old to apply for DACA unless they are in immigration court or are under an order to depart the country.

Filing Fee

The DACA application fee is \$465, which includes a filing fee and a biometric services fee.*

- * *Do not let the filing application fee discourage students from applying. There are scholarships and loan programs designed to help with such fees. For information on loan programs, see bit.ly/DACA_loan .*

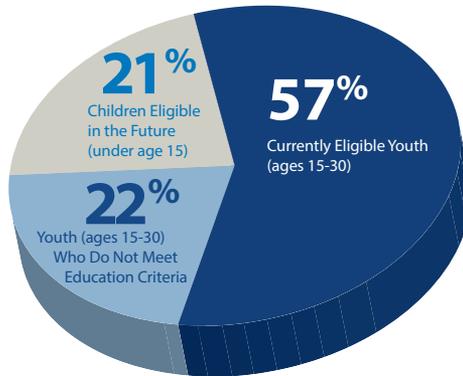
Undocumented Youth and DACA

According to the Migration Policy Institute:

- Out of the 1.9 million undocumented immigrants who would benefit from DACA, approximately 1.09 million (57 percent) currently meet the DACA age requirement (15-30) and the education eligibility criteria (they are currently enrolled in school or have obtained a high school diploma or its equivalent).

Figure 1: Unauthorized Population Potentially Eligible for DACA

SOURCE: MIGRATION POLICY INSTITUTE



- About 423,000 (22 percent) potentially eligible undocumented immigrants do not meet the education requirement (they are not currently enrolled in school and have not obtained a high school diploma or its equivalent).
- About 392,000 (21 percent) undocumented immigrants who would benefit from DACA are children under the age of 15 (youth who could become eligible, if they stay in school, once they reach 15).

Table 3. School Enrollment and Educational Attainment of Currently Eligible DACA Youth

Educational Attainment	Currently Eligible Population	Share (%)
Total	1,089,000	100
Currently enrolled in grades K-12	266,000	24
High school diploma/GED as terminal degree	482,000	44
Currently enrolled in college (no degree)	240,000	22
Associate degree	40,000	4
Bachelor's degree	53,000	5
Advanced degree	8,000	1

Notes: Currently eligible youth meet both age and education criteria (i.e., they are ages 15 to 30 and are either enrolled in school or have at least a high school diploma or its equivalent); this group does not include those potential beneficiaries who may become eligible by enrolling in an adult education, literacy, or training program. The data do not account for youth who have enrolled in such a program since the ACS data were collected in 2011.

Source: MPI analysis of Bachmeier and Van Hook data from 2011 ACS and 2008 SIPP.

BARRIERS TO EDUCATIONAL ATTAINMENT

As educators, school support staff and service providers, your knowledge of Deferred Action for Childhood Arrivals (DACA) can help ensure that the over **1.9 million undocumented immigrants** who would benefit from DACA understand the barriers they face.



HIGH SCHOOL RE-ENROLLMENT

Some undocumented students who are younger than **21 years old** are being denied the ability to enroll in high school, and in some cases, undocumented students **may not know the high school re-enrollment process.**



INCOME

42% of DACA-eligible youth who do not meet the education requirement live in families with incomes below **100% of the federal poverty level.**

77% live in families with incomes below **200% of the federal poverty level.**



WORKFORCE

71% of DACA-eligible youth who do not meet the education requirement are in the **labor workforce.** These responsibilities may affect their ability to stay **focused, hopeful** or **invested** in their education.



LIMITED ENGLISH PROFICIENCY

69% of DACA-eligible youth who do not meet the education requirement are classified as **“Limited English Proficiency”** (students who do not speak English well or at all).

Helping Undocumented Youth with DACA

As a teacher or service provider, you can assist undocumented students by pointing them to the self-screening DACA tool on bit.ly/DoIQualify, and by assisting them with compiling the following documents to be used as proof of their DACA eligibility:

- Official school transcripts:** Transcripts must demonstrate the entirety of the student's enrollment (K-12). They do not need to be sealed or certified.
- Official high school transcript or diploma:** Students who have graduated from high school must obtain an official high school transcript that includes the date of graduation and a copy of their high school diploma. If a student has lost his or her diploma, the student should find out the school's replacement policy. If the student's transcript has the graduation date on it, the student may not need his or her diploma; however, it is wise to attach a copy, if possible, to show a preponderance of evidence.
- Other helpful documents:** If possible, please make copies of the student's entire enrollment record, including copies of vaccine records, proof of residency on file, report cards on file and awards. This will help prove continuous presence.
- Yearbooks:** If you have yearbooks archived in the school library, have them on hand so that when a DACA applicant requests his or her official transcripts, proof of enrollment and a copy of enrollment records, you can also photocopy the student's yearbook picture as well as any group/club pictures the student may appear in. Again, this will help show continuous presence and good moral character.

If your students want legal assistance, Own the Dream can direct them to low-cost legal services. Discourage your students from using an unlicensed legal consultant or "notario," as they may provide bad advice or charge exorbitant fees. For more information, visit bit.ly/OwnTheDream.

Top 12 Ways You Can Help Support Undocumented Youth

- 1 Help provide a bully-free school environment** for all students. Take the pledge to help support all students succeed and help plan an event on April 9, the National Coming Out Day for undocumented students, spearheaded by the DREAM Educational Empowerment Program (DEEP) and its partners.
- Tell undocumented students that **they can go to college**, even though some options and services may be unavailable to them.
- 3 Make information and resources available** to all students.
- 4 Be open-minded.** Don't make assumptions about which students are undocumented. Not every undocumented student is Spanish-speaking or enrolled in ESL (English as a second language) classes.
- 5 Identify scholarships** that don't require citizenship or permanent residency. Encourage other scholarship programs to change their policies to allow all qualified students to apply.
- Help students get **ongoing mentoring and advice**, before and after the college admissions process. Focus on holistic student development.
- 7 Be knowledgeable about specific policies** that affect undocumented students at a national, statewide and local level.
- 8 Support comprehensive immigration reform**, the federal DREAM Act and state legislation to support undocumented students.
- Identify older undocumented students and organizations that can serve as **role models** and help build a sense of community.
- 10 Encourage parents/guardians to be involved** in undocumented students' educational journey.
- Refer students to **qualified legal counsel** to investigate possible immigration remedies. This can be a lengthy process, and not all students will find immediate remedies.
- 12 Remind your DACAmented students that they must renew their DACA every two years**, no later than 120 days (four months) before their expiration date. Failure to do so can jeopardize their work permit, driver's license and legal status.

DACA A Guide for Educators and School Support Staff

TOOLS AND RESOURCES TO HELP OPEN THE DOOR OF OPPORTUNITY FOR UNDOCUMENTED YOUTH

What Undocumented Students Must Know

- **You are not alone.** Thousands of undocumented students have gone to college and graduated in the United States. It won't be easy, but you can do it!
- **Get comfortable asking for help.** Find people you can trust to help you navigate the college process.
- Not all college options and services will be available to you, but many are. **Be creative. Be entrepreneurial.**
- **Community service and internships** greatly increase your chance of winning scholarships.
- Currently, **19 states offer in-state tuition** (in some capacity) for undocumented/DACAmented students, with different requirements in each state. For more information, visit www.unitedwedream.deep and bit.ly/Basic_Facts.
- As a high school student, you should **consider taking college courses** as a way to minimize college costs.
- If you have significant unmet financial need, **consider going to a community college first and then transferring to a four-year school to save money.** Many bright, talented and ambitious students choose this economical option.
- With DACA, eligible youth can **gain experience** in different fields through their **work permit** (paid internships, jobs, research opportunities, etc.).
- With DACA, **some youth can obtain their driver's license.** For more information, visit bit.ly/DACA_Drive.
- **With DACA, you are still not eligible for federal financial aid.** However, you may still be eligible for state or college aid, and submitting a FAFSA can help you receive those other types of aid. To begin your FAFSA, you must enter your Social Security number. When you get to the question "Are you a U.S. citizen?" you must answer "No, I am not a citizen or eligible noncitizen." After submitting your FAFSA, you should check with your school's financial aid office to see what types of financial aid you may be eligible to receive. For more information, see www.studentaid.ed.gov/eligibility/non-us-citizens#daca.
- **DACA is not permanent and must be renewed every two years,** no later than 120 days (four months) before the expiration date. Failure to renew on time will jeopardize your work permit, driver's license and legal status.

TEAR AND SHARE!

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Eligibility Screening and Application Preparation

Encourage your students to visit www.weownthedream.org on their smartphones and download the pocket DACA mobile app to find:



Legal Help

- To help an undocumented youth find a free or low-cost nonprofit immigration legal service provider, please see Own the Dream's "Find Legal Help" webpage at bit.ly/Legal_Help.
- To find a private immigration attorney to help with a case, visit the American Immigration Lawyers Association's "Immigration Lawyer Search" (www.aialawyer.com) or the National Immigration Project's "Find an Attorney" (www.nationalimmigrationproject.org/find.htm).

DACA Forms

All required forms to apply for DACA are available from U.S. Citizenship and Immigration Services at www.uscis.gov/childhoodarrivals:

- Form and instructions for consideration of Deferred Action for Childhood Arrivals. [USCIS Form I-821D]
- Employment authorization application and worksheet. [USCIS Forms I-765 & I-765W]
- Form to request notification when your application is received.

Assistance with Application Fees: DACA Loan Programs

For the most updated list of DACA loan programs, please see the Grantmakers Concerned with Immigrants and Refugees' "Expanding Financial Access for Immigrants: Loans for DREAMers" at bit.ly/DACA_loan.

DACA Renewals

Guidelines for the DACA renewal process were released by USCIS on June 5, 2014. For more information and to download the forms, visit www.uscis.gov/childhoodarrivals.

- DACA Renewal Fee. The DACA renewal application fee is \$464, which includes a filing fee and a biometric services fee.

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Get Involved, Connect and Stay Informed

- **Own the DREAM** is a national campaign, driven by DREAMers, to implement the DACA program. It is supported by leading immigrant rights groups and legal experts to protect undocumented youth from deportation and grant them work permits.
bit.ly/OwnTheDream
- **United We Dream** is the largest network of immigrant youth across the country. UWD strives to develop a sustainable, grass-roots movement, led by immigrant youth, both documented and undocumented, and works to ensure that children of immigrants have equal access to higher education and a path to citizenship for them and their families.
www.unitedwedream.org
- The **DREAM Educational Empowerment Program** is a catalyst for educational justice and empowerment for immigrant students. DEEP educates, connects and empowers immigrant students, parents and educators to close the opportunity gap and engage in local efforts to improve educational equity.
www.unitedwedream.org/deep
- The **National Immigration Law Center** is the only national legal advocacy organization in the United States exclusively dedicated to defending and advancing the rights of low-income immigrants and their families. The center envisions a United States in which all people—regardless of their race, gender, or immigration or economic status—are treated equally, fairly and humanely; have equal access to justice, education, government resources and economic opportunities; and are able to achieve their full potential as human beings.
www.nilc.org
- **The American Federation of Teachers** is a national labor union representing more than 1.5 million pre-K through 12th-grade teachers; paraprofessionals and other school-related personnel; higher education faculty and professional staff; federal, state and local government employees; nurses and healthcare workers; and early childhood educators. The AFT is one of the leading organizations in the country influencing policy and charting the course of public education.
www.aft.org

The publication and distribution of this material was made possible by the United We Dream's DREAM Educational Empowerment Program, Own the DREAM, the National Immigration Law Center and the American Federation of Teachers.

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Finding Legal Help

- ➔ To help an undocumented youth find a free or low-cost nonprofit immigration legal service provider, please see Own the Dream's "Find Legal Help" webpage at bit.ly/Legal_Help.
- ➔ To find a private immigration attorney to help with a case, visit the American Immigration Lawyers Association's "Immigration Lawyer Search" (www.aialawyer.com) or the National Immigration Project's "Find an Attorney" (www.nationalimmigrationproject.org/find.htm).

DACA Hotline: 855-DREAM-31

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- ➔ **DACA Renewal Fee.** The DACA renewal application fee is \$464, which includes a filing fee and a biometric services fee.

Already DACAded and Need to Renew?

On June 5, 2014, U.S. Citizenship and Immigration Services released updated guidelines for the DACA renewal process. DACAded students must submit their application for renewal every two years, no later than 120 days (four months) before the expiration date. The DACA renewal application fee is \$464, which includes a filing fee and a biometric services fee.

To download forms, visit www.uscis.gov/childhoodarrivals.

Who Can Renew?

All DREAMers who were granted DACA and meet the following guidelines:

- ➔ Have continuously resided in the United States since their DACA was approved;
- ➔ Did not leave the United States on or after Aug. 15, 2012, without advance parole; and
- ➔ Have not been convicted of a felony, have not been convicted of three or more misdemeanors, and do not otherwise pose a threat to national security or public safety.

Need help renewing your application? Please visit the United We Dream DACA Renewal Network at www.unitedwedream.org/dacarenewal.

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