

## Resources in Support of Undocumented Students

### Definitions

An **undocumented** person is a non-citizen who entered the United States without legal immigration status or who stayed after the period she or he was authorized to be here. Undocumented students in California represent many nationalities.

UCs and CSUs have published letters calling for the President to uphold and expand DACA (Deferred Action for Childhood Arrivals.) While there is not currently (March 2017) a focus on deportation of “Dreamers” or ending DACA, the future of DACA remains uncertain. A map of universities and colleges nationwide who have committed support to undocumented students or have declared themselves to be sanctuary institutions can be found [here](#).

### Policies and Laws

There are currently several policies or laws that affect undocumented students in California:

- **AB540:** California State Law that allows eligible students to pay in state tuition. To qualify for state tuition under AB540 you must have
  1. Completed 3 years of high school in California
  2. Graduated or obtained the equivalent of a high school diploma
  3. Completed an AB540 affidavit (California Non-Resident Tuition Exemption Request form).
- **DACA** (Deferred Action for Childhood Arrivals): Federal DHS (Department of Homeland Security) policy that defers the removal of eligible undocumented youth and allows them to apply for work authorization if granted DACA. There are several requirements including entering the US before the age of 16, being younger than 31 as of 6/15/12 and having lived in the US continuously from 6/15/07 through 6/15/12. [After the election, students who had not yet filed for DACA were advised to not do so until presidential action on DACA was clarified.]
- **California Dream Act:** California State Law that allows undocumented students to apply for and receive private scholarships, state financial aid, university grants, and community college fee waivers.

### Rights

Undocumented students can attend any college or university in California as long as they are admitted. Undocumented students who do not qualify for AB540 or not eligible for DACA face the most challenges in being able to go to college.

No federal law requires school districts to report undocumented students to immigration authorities and arguably school districts are prohibited from reporting them by the *Plyler* case which mandates that undocumented children have access to education.

The Family Educational Rights and Privacy Act (FERPA) generally prohibits school districts from providing third parties such as ICE information about students contained in student records. More specifically, FERPA prohibits school districts from disclosing personally identifiable information in a student’s “education records” to outside agencies without parental consent or a subpoena.

The Immigrant Legal Resource Center (ILRC) has further publicized the following: “According to the Department of Homeland Security’s longstanding policy, enforcement actions by immigration officials such as ICE or border patrol to apprehend, arrest, interview, or search an individual, or to surveil an individual for enforcement purposes should not take place at sensitive locations such as schools. . . .