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Creating (un)DOCUFRIENDLY campuses for high achieving (un)DOCUSCHOLARS

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CREATING (un)DOCUFRIENDLY CAMPUSES FOR HIGH ACHIEVING (un)DOCUSCHOLARS



By Rhonda Ríos Kravitz, MSLS, DPA
NACCS Panel: Paths to Citizenship
NACCS Annual Conference, April 2015, San Francisco

Federal DREAM Act

For over 15 years, undocumented youth nationwide have called for greater access to higher education as well as pathways to citizenship. This paper/presentation will briefly review the legislative and presidential actions to enhance the pathways to citizenship, immigration growth in the United States, the educational barriers for DACA (Deferred Action for Childhood Arrivals) scholars, or (un)DOCUSCHOLARS, and creating (un)DOCUFRIENDLY campuses.

The federal Development, Relief, and Education for Alien Minors (DREAM) Act legislation, first introduced in 2001, has had a long and disappointing history. FOR DREAM activists, “alien minors” in its title has also been extremely problematic as DREAMERS are NOT aliens, they are, when given opportunities, high achieving (un)DOCUSCHOLARS. The DREAM Act would have provided conditional permanent residency to certain undocumented students and expedited the process of becoming U.S. citizens. In this legislation, DREAMERS would have been given the opportunity to attend college or enlist in the military.

On August 1, 2001, the DREAM Act was first introduced by a bipartisan group of Democrats and Republicans in the 107th Congress (2001/02, S1291. It had 48 Senate cosponsors and more than a 152 House cosponsors. It failed and was again reintroduced in the 108th Congress (2003/04), S1525; the 109th Congress (2005/06), S2075; the 110th Congress (2007/08), S2205; the 111th Congress (2009/10), S 729 and HR1751; the 112th Congress, (2011/12) S952; and the 113th Congress (2012/13), S744. The Senate passed S744 in June 2013 with a 68-32 vote. The House would not take up S744 and introduced more than a half dozen immigration bills. House Democrats pushed for HR15 a bill similar to S744 but it did not receive enough votes. Today, in 2015 the nation still does not have the DREAM Act or comprehensive immigration reform,

which would go much farther than the DREAM Act and would provide a pathway for citizenship for the 11.3 million undocumented immigrants living in the U.S. today.

DACA/DAPA

Given the inability of Congress to pass any type of immigration reform, President Obama announced on June 15, 2012, the first executive order to give deportation relief to undocumented immigrants between the ages of 15 and 30 who were brought to the U.S. as children and who met the program's designated guidelines. Called Deferred Action for Childhood Arrivals (DACA), this program not only provided temporary relief from deportation, it also gave a two-year work permit, a temporary social security card, to individuals who qualified for this program. It is important to note that it did NOT provide a pathway to citizenship. With this status, individuals could work legally in the United States. DACA applicants must have entered the U.S. before the age of 16 and have lived continuously for at least 5 years and not have been convicted of a felony. Californians granted this status could obtain a driver's license or California state I.D. and were eligible for health insurance through their employment or through Medi-Cal.

The PEW Research Center's 2012 National Survey of Latinos showed that DACA was approved by 63% of U.S. adults and 89% of Latinos. Thus, there was strong general support for this program in direct contradiction to the inability of Congress to pass any legislation on immigration.

Individuals who were approved for this status in 2012 were eligible to request a renewal if they continued to meet the established guidelines. The chart below details the number of applicants accepted, approved and denied. 521,815 requests were approved. However, according to the Immigration Policy Center, 1.8 million individuals are or will become eligible for this status showing that there are still significant fears about applying for this status among undocumented immigrants.



U.S. Citizenship and Immigration Services

Number of I-821D, Consideration of Deferred Action
for Childhood Arrivals by Fiscal Year, Quarter, Intake,
Biometrics and Case Status: 2012-2014 First Quarter

Period	Requests by Intake, Biometrics and Case Status								
	Intake ¹				Biometrics ⁶	Case Review ⁸			
	Requests Accepted ²	Requests Rejected ³	Total Requests Received ⁴	Average Accepted/Day ⁵	Biometrics Scheduled ⁷	Requests Under Review ⁹	Approved ¹⁰	Denied ¹¹	Pending ¹²
Fiscal Year - Total⁶									
2012	152,420	5,372	157,792	4,763	124,055	29,747	1,687	-	150,733
2013	427,601	16,352	443,953	1,704	445,013	44,987	472,473	11,191	94,670
2014 (YTD)	30,673	5,636	36,309	495	28,679	22,712	47,655	4,777	72,911
Cumulative Totals	610,694	27,360	638,054	1,770	597,747	N/A	521,815	15,968	N/A
Fiscal Year 2014 by Quarter									
Q1. October - December	30,673	5,636	36,309	495	28,679	22,712	47,655	4,777	72,911
Q2. January - March									
Q3. April - June									
Q4. July - September									

D Data withheld to protect requestors' privacy.

- Represents zero.

¹ Refers to a request for USCIS to consider deferred removal action for an individual based on guidelines described in the Secretary of Homeland Security's memorandum issued June 15, 2012. Each request is considered on a case-by-case basis. See <http://www.uscis.gov/childhoodarrivals>.

In California, 183,497 requests were accepted from 2012-2014 and 162,007 requests were approved.

(http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/I821d_daca_fy2014qtr2.pdf).

In California, there are approximately 539,774 potential DACA beneficiaries again illustrating that there are fears about applying for this status (<http://www.immigrationpolicy.org/just-facts/who-and-where-dreamers-are-revised-estimates>).

On November 20, 2014, President Obama announced the expansion of DACA and a new program called Deferred Action for Parental Accountability. Parents of Americans and Lawful Permanent Residents (DAPA) are eligible to apply for this program. The Department of Homeland Security is now calling DAPA "Deferred Action for Parents of Americans and Lawful Permanent Residents."

Expanded DACA lifted the age cap and extended the program from two to three years to individuals who began residing here before January 1, 2010. Extended DAPA applicants must have resided in the U.S. since before January 1, 2010 and have been physically present in the U.S. on November 20, 2014.

Extended DACA, like the original DACA, and DAPA are only temporary measures and do not offer permanent legal status or citizenship. Almost 5 million persons would have been affected by both programs had their existence been enabled. However, individuals currently cannot apply for expanded DACA or DAPA, due to a court order that temporarily halted their implementation. Federal judge Andrew Hanen from the Southern District of Texas issued a temporary injunction halting the United States from implementing President Obama's executive actions on immigration in response to a lawsuit filed by 26 states on February 16, 2015. In response to this

anti-immigrant lawsuit, an amicus, was filed on April 6, 2015 by 73 cities and counties in 27 states, the National League of Cities and the U.S. Conference of Mayors and 181 members of Congress. This friend-of-the court brief was filed in the 5th Circuit Court of Appeals in the Texas vs. United States lawsuit and urged immediate implementation of Obama's executive actions. Sadly, but not unexpectedly, the U.S Court of Appeals for the Fifth Circuit refused to lift the injunction. Of the three judges hearing this case in a court that is considered the most widely conservative in the country, one was appointed by Reagan, one by Bush, and one by Obama. The decision was 2-1 against the administration's request for an emergency stay of the Texas district court injunction. Judge Higginson, the Obama appointee, was the dissenting vote. The government has appealed this decision to the full appeals court which will hear the case on July 10, 2015. If the full court rules against DACA/DAPA, then the Department of Justice can ask the Supreme Court to review the decision. The injunction and court decision have created significant delays for potential beneficiaries as it would have gone into effect on February 18, 2015. However, it is important to note that this injunction did not affect the existing DACA program or its renewal by individuals previously granted this status.



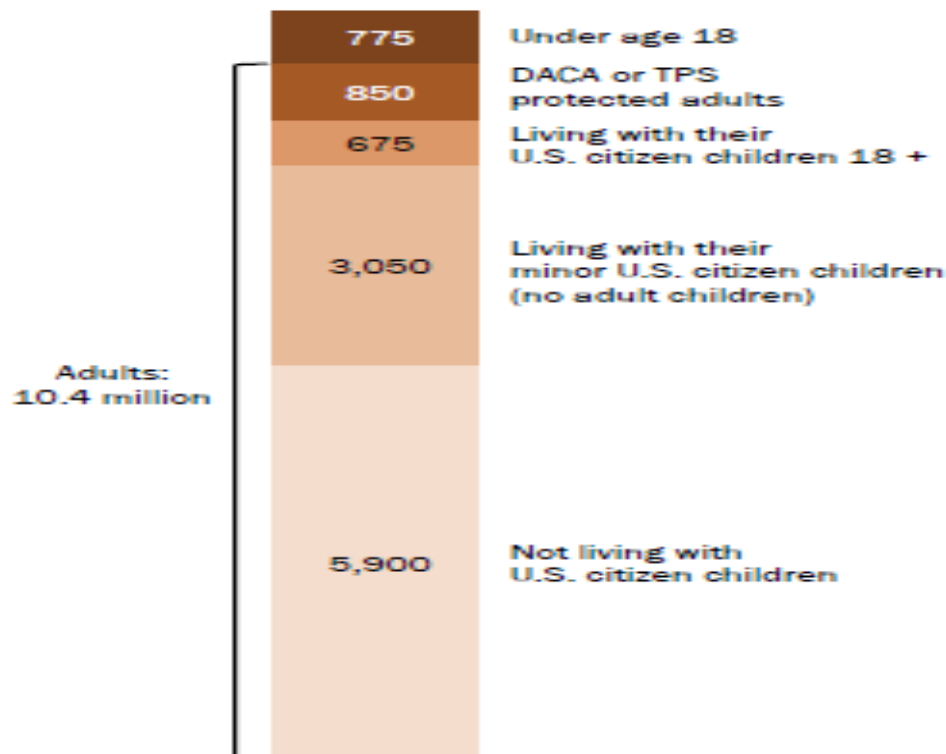
Protestors outside the Fifth Circuit.

The PEW Research Center's chart below delineates the 11.2 undocumented immigrants by categories. Of the 775,000 immigrants under 18, approximately 120,000 are protected by DACA, ages 16-17. Approximately 400,000 adults and 5,000 children have Temporary Protected Status, TPS. This status is given by the Secretary of Homeland Security and is given when conditions in the country temporarily prevent the country's nationals from returning safely. The children are primarily from El Salvador.

FIGURE 4

Unauthorized Immigrants, by Selected Categories, 2012

In thousands



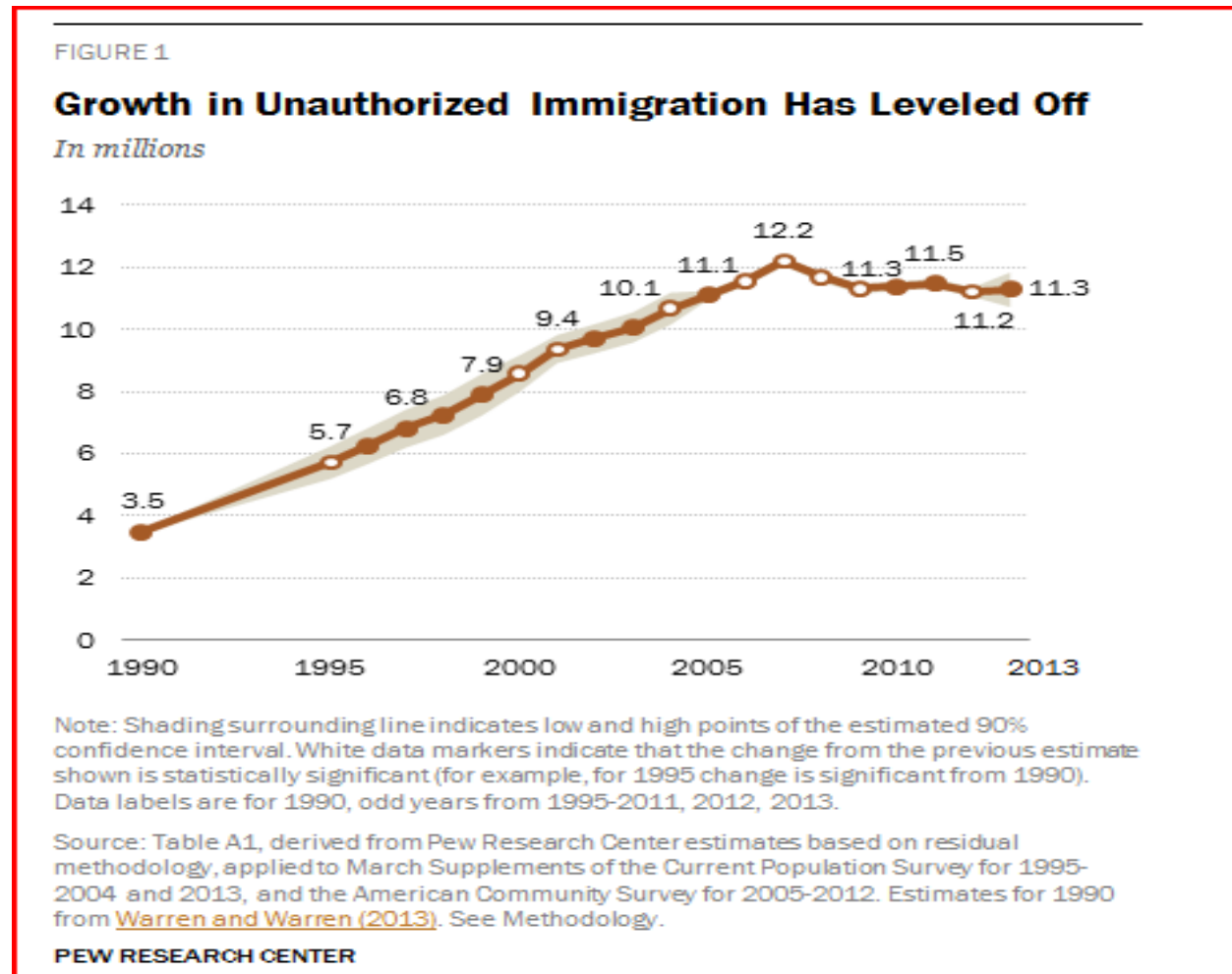
Notes: Among those under 18, an estimated 120,000 are protected by Deferred Action for Childhood Arrivals (DACA) and 5,000 have Temporary Protected Status. Among DACA or TPS protected adults, an estimated 475,000 have DACA status and 400,000 have TPS. These numbers are rounded, so may not add to total.

Source: Table A2, derived from Pew Research Center estimates based on residual methodology, applied to 2012 American Community Survey.

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Immigration Growth in the United States

Unauthorized immigration has leveled off in the United States. There were 11.3 million undocumented immigrants living in the U.S. in March 2013, almost the same as 2012, 11.2 million immigrants. The rise in immigration steadily increased from 1990 to 2007 and then dropped during the Great Recession of 2007 to 2009.

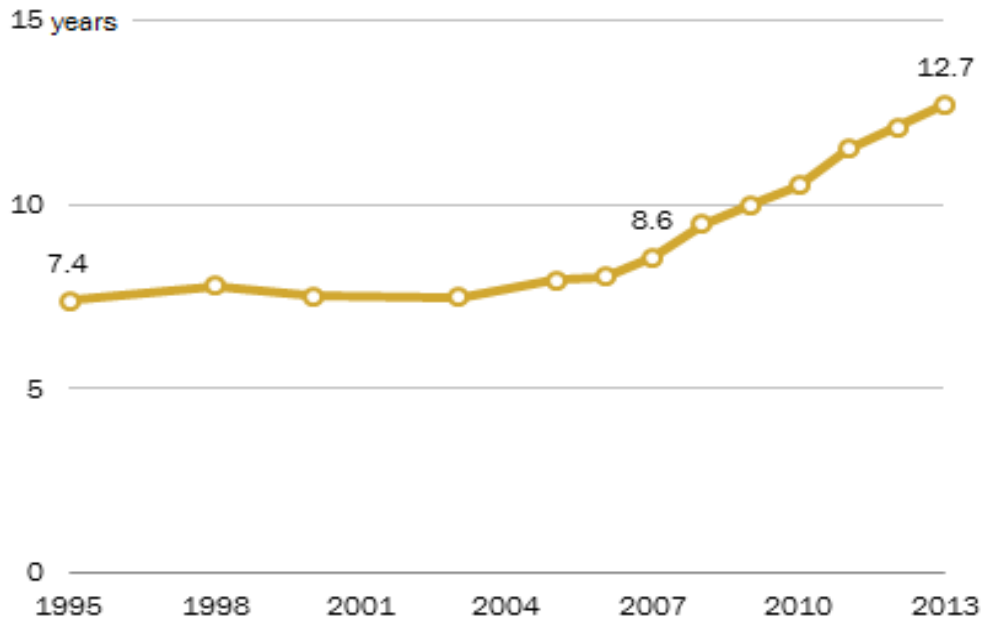


With the leveling off of the rise in immigration came another trend, a rise in the median length of time of undocumented immigrants living in the U.S. By 2013, undocumented immigrants had been living in the U.S. for a median time of 12.7 years (see chart below). In 1995 the median time of living in the U.S. was 7.4 years.

FIGURE 2

As Unauthorized Immigrant Population Growth Has Slowed, Median Length of Residence Has Grown

Adult median duration of residence in U.S.



Note: 2013 figure is preliminary. Data labels are for 1995, 2007 and 2013.

Source: Table A1, derived from Pew Research Center estimates based on residual methodology, applied to March Supplements of the Current Population Survey for 1995-2003 and 2013, and the American Community Survey for 2005-2012. See Methodology.

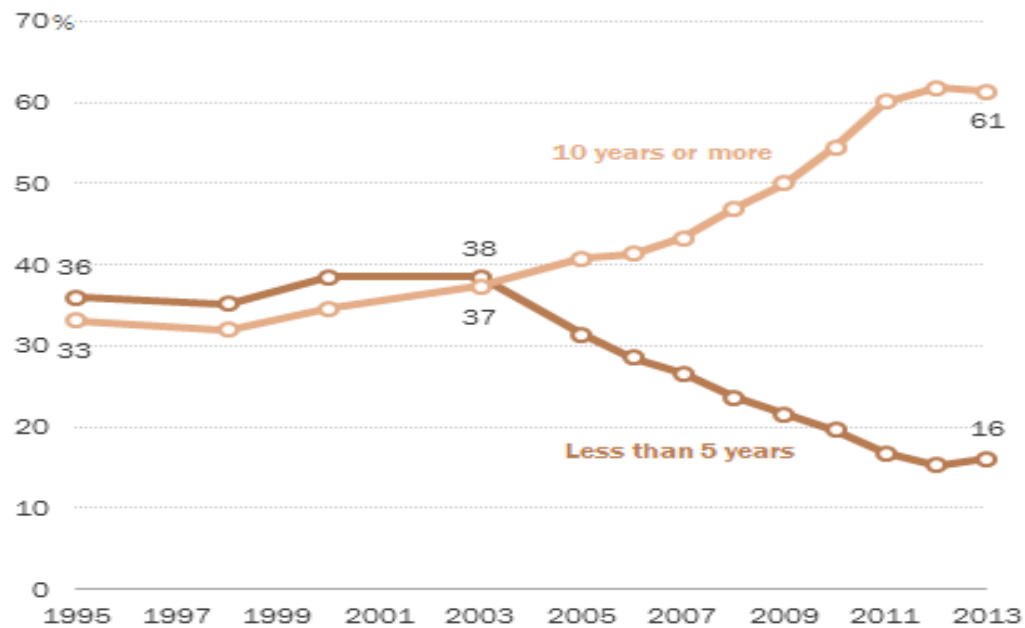
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There has also been an increase in the percent of undocumented immigrants living in the U.S. for longer periods of time. In 2013, 61% of undocumented immigrants had lived in the U.S. 10 years or more compared to undocumented immigrants who have lived in the U.S. 5 years or less, 16%.

FIGURE 3

Share of Long-Term Unauthorized Immigrants Surpasses Share of Short-Term Immigrants

% of unauthorized adult immigrants, by duration of U.S. residence



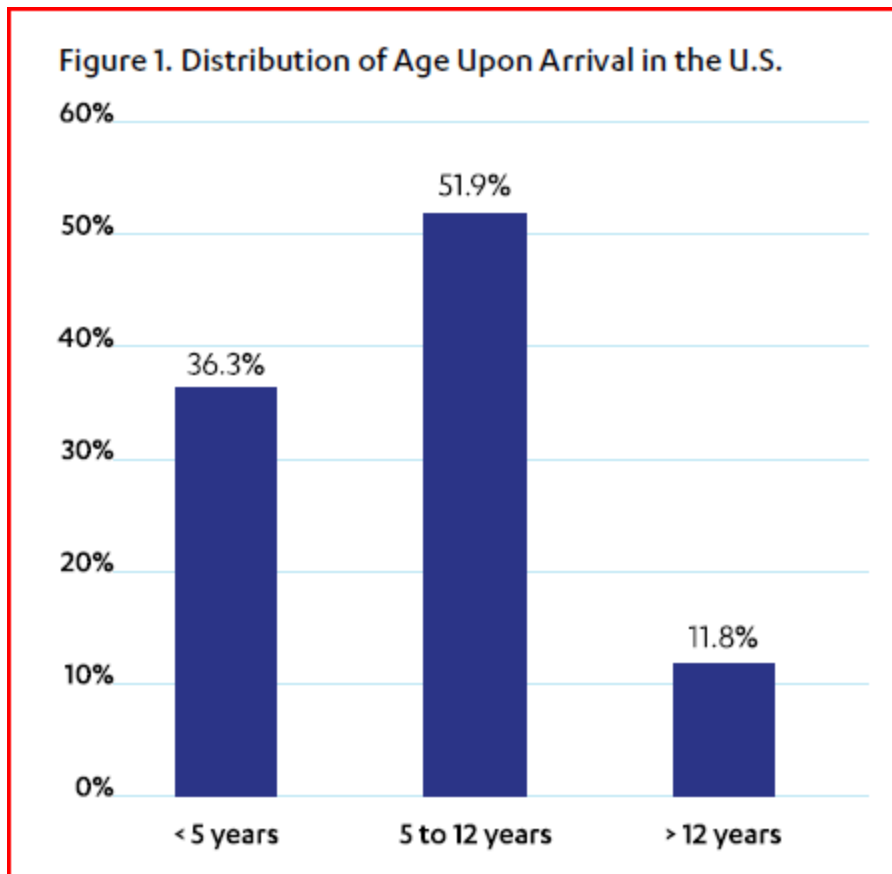
Note: 2013 estimates are preliminary. Data labels are for 1995, 2003 and 2013.

Source: Table A1, derived from Pew Research Center estimates based on residual methodology, applied to March Supplements of the Current Population Survey for 1995-2003 and 2013, and the American Community Survey for 2005-2012.

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Undocumented Youth

Most undocumented immigrant students arrived in the U.S. between the ages of 5 and 12 years. There are approximately 2.5 million undocumented youth living in the U.S. today.



In the Shadows of the Ivory Tower: Undocumented Undergraduates and the Liminal State of Immigration Reform. The UndocuScholars Project. The Institute for Immigration, Globalization, & Education University of California, Los Angeles

DREAM activists have long pointed to the small number of undocumented youth attending college. Of the approximately 65,000 that graduate each year, only about 5-10% go on to college. This low number has prompted DREAM advisers in colleges to recruit high school DREAMERS. ALIANZA (www.alianzascc.org), a collective of active college students, educators, and community activists in Sacramento, California has held two annual "Beyond the Dream" conferences for high school dreamers and their parents to help reverse this trend. Bilingual workshops are held to talk about the benefits of attending college, financial aid, helpful legislation, e.g., the California Dream Act which provides financial aid to DREAMERS, and workshops on DACA.

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.

Deferred action for childhood arrivals: a guide for educators and school support staff – Own the Dream <http://unitedwedream.org/wp-content/uploads/2014/05/DACA-Guide-for-Teachers-2014-FINAL.pdf>

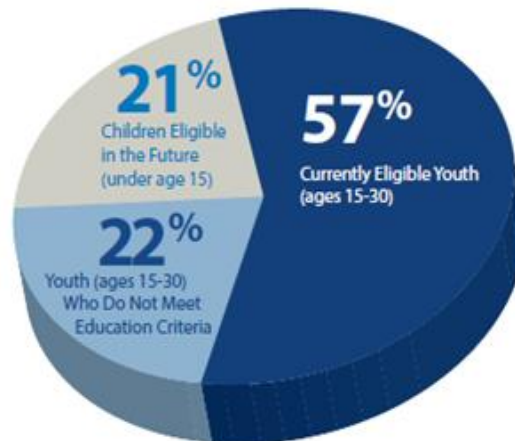
Of the 1.9 million undocumented immigrants who could benefit from DACA, only 57% meet the age and education eligibility. It is this group plus the 423,000 that meet the age requirement but not the education requirement that college DREAM activists are targeting for college recruitment and outreach.

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).

Deferred action for childhood arrivals: a guide for educators and school support staff – Own the Dream <http://unitedwedream.org/wp-content/uploads/2014/05/DACA-Guide-for-Teachers-2014-FINAL.pdf>

Creatively, DACA activists have labeled themselves as DACAMENTED, proactively foregrounding the immigration debates in a social justice affirmative movement. They are calling for access to education, however, there are many educational barriers reducing the ability for undocumented youth to become DACAMENTED. As the chart below demonstrates, there are many barriers to educational attainment.

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

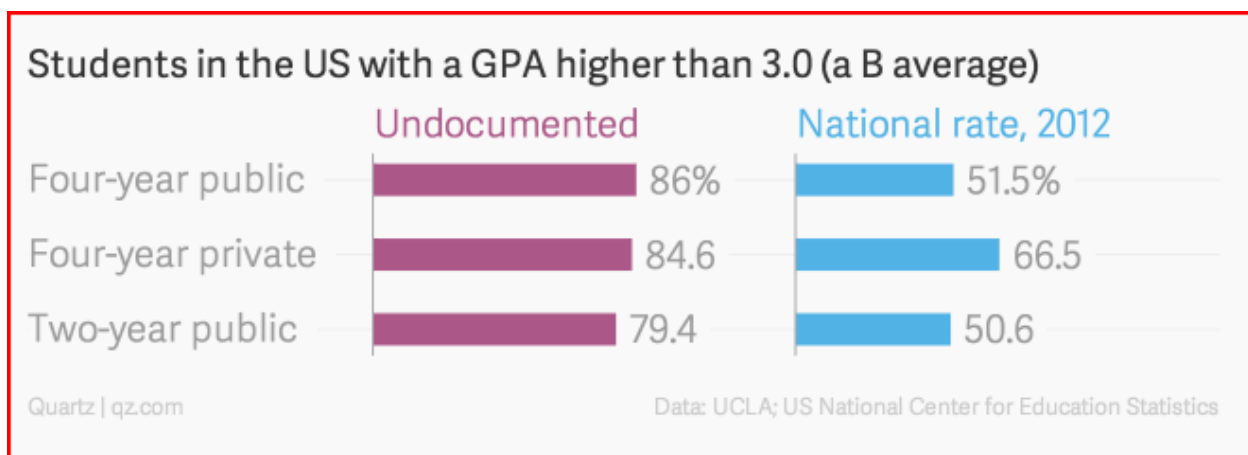
69% of DACA-eligible youth who do not meet the education requirement are classified as "**Limited English Proficiency**" (students who do not speak English well or at all).

Deferred action for childhood arrivals: a guide for educators and school support staff – Own the Dream <http://unitedwedream.org/wp-content/uploads/2014/05/DACA-Guide-for-Teachers-2014-FINAL.pdf>

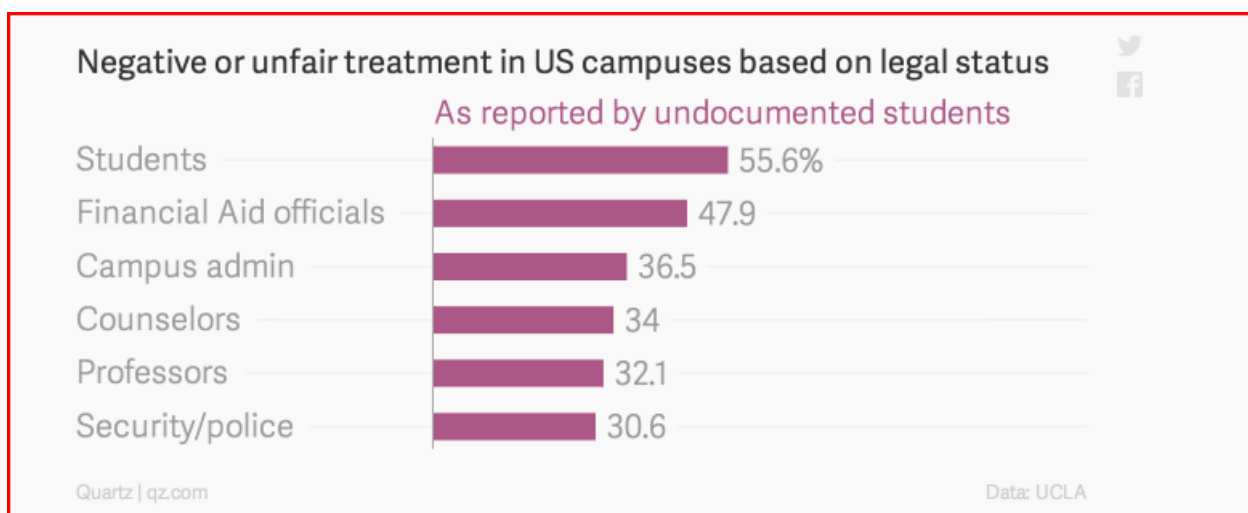
Educational attainment is critical as it is closely tied to pathways to legalization or relief from deportation. The federal DREAM Act requires a high-school diploma or GED and two-years of postsecondary education. The requirement for a postsecondary education can exclude a significant percentage of undocumented youth as they face high barriers in accessing and/or completing a college degree. For DACA, the educational requirement can be met in several ways: a high school diploma, a GED, or if they are currently enrolled in and attending school or a qualifying educational program.

Educational attainment is made harder when there are only 16 states that have in-state tuition provisions passed through state legislation. In addition, 5 states offer in-state tuition through their state boards of higher education or by the advisement of the state attorney general. The Federal DREAM Act as it has been written in the past does not require states to provide in-state tuition; that decision is left up to the states. Future immigrant legislation should enable in-state tuition in all states and enable federal access for eligible students to federal programs such as Pell grants, federal work-study, and federal student loans. North Dakota, Georgia, Arkansas, and Nevada all have large undocumented populations and do not have in-state tuition policies making it difficult for DREAMERS to attend college in those states.

DREAMERS when enrolled in college are high achieving students, or (un)DOCUSCHOLARS. In comparison with their documented cohorts, they consistently hold higher GPA averages.



However, DREAMERS when enrolled in college face many challenges and negative experiences at the colleges in which they are enrolled. The attitude and unfair treatment that they encounter on the college campuses is over and above their experiences of living in high poverty and needing to help their families.



In order to navigate colleges, there is a clear need for (un)DOCUFRIENDLY campuses. Ideally, (un)DOCUFRIENDLY campuses would have DREAM Resource Centers and all campuses should empower their (un)DOCUSCHOLARS with the following activities/actions:

- ⊙ **Create safe spaces with a dedicated campus space and dedicated permanent staffing**
- ⊙ **Promote leadership opportunities**
- ⊙ **Create Fact Sheets:**
 - **Know Your Rights**
 - **Financial aid, scholarships, loans**
 - **List of states that have in-state tuition and state scholarships for DREAMERS**
 - **Enabling legislations, e.g., in California, AB 540, AB 130/DACA**
 - **DACA, DAPA information assistance with renewals and fees**
 - **Information on health access, clinics, dental clinics, mental health services**
 - **Where to find legal assistance**
 - **Scholarships (public and private)**
 - **Information on access to Driver's licenses**
 - **Information work permits**
 - **Information E-verify, Trust Act, Secure Communities**
- ⊙ **Mentoring, tutoring**
- ⊙ **Financial Aid workshops for DREAMERS**
- ⊙ **Workshops to raise campus and community awareness about Comprehensive Immigration Reform**
- ⊙ **Professional development for all faculty and staff with certificates certifying knowledge and commitment to working with (un)DOCUSCHOLARS**
- ⊙ **Work with student newspapers and regional newspapersto develop stories/blogs on (un)DOCUSCHOLARS**
- ⊙ **Foster coalitions with local, regional, and statewide immigration organizations**
- ⊙ **Ask casmpus research and institutional effectiveness centers to conduct research on best practices and innovative programs for unDOCUSCHOLARS and what pedagogies/services have led to best practices**
- ⊙ **Hold separate graduation/recognition ceremonies (e.g., SFSU)**
- ⊙ **Promote hiring of DACA students for campus jobs**
- ⊙ **Promote options for internships – e.g., UCLA DREAM SUMMER 2015**
- ⊙ **Hold conferences for (un)DOCUSCHOLAR high school students and their parents**
- ⊙ **Establish Immigration Law clinics on campuses with law schools. These clinics could provide workshops and information on:**
 - **Deportation**
 - **Detention and Removal**
 - **Domestic violence**
 - **U-Visa applications**
 - **Protection of minors**

DREAM Resources

- **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

Social justice advocacy organizations such as the National Organization for Chicano and Chicana Studies (NACCS) can and should work to ensure that our (un)DOCUSCHOLARS have the same opportunities as their peers in all their educational experiences from P-20. It is time to “Seize the Dream” and be unafraid and unapologetic.