Do’s & Don’ts

Some students have been ill advised by well-meaning people who do NOT understand the importance of adhering to immigration law as it relates to undocumented students. Even some parents have been mistaken about the meaning of Deferred Action for Childhood Arrivals (DACA) and the issuance of Social Security Numbers (SSN). Before each of the briefings on the California Dream Act of 2011 and DACA, please note the following vital ALERT.

1. DACA does not change a youth’s immigration status. It only defers deportation should a youth be picked up by immigration and/or receives a deportation notice.
2. SSNs issued to DACA approved students are only temporary for the time that DACA is in effect. The SSN does not change a youth’s immigration status and is ONLY for employment and for identification purposes upon applying for a California Drivers License.
3. DACA gives youth work authorization. However it is extremely important that a youth NOT seek work with the federal government nor a program that is funded with federal funds.
4. DACA may allow students to seek permission to travel outside the USA, BUT it is NOT guaranteed that an immigration officer will allow the youth to return to the USA. Re-entry is at the discretion of immigration officer at the port of entry. Youth are advised NOT to take the chance of denial at a port of entry.
5. DACA and the SSN do not give a youth permission to apply for any federal benefits, including federal financial aid through the FAFSA application. Application for and use of federal benefits is grounds for deportation.
6. Apply only for California state aid through the California Dream Act of 2011. Several state financial aid programs and many private scholarships are open to AB 540 students. Other undocumented students are encouraged to apply as there are often campus based aid and private scholarships available to them.
7. Students must complete the Dream Application on time. It is vital as state funds are limited. Students who delay will get no state aid.


The California Dream Act of 2011 (AB 130 and AB131) is the name of laws created by two bills authored by Assemblymember Gil Cedillo, passed by the California Legislature and signed into law by Governor Jerry Brown in 2011 which became effective in 2012. The California Student Aid Commission was directed to develop
an application form for AB 540 students to apply for California state financial aid. Completion of this form is required to determine eligibility for state financial aid for AB 540 eligible students. The application is processed by the California Student Aid Commission (CSAC) and sent to the campus Financial Aid Office.

The Dream Application can be found on line at www.csac.ca.gov. It is NOT an application for Federal financial aid. Undocumented AB 540 must NOT complete the FAFSA (Free Application for Federal Student Aid) because they are not eligible for Federal financial aid. Filing a FAFSA can be considered by Homeland Security’s Bureau of Customs and Immigration Services (BCIS) as an application for a public benefit for which an undocumented student is not eligible. Penalties can be severe, including jail and deportation.

Only legal permanent residents, naturalized and native students, eligible to file for Federal aid, should apply using the FAFSA to maximize their opportunities to receive state and federal student financial aid. The FAFSA application is on line at www.fafsa.ed.gov.

**Cal Grant Primer**

There are two types of grants available as Cal Grants: the entitlement grants and the competitive grants. Each has its own requirements.

Under entitlement grants, eligible student are guaranteed a Cal Grant A if they have at least a 3.0 grade point average and apply by March 2 either of the year they graduate from high school or the following year. The Cal Grant A guarantee provides for tuition and fees at the California State University, the University of California and tuition support at participating independent colleges and universities and career colleges. If a student receives a Cal Grant A but attends a California Community College first, his or her award will be reserved for up to three years until the student transfers to a four year college, if the student continue to qualify. These students must notify their transfer school that they have a reserved grant. High school seniors and community college transfer students are a targeted group for Cal Grants, however all other undocumented students are encouraged to apply as there are other university support programs for which the students may be eligible.

Cal Grant A and B Competitive Awards are available for students who do not qualify for the entitlement grants. The competitive grants are not guaranteed. Each year 22,500 competitive grants are awarded. Half of the grants are awarded to eligible students that apply by March 2. The remaining half is set aside for
California Community College students who meet the September 2 deadline. For a complete description, go to the www.csac.ca.gov page.

There is a third Cal Grant for Technical and Vocational Students. Cal Grant C awards assist with tuition and training costs for occupational, technical, and vocational programs. The award includes funds for books, tools and equipment, tuition and fees if the student will be attending a school other than a California Community College (community colleges don’t charge tuition and fees will be waived as a Cal Grant recipient). Funding is available for up to two years, depending on the length of the program. To qualify, one must enroll in an occupational, technical, or vocational program that is at least four months long at a California Community College, an independent college, or a vocational/career school. Even though a GPA is not required to apply for a Cal Grant C, students are still encouraged to submit that information because it can only help their chance of receiving an award.

Part One: AB 130

Signed into law on July 25, 2011, AB 130 became effective January 1, 2012. AB 130 allows AB 540 students to be eligible for colleges and universities privately funded scholarships. AB 130 is the first of the California Dream Act.

At some universities all privately funded scholarships offered by the university are open to AB 540 students. The only scholarships that are not available to AB 540 students are those where a donor has specified the eligibility requirements.

Part Two: AB 131

AB 131 was signed into law on October 8, 2011, and becomes effective on January 1, 2013. This new law allows students who meet the AB 540 criteria to apply for and receive institutional grants, like the State University Grant, Educational Opportunity Program and Services fee waivers and the University of California Grants. California Community College students can apply for and receive Board of Governors fee waivers. AB 540 eligible students can also apply for and receive state financial aid, including Cal Grants and Chafee Foster Youth Grants for use at eligible public and private institutions.

To qualify for California financial aid through AB 131, AB 540 students must:

- Have attended a California high school for three or more full academic years between grades 9 through 12. They do not need to be consecutive years.
ALERT - WORK AUTHORIZATION & CALIFORNIA STATE
FINANCIAL AID FOR UNDOCUMENTED STUDENTS

• Have or will graduate from a California high school or have attained a GED; or received a passing mark on the California High School Proficiency Exam (CHSPE);
• Registered or be currently enrolled at an accredited institution of higher education in California.
• Not hold a valid non-immigrant visa (F, J, H, L, A, B, E, etc.);
• Demonstrate financial need and meet all other program requirements.
• In addition, undocumented students must file an affidavit as required by the individual institutions that the filer will apply for legal residency as soon as possible.

Federal Executive Order: Deferred Action for Childhood Arrivals (DACA)

There is a group of AB 540 and other undocumented students who may apply for work authorization, a Social Security card, and a California Driver’s License if they have qualified for the presidential executive order called Deferred Action for Childhood Arrivals (DACA). For information on DACA initiated in 2012, by President Barak Obama go to the http://www.dhs.gov/deferred-action. DACA is a policy for “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children”.1 It is intended for individuals “who lack the intent to violate the law”. The criteria include:
• Came to the United States under the age of sixteen;
• Has continuously resided in the United States for at least five years preceding June 15, 2012;
• Be currently in school, or have graduated from high school, or have obtained a general education development certificate, or be an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;
• Have not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise poses a threat to national security or public safety;
• Not be above the age of thirty.

DACA approved students are not able to apply for federal financial aid and may not receive services of federally funded university programs. Other restrictions may apply as the executive order evolves. Advisors should consult with experts when confronted with complex questions that students may present. Some DACA approved students may be eligible to apply for California state aid if they are California AB 540 students.

1 Memorandum for David V. Aguilar, Acting Commissioner, U.S. Customs and Border Protection, etc. from Janet Napolitano, Secretary of Homeland Security. Subject: Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children, June 15, 2012