



Supporting *All* Students: An Undocumented Students Guide for Counselors, Teachers and Administrators



Walla Walla Public Schools
Partners in Learning

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Introduction

Undocumented students¹ are young adults or children born outside of the United States who live here without the permission of the federal government. Although the process of becoming an undocumented student varies greatly from student to student, there are two common ways in which students become undocumented: (1) they enter the country without proper verification of entry or authorization, or (2) students overstay legal federal visas without returning to their country of origin. Overwhelmingly, the majority of students become undocumented through no fault of their own when they are brought into the country by their parents. It is important to note that while many of them would like to fully contribute to the United States and rectify their immigration status, under current laws these individuals do not have a feasible path for citizenship.

From all ethnic and racial backgrounds, there is an estimated 1 to 1.5 million undocumented students in the United States (PEW 2011) and as many as 65,000 undocumented students graduate from U.S. high schools every year (Gonzales 2012). However, only 5 to 10 percent of these students successfully enroll at 2 or 4 year institutions of higher education. Moreover, according to the College Spark Washington (2010), there are an estimated 34,000- 42,500 undocumented individuals under the age of 18 that live in Washington State. A deeper analysis of the Census data suggests that nearly 40 percent of these students may reside in eastern Washington.

These young students often undergo the majority of their childhood in the United States and are socialized into American society and culture in great part due to our education system. Particularly, school is the first legal institution that undocumented students encounter upon their arrival. In our K-12 schools they grow up like every other student; they pledge allegiance to the flag, take our state exams, participate in science fairs, excel in extracurricular activities, and become part of student government. Indeed, they are leaders in their classes, star athletes, honor students, and are active members of our community. Thus, since many consider themselves American, returning to their country of origin is difficult because the language, culture, and people are unfamiliar.

In the Walla Walla Public Schools (WWPS), local research has also explained that although undocumented students have high aspirations and expectations, their immigration status severely hampers their abilities to reach their educational goals of higher education (Ruiz 2009). Impediments to federal financial aid, fear of deportation, poor institutional outreach of existing resources, and uncertain future employment opportunities enervate undocumented students' motivation

¹ Others appropriate terms that students might identify with include "HB 1079 Student" or "DREAMer"

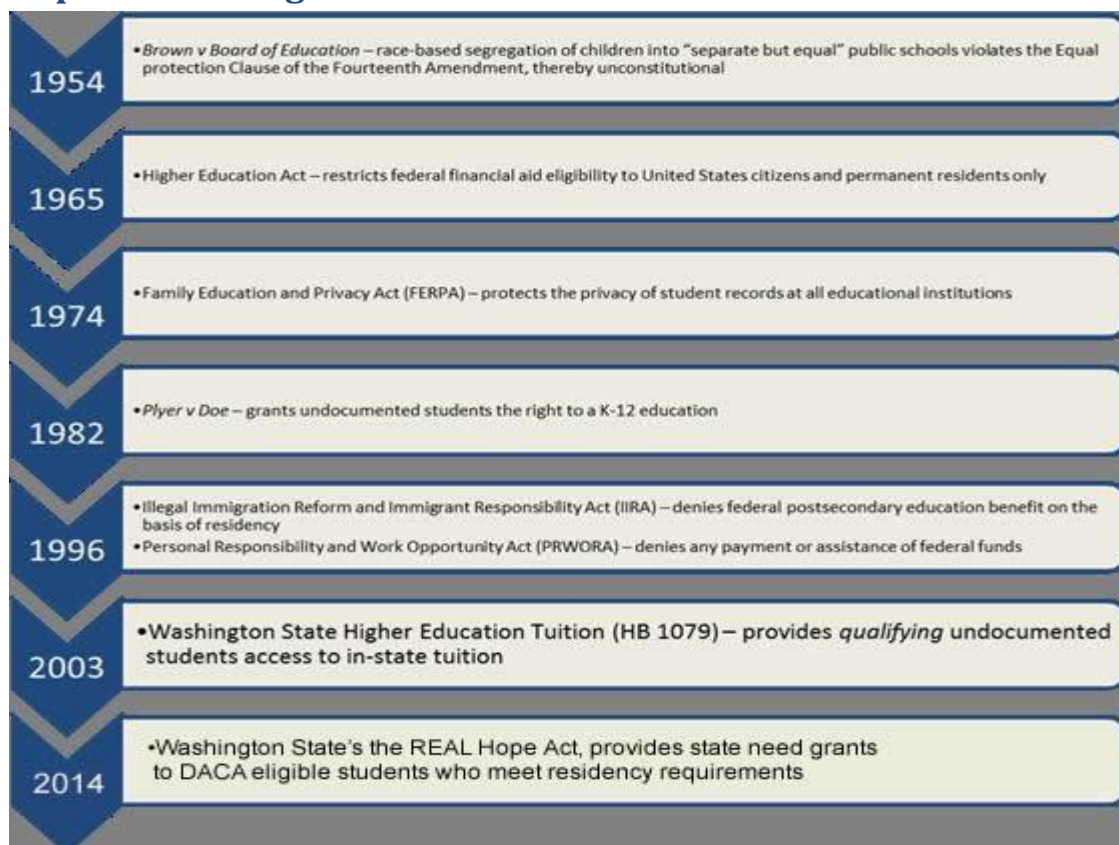
and achievement. In effect, our undocumented students face an ominous future that hampers their life outcomes.

As a counselor, teacher or administrator, your role is crucial in increasing our students' higher education aspirations and achievement. Each of these roles is instrumental in making sure that the rights and earned opportunities of undocumented students are respected. For example, never refer to your students as "illegal." Not only is this not the proper term in immigration law, but it is also a dehumanizing and humiliating term that can erode a student's trust in you. Use the word "undocumented" and encourage your students and colleagues to use this term as well.

When a student confides in you that they are undocumented, they are putting a great amount of trust in you. For these students confidentiality is of most importance. Although you may not legally ask students about their status, reassure students your office is a safe space to talk and anything they share with you, including their status, will remain private information. Be open and visible about providing support, information, and assistance to undocumented students. In addition, when students reveal their status, listen to them, but never offer legal advice. It can put your career and your student at risk. Move forward and make a plan with them on what you both can do to keep the student on track to college. Be Aware, Knowledgeable and Supportive.

By acknowledging the contributions of undocumented students to our schools and community, Walla Walla Public Schools "supports all students in becoming educated, productive citizens, and life-long learners" (WWPS Mission). Without any political bias, the Walla Walla Public Schools District must make clear to faculty, staff, students and parents that serving undocumented students' academic and social needs is part of achieving education equality. Therefore, in congruence with current federal and state law, as well as the District's mission, this guide provides a conscious attempt to increase the success of all our students regardless of their immigration status.

Important Immigrant Sensitive Laws



First, it is important to note that FERPA protects undocumented students’ right to privacy. Counselors, teachers, staff, and administration are not authorized to **ask** or **reveal** students’ immigration status. Moreover, according to federal law, only the federal government can enforce immigration law; thus, school employees cannot enforce immigration law in any form.

Perhaps most important from the above laws is *Plyer v Doe*. In 1982 the U.S. Supreme Court granted undocumented students the right to a K-12 education. Citing the Fourteen Amendment of the U.S. Constitution, the Court ruled that the State of Texas could not deny free public education to undocumented immigrant students. However, *Plyer v. Doe* did not address their educational needs and matriculation in postsecondary institutions.

Furthermore, while the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 denies federal postsecondary educational benefits on the basis of residency, it does not encourage states to deny benefits such as in-state tuition to undocumented students. Consequently, states interpret IIRIRA in their own ways and enact legislation or policies depending on their interpretations. Indeed, Washington State’s interpretation of IIRIRA and PRWORA does not deny in-state tuition to resident undocumented students.

Washington House Bill 1079 – In-state Tuition

In 2003, Governor Locke signed House Bill 1079 allowing undocumented students to pay in-state tuition in the State of Washington. To be eligible for in-state tuition, a student must meet the following requirements:

- live in Washington State for three years immediately before receiving a high school diploma,
- graduate from a Washington State high school,
- sign the affidavit stating they will file to adjust their status as soon as possible, and
- acceptance into a public college in Washington.

The Affidavit (**in appendix**) that undocumented students are required to sign is a confidential statement verifying that he/she qualifies to pay resident tuition, and that he/she will seek legal permanent residency when legally permitted to do so. If an Affidavit is not provided or available, the HB1079 Student should ask a trusted relative, friend, teacher, or counselor to request it from the institution he/she plans to attend. The Affidavit is also available at <http://www.registrar.wsu.edu/Registrar/Content/affidavitHB1079.pdf>.

To enroll in college a student must go through the following steps:

1. Complete the admission and scholarship applications from the college or university the student plans to attend.
2. Fill out and sign the Affidavit. This should be available at any public high school, college or university in the state.
3. Submit the admission, scholarship applications, and Affidavit to the college/university by the deadline stated by the institution.

Like Washington, a total of 17 states offer in-state tuition. However, as will be explained in the following sections, severe financial limitations of undocumented students still complicate their ability to afford tuition. As of today only California, Illinois, New Mexico, Texas and now Washington provide some state funding assistance (state financial aid).

States that offer in-state tuition for undocumented students:
**California, Colorado
Connecticut, Florida, Kansas,
Illinois, Maryland, Minnesota,
Nebraska, New Jersey, New
Mexico, New York, Oregon,
Texas, Utah, Washington,
Wisconsin**

NOTE: HB 1079 does not rectify students' immigration status.

DREAMERs

Term used to define children (some now adults) who are cast in limbo because they were brought into the country as children without proper authorization. In many cases, English is their primary language and they remember little, if anything, about the country they left. Many of these students self-identify as DREAMERs for three reasons: (1) they dream of seeking legal status in the country they now call home, (2) they dream of obtaining their dream careers, and (3) to reconsider the impact of the DREAM Act on achieving the two previous goals.

Deferred Action For Childhood Arrivals (DACA)

On June 15, 2012, the Secretary of Homeland Security announced that individuals who came to the United States as children and meet several key guidelines may request consideration of deferred deportation action for a period of two years, subject to renewal, and would also be eligible for work authorization. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. Deferred action is NOT a law, and it does NOT provide an individual with a path to permanent residency, citizenship or federal financial aid.

Applicants may request consideration of deferred action for childhood arrivals if they:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching their 16th birthday;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. Were physically present in the United States on June 15, 2012, and at the time of making the request for consideration of deferred action with USCIS;
5. Entered without inspection before June 15, 2012, or their lawful immigration status expired as of June 15, 2012;
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Individuals can call USCIS at 1-800-375-5283 with questions or to request more information on the deferred action for childhood arrivals process or visit www.uscis.gov.

It is important to inform students that current DACA regulations require students to reapply every two year.

Amended DACA

On November 20, 2014, the President expanded the definition of DACA to include the following provisions:

- Eliminated the maximum age limit (which use to be 32) to include all young people to came to this country before turning 16 years of age and have been present since January 1, 2010.
- Extended the DACA and work authorization from two years to three years.

Deferred Action for Parental Accountability - DAPA

On November 20, 2014, the President announced a series of executive actions, which included Deferred Action for Parental Accountability (DAPA). This new Executive Order allows parents of U.S. citizens and lawful permanent residents who have been present in the country since January 1, 2010 and pass required background checks, to request deferred action from deportation and receive employment authorization for a three year period.

Specific eligibility for DAPA include:

- Be an undocumented individual living in the United States who, on the date of the announcement (November 20, 2014), is the parent of a U.S. citizen or lawful permanent resident and who meets the guidelines listed below.
- Allows parents to request deferred action and employment authorization if they:
 - Have continuous residence in the United States since January 1, 2010;
 - Are the parents of a U.S. citizen or lawful permanent resident born on or before November 20, 2014,
 - Pass all required background checks; and
 - Are not scheduled for deportation / removal from the United States, prior to November 20, 2014.
- Applications for DAPA can be filed approximately 180 days (after May 20, 2015) following the President's November 20, 2014, announcement.

It is important to note that DAPA does not provide a pathway to citizenship. It only defers possible deportation for a period of three years.

The REAL Hope Act - Washington State Financial Aid For DREAMERS

On February 26, 2014, Governor Jay Inslee, surrounded by DREAMERS, signed into law the REAL Hope Act (SB6523), also known as the Washington Dream Act.

Beginning with the 2014-15 academic year, this new law expands eligibility for the Washington State Need Grant to non-citizens who meet the program's eligibility requirements **OR** have been granted Deferred Action for Childhood Arrival (DACA) status.

Students must meet all three residency criteria listed below:

- Resided in Washington State for three (3) years immediately prior to receiving a high school diploma and complete the full senior year at a Washington high school;

Or

- Complete the equivalent of a high school diploma and reside in Washington State for the three (3) years immediately before receiving the equivalent of the diploma;

And

- Continuously reside in the State since earning the high school diploma or its equivalent.

And

- Sign an affidavit (written promise) to file an application to become a permanent resident of the United States when eligible to apply.

The Washington Student Achievement Council (WSCA) has developed a state application for students who are unable to complete a FAFSA due to immigration status.

This free application – known as the Washington Application for State Financial Aid (WASFA) – is now available for students to complete online at www.readysetgrad.org/wasfa.

The Barriers for Undocumented Students

Although many talented and motivated undocumented students in our school district pursue higher education they face the following severe barriers:

Financial Insufficiency

- Are not eligible for federal financial assistance including student loans, Pell Grants, work-study programs, paid internships or fellowships, and some institutional funds.
- Cannot gain lawful employment, unless they have applied for DACA.
- Non-tuition expenses. Going to a college or university includes expenses beyond tuition.
- Financial priorities. In addition to the expenses other students incur, many undocumented students have to contribute to their family's income or send money to support relatives in their home country.

Lack of Support in High School

- Heavy case load for counselors and advisors. The recent fiscal difficulties decreased the number of academic and career counselors across Washington high schools. Since undocumented students have unique circumstances, classroom-wide advising is less likely to be helpful.
- Lack of training and resources. Academic advisors and career counselors, in many cases are not trained in the options undocumented students have after high school. Few printed resources exist for undocumented students, advisors, and counselors. While there are individuals at colleges and universities that are knowledgeable on the issues undocumented students face and willing to support such students, there is not a clear way to connect students, or high school faculty and staff to such individuals.
- Recruitment staff from colleges and universities. Individuals that recruit students to institutions of higher education often do not understand the specific implications of being undocumented.
- Few mentors and role models. Mentors can be teachers, school staff, members of the community, or fellow students. The best mentors for students are individuals that are in similar situations and are successful despite hardships.

Parental-Student Relationships

- Fear of deportation and a resulting lack of trust. Parents may not want their children to draw attention to themselves and applying for college and universities requires that forms be filled with personal information.

- Poverty. Many parents of undocumented students struggle to provide for their families.
- Fear of the unknown. Parents lack sufficient cultural capital to bestow to their children; they are not informed on the basic college and university formalities.
- Mix-status families. Many times undocumented students may have one or more family members who possess legal status which increases differences of access and opportunity in households.
- Differing school norms: while it is encouraged in the United States to develop a relationship with the child's teachers, in many other countries this is not the norm. Assuming indifference to education can be hurtful to a child's success.
- Language barriers. Many times the parents of undocumented students typically do not speak fluent English or lack confidence to ask questions.

Psychological

- Hiding their real self. Many undocumented students do not share their status. This is based on the fear of deportation or being treated differently. If a student is worried about their legal status becoming public, he/she has a hard time concentrating on school.
- Hopelessness. The reality is that with current laws undocumented students, unless they are DACA, cannot legally work regardless of their education level. Undocumented students may realize this as early as middle school and negatively impact their feelings toward school.
- Career requirements. Are often not eligible for careers that require licensing, background checks, or social security numbers.
- Feeling different. Interviews from undocumented students stress how different they felt when their friends began applying for college.

Washington Specific Programs

In Washington, a Social Security Number is required for the following programs and resources:

- HECB College Bound Scholarship. Low-income students in the 7th and 8th grade can sign up to receive annual college tuition after high school. Students do not need to be US citizens when signing up for the scholarship. At high school graduation, they must provide Social Security Numbers to receive the scholarship.
- TRIO. Undocumented students cannot benefit from programs that are funded with TRIO funds which include many of the student support services on campuses and universities. TRIO also supports Upward Bound programs and Talent Search.

- College Assistance Migrant Program (CAMP). CAMP provides financial and academic support to first year student that come from migrant families.

Overall, these barriers create an undue burden on students that can have a negative effect on their academic achievement. In short, the financial pressures and lack of opportunities facing undocumented students mean that they must work harder to find other opportunities and finance their education.

Other Important Information

In accordance with the Fourteen Amendment of the U.S. Constitution, undocumented students retain the rights to emergency healthcare, emergency shelter, and disaster aid; due process related to unlawful search and seizure, arrest, and work-related discrimination and unfair employment practices; and unfair housing discrimination.

Undocumented students under the age of 18 can fly in domestic flights (inside the continental U.S.). After the age of 18, students must provide a state-issued identification. Students in Washington State can use their state identification or driver's license to fly.

Lastly, not having an SSN does not mean that undocumented students cannot open bank accounts to deposit and save funding for school. Anyone with a valid Individual Taxpayer Identification Number (ITIN) issued by the Internal Revenue Service (IRS) can open an account or draw upon the account to pay for college. The ITIN is a nine digit number beginning with the number "9" and is formatted like the SSN. It is used for tax purposes only for certain residents, nonresidents, their spouses, and their dependents. It cannot be used for employment. **An ITIN cannot be used for FAFSA.**²

FAFSA and College Applications

Undocumented students do not qualify for FAFSA and submitting FAFSA forms with false information is against the law. To prove financial need for scholarships or other college applications, verify if it is possible, by providing copies of parents' tax forms or fill out the CSS/Financial Aid Profile (<https://profileonline.collegeboard.com/prf/index.jsp>).

When filling out college applications, providing a social security number is optional and never required. Work with students to contact the university to find out whether they should leave this question blank, fill in zeros (ex. 000-00-00000), or fill in the space with an identification provided by the university.

² An ITIN can be obtained by filling out an IRS W-7 form: www.irs.gov/pub/irs-pdf/fw7

If a student applying for financial aid is a U.S. citizen or permanent legal resident, but one or more parents are undocumented, the student is still eligible for federal student aid. Undocumented parents should use 000-00-0000 as their social security number on the FAFSA. It will be rejected if parents submit an ITIN.

Working with Undocumented Students: Be Aware, Knowledgeable and Supportive

Teachers and Counselors:

- **Do not offer immigration advice.** Refer students to immigrant organizations and/or attorneys that can provide legal assistance (see appendix).
- **Do not use or condone the use of “illegal.”** Do not allow students to refer to one another with a dehumanizing and improper term.
- **Have an open mind and open office.** Set your students at ease; let them know you are open to discussing immigration status. Have posters or materials that create a welcoming environment.
- **Be patient and understanding, and take the time to listen.** Never interrogate the student about their status.
- **Be supportive and encouraging.** Let them know that being undocumented does come with obstacles but they are not impossible to overcome. Also remind them that many undocumented students have been able to finish college.
- **Be educated on resources for students and families.** Undocumented students are often desperate for information. Be aware of local resources.
- **Do not make assumptions about which students are undocumented.**
- **Be inclusive.** Include undocumented students in all presentations rather than creating a separate presentation specifically for this group so as to avoid isolating them. Clarify that you are trained to work with all different types of students, including undocumented students.
- **Make information and resources about undocumented students available to all students.** Do not ask students to self-identify
- **Advertise and promote Running Start, AVID, GEAR UP, Advanced Placement classes** and other gateway programs that foster and provide essential college-bound resources.
- **Be conscious of identification requirements for college entrance exams.** Often a SSN is not required for these exams; encourage students to use Washington identification or driver’s license as proof of identity.

- **Do not transfer fears about their immigrations status.** Encourage students to learn about their status and reach for help within and outside of the school. Let them choose what to reveal about their status.
- **Connect them** to support networks, website and other undocumented student role models who have already completed the college application process.

TALKING TO UNDOCUMENTED STUDENTS ABOUT SENSITIVE SUBJECTS

What NOT to Say	What to Say
Going to college isn't really an option for you.	Going to college is going to be difficult for you, but it is possible. Thousands of other talented, hard-working undocumented students have already graduated from college.
You're not going to be able to get any money for college.	You're not eligible for most forms of government financial aid. However, you might be eligible for in-state tuition, and there are some private scholarships you can apply for.
Why don't you just legalize?	Have you talked to an immigration attorney to find out if you can legalize? There may be immigration remedies that you and your family don't know about already.
Even if you get a college degree, you're never going to be able to work legally.	Getting a college degree isn't going to change your immigration status, but it will open up many opportunities for you once you're able to legalize. The DREAM Act is a proposed federal bill that will give many undocumented students a path towards citizenship if they graduate from high school and go on to college. Because of strong bipartisan support in Congress and support from President Obama, the DREAM Act is very likely to pass in the near future.
Why don't you go back home and get a degree?	If you have family and connections in another country outside the United States, it might make sense for you to consider pursuing educational opportunities elsewhere. Remember, however, that you would be separated from your family in the U.S., and you could be barred from returning for 10 years.
In order to apply to college, you're going to have to reveal everything.	In order to apply to college, you're going to have to be honest about your immigration status. At first this may seem scary to you and your family. Remember that federal law (specifically FERPA) will protect your privacy and prevent colleges from releasing your information unless under court order.

For Administrators:

- **Do not offer immigration advice.** Refer students to immigrant organizations and/or attorney that can provide legal assistance (see appendix).
- **Do not use or condone the use of "illegal."** Do not allow students to refer to one another with a dehumanizing and improper term.
- **Create a welcoming and supportive campus** environment for undocumented students, integrating them into campus life. Increase campus awareness by providing presentations and guest speakers knowledge on the issue. Students who take advantage of school resources feel the opportunity to develop personal and professional skills.
- **Establish safe spaces** where students can speak to you or a counselor about their possible concerns at school. Another option are student support groups.
- **Increase faculty and staff knowledge and effectiveness** about the needs, concerns, and issues of undocumented immigrant students and their families. When developing campus opportunities, scholarships, and events, administrators should work with teachers to be sensitive regarding eligibility criteria. Advocate for increased opportunities that do not discriminate on the basis of immigration status.

- **Keep faculty and staff current on immigration laws** and other issues that affect undocumented students by developing initiatives of support, i.e. The Dream Act, HB 1079, Deferred Action for Childhood Arrivals (DACA) .
- **Give counselors flexibility** to create new programs or outreach in new ways. Offering opportunities for staff to talk with others who specialize in working with undocumented students to open support venues and exchange effective strategies.
- **Be conscious of immigration requirements for required sports travel and field excursions.** Indeed, undocumented students cannot travel to another country, but also be conscious that Immigration Border Patrol can legally establish checkpoints 100 miles from any terrestrial or coastline border in the United States.
- **Publicize efforts and resources** on school web-sites and all mediums used by your particular school or district.

Closing

This guide is the result of efforts between Walla Walla Public Schools, the Equity and Access Committee, and comprehensive student input to support all of our students, regardless of immigration status. It is most important that we begin to reach out to undocumented students at all stages of their education beginning in elementary schools. In effect, through early intervention we can provide these students with the tools and information necessary to be motivated and successful.

While supporting our undocumented students continues to be a work in progress, this guide is only the first step. A comprehensive list of local, state, and national scholarships that do not require a social security number will be available at all of Walla Walla High School's counselors' offices. Lastly, counselors will also have access to a guide for undocumented students and another for their parents.

Helpful organizations:

El Proyecto Voz Latina – President, Ariel Ruiz, ruizags@gmail.com

La Cima Student Leadership – Director, Susan Fortin, susanf@awsp.org

Latino/a Educational Achievement Program – Director, Ricardo Sanchez, ricardosanchez@seamarchc.org

Northwest Immigrant Rights Project - 509.854.2100

OneAmerica – Eastern Washington Director, Jazmin Santacruz, jazmin@weareoneamerica.org

Washington DREAM Act Coalition – WADREAMers1@gmail.com

Important school district contacts:

Dr. Bill Jordan, Superintendent, bjordan@wwps.org

Sergio Hernandez, Chair – Equity and Access Committee, sahernandez@wwps.org

Federico Diaz, Intervention Specialist, WaHi, fdiaz@wwps.org

Melito Ramirez, Intervention Specialist, WaHi, mramirez@wwps.org

Mireya Vargas, Intervention Specialist Opportunity, mvargas@wwps.org

Javier Hernandez, Intervention Specialist, Pioneer, jhernandez@wwps.org

Bunny Baker, Walla Walla High School Counselor, bbaker@wwps.org

Lauren Hemenway, GEAR UP - WWHS, lhemenway@wwps.org

Salvador Hernandez, Intervention Specialist – Garrison, shernandez@wwps.org

Sherry McConn, AVID, smconn@wwps.org

Ariel Ruiz, Walla Walla High School Alum, ruizags@gmail.com

Washington Higher Education Residency Affidavit/Declaration/Certification

Effective July 1, 2003, Washington state law changed the definition of "resident student." The law makes certain students, who are not permanent residents or citizens of the United States, eligible for resident student status – and eligible to pay resident tuition rates – when they attend public colleges and universities in this state. The law does not make these students eligible to receive need-based state or federal financial aid. To qualify for resident status, students must complete this affidavit/declaration/certification if they are not permanent residents or citizens of the United States but have met the following conditions:

Resided in Washington State for the three (3) years immediately prior to receiving a high school diploma, and completed the full senior year at a Washington high school,

or

Completed the equivalent of a high school diploma and resided in Washington State for the three (3) years immediately before receiving the equivalent of the diploma,

and

Continuously resided in the State since earning the high school diploma or its equivalent.

Print full name

Date of birth (mo/day/yr)

Student Identification Number (if available)

Relationship to the college or university: Applicant Current Student

Name of high school: _____

I certify that:

I will file an application to become a permanent resident of the United States as soon as I am eligible to apply. I am also willing to engage in activities designed to prepare me for citizenship, including citizenship and civics review courses.

I certify or declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signature

Date

Place (city, state)

To the student: Please submit the original copy of this completed affidavit to the admissions office of the college or university to which you are applying. Faxed or e-mailed forms, or forms without an original signature, are not acceptable.

June 25, 2003 – HECB form No. 03-01-HB1079