

Counseling Undocumented Students about Financial Aid

Objectives

- Have participants understand what is meant by —undocumented” student.
- Explain what aid is available to undocumented students.
- Discuss strategies for counseling undocumented students.

Materials

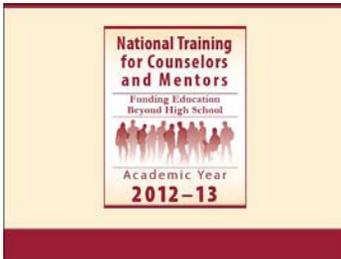
- PowerPoint presentation
- Handout

Trainer Tips

- The instructor’s guide is just that, a guide. If you feel more comfortable training from the Power Point presentation, feel free to do so.
- Financial aid for undocumented students is a sensitive topic. Keep the presentation as neutral as possible and be prepared for participants to express strong opinions.
- A number of states have recently debated legislation which would allow undocumented students to receive in-state or resident tuition and public postsecondary institutions. For updated information regarding which states have enacted legislation or are considering such bills, please visit <http://www.ncsl.org/default.aspx?tabid=12876>.

Counseling Undocumented Students about Financial Aid

SLIDE 1



Counseling Undocumented Students about Financial Aid

Note to Instructor: This section of the materials provides a high level overview of the financial aid options available to undocumented students. It does not make any judgments on what aid, if any, should be available to this population. Be prepared for participants to express strong opinions on the topic.

I. Introduction

People all over the world dream of having a better life, especially for their children. To achieve this dream, individuals may risk everything to get to a place—such as the United States—where this dream appears reachable. The availability of opportunity in the U.S. has led about 11.2 million people to live in the U.S. illegally. Because all children in the U.S., regardless of their legal status, possess the right to an elementary and secondary school education, being aware of the financing options available to undocumented students who contemplate higher education is an important topic.

Note to Instructor: The above number is from a report released by the Pew Hispanic Trust in early 2011. The number of persons living in the U.S. illegally hasn't changed much from 2009, although individual states have seen either an increase or decline in this sub-population.

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In this module, we will discuss the following topics:

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- Undocumented students;
- Federal financial aid;
- State aid;
- Other aid sources; and
- Counseling undocumented students.

Note to Instructor: Before proceeding with the next part of the presentation, ask participants if they counsel undocumented students regarding financial aid for postsecondary education. If the answer is yes, ask if the situation comes up more frequently than it did in the past.

II. Financial Aid for Undocumented Students

A. Undocumented Students

Before we talk about the financial aid that it is available to undocumented students, it would be a good idea to make sure that we are all on the same page about what we mean when we talk about undocumented students.

➔ Refer participants to page 1 of the handout.

1. What Does It Mean to be Undocumented?

Simply put, undocumented means an individual lacks the documents required for immigration or legal residence. Individuals may have entered the U.S. legally on a temporary basis and stayed in the country after their documents expired. Others chose to enter without obtaining legal permission to do so. Many children are brought into the U.S. illegally by their parents, thus playing no part in their current situation.

2. Some Statistics about Undocumented Immigrants

The majority of undocumented immigrants, about 75 percent, are from countries in North, Central, and South America. Of these 61 percent are from Mexico and 14 percent from Latin America. The states with the largest numbers of undocumented residents are California, Texas, New York, Illinois, Florida, and Arizona. However, areas outside of these states have seen significant growth in the number of undocumented residents in the past 10 to 15 years.

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What Does It Mean to be Undocumented?

- Individual lacks the documents required for immigration or legal residence
- Individuals may have:
 - Entered the country legally on a temporary basis and stayed after documents expired
 - Entered without documents
 - Been brought into the country by someone else

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Statistics about Undocumented Immigrants

- 75% are from Mexico and Latin America
- The majority live in six states: California, Texas, New York, Illinois, Florida, and Arizona
- Other areas have seen significant growth in undocumented residents in past 10-15 years

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Statistics about Undocumented Students

- 1.1 million are children under 18
- Another four million children are U.S. citizens by birth
- Approximately 65,000 undocumented students graduate from U.S. high schools every year

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SLIDE 7

Undocumented Parents

- Parents' undocumented status usually does not affect student's eligibility to apply for certain types of aid
- Eligibility depends on student's status

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Federal Aid

To be eligible for federal aid, students must be:

- U.S. citizens or nationals;
- U.S. permanent residents;
- Citizens of the Freely Associated States (Micronesia, Palau, and the Marshall Islands); or
- Other eligible noncitizens

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Of the undocumented population, 1.1 million are children under the age of 18. Another four million children are U.S. citizens by birth, although their parents are undocumented. The Urban Institute estimates that approximately 65,000 undocumented students graduate from U.S. high schools every year.

Note to Instructor: The statistics cited above come from www.statemaster.com, www.procon.org, and www.pewhispanic.org.

3. A Word about Undocumented Parents

As we just noted above, a large number of children who are themselves U.S. citizens have parents who are undocumented. Before we start discussing the types of aid available to undocumented students, it is important to point out that the parents' undocumented status usually does not affect the student's eligibility to apply for certain types of aid. Eligibility depends on the student's status, not the status of his or her parents. For example, a student must be a U.S. citizen or eligible noncitizen to receive federal financial aid. The applicant's parents do not have to have legal standing in the U.S. for their child to receive federal financial aid, with the exception of a parent PLUS loan.

B. Federal Aid

1. Student Eligibility

To be eligible to receive federal financial aid, including Federal Pell Grants and Stafford Loans, students must be:

- U.S. citizens or nationals;
- U.S. permanent residents;
- Citizens of the Freely Associated States, which include the Federated States of Micronesia, Palau, and the Marshall Islands; or

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Categories of Eligible Noncitizens

- Persons granted asylum
- Persons paroled into the U.S. for at least one year
- Refugees
- Victims of human trafficking
- Battered immigrants-qualified aliens and their designated children
- Conditional entrants
- Cuban-Haitian entrants

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SLIDE 10

Eligible Noncitizens

- Can often document their status with an I-94, or Arrival-Departure Record
- Can usually apply for permanent residency after specified time period, such as one year

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Ineligible Immigration Statuses

- Family unity status
- Temporary residents
- Non-immigrant visas for work, students, tourists, and foreign government officials

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- Other eligible noncitizens.

Note to Instructor: All U.S. citizens are also U.S. nationals, but some U.S. nationals are not citizens. Natives of American Samoa and Swain's Island are U.S. nationals but are not citizens.

Citizens of the Freely Associated States are eligible to receive aid from only some of the federal financial aid programs.

There are a number of categories of eligible noncitizens whom are eligible to receive federal financial aid. They include:

- Persons granted asylum;
- Persons paroled into the U.S. for at least one year;
- Refugees;
- Victims of human trafficking;
- Battered immigrants-qualified aliens and their designated children;
- Conditional entrants; and
- Cuban-Haitian entrants.

Individuals who fall into one of these groups can often document their status with an I-94, which is also known as an Arrival-Departure Record. Other forms of documentation are acceptable. Eligible noncitizens can usually apply for permanent residence in the U.S. after a specified period of time, such as one year.

You should be aware that there are some common immigration statuses that **do not** make the holders eligible to receive federal financial aid. They include:

- Family unity status;
- Temporary residents; and
- Persons with non-immigrant visas, such as those for work, students, tourists, and foreign government officials.

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Student Options for Federal Aid

May need to refer undocumented students to an attorney familiar with immigration law and regulations about the feasibility of student obtaining permanent status in the U.S.

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2. Student Options

As you can tell from our discussion, in order to be eligible for federal financial aid, a student must have permanent status in the U.S., or an avenue to apply for permanent status. As you interact with students, you will become aware of their individual situations. You may need to refer undocumented students to an attorney familiar with immigration law and regulations about the feasibility of the student obtaining permanent status in the U.S.

Now that we have spent some time talking about the eligibility of undocumented students for federal financial aid, let's turn our attention to aid offered by states.

C. State Aid

Note to Instructor: Information regarding state action on undocumented students and postsecondary education can be found at <http://www.ncsl.org/default.aspx?tabid=12876>.

➔ Ask participants to turn to page 2 of their handout for the following discussion.

1. State Legislation Granting In-State Tuition

Beginning in 2001, a number of states have passed legislation that allows undocumented students to pay in-state, or resident, tuition at public colleges and universities. By 2006, the number of states that had introduced such bills had reached 30. According to the National Conference of State Legislatures, 13 states have enacted such legislation. The states that currently provide this benefit are:

- California;
- Illinois;
- Kansas;
- Nebraska;
- New Mexico;
- Texas;
- Utah;
- Washington;
- Wisconsin;
- Maryland;
- Connecticut;

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State Legislation

Beginning in 2001, a number of states have passed legislation that allows undocumented students to pay in-state tuition at public colleges and universities

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States that have Enacted Legislation Granting In-State Tuition

- California
- Illinois
- Kansas
- Nebraska
- New Mexico
- New York
- Oklahoma
- Texas
- Utah
- Washington
- Wisconsin
- Maryland
- Connecticut

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- New York;
- Oklahoma;
- Texas;
- Utah;
- Washington;
- Wisconsin
- Maryland; and
- Connecticut.

Most of the states which allow undocumented students to pay tuition at the lower in-state rate do not allow these students to receive financial aid from state programs.

Note to Instructor: Ask participants (if you are not in one of the above states) if their state legislature is considering legislation to allow undocumented students to pay in-state tuition.

Note to Instructor: The Maryland legislation is not yet in effect. Opponents to the measure collected enough signatures to have the issue of in-state tuition for undocumented students placed on the ballot as a referendum for the fall 2012 election.

The states of Illinois and Connecticut passed legislation the summer of 2011.

In contrast, three states have enacted legislation which specifically prohibits undocumented students from receiving in-state tuition rates. These states are:

- Arizona;
- Colorado; and
- Georgia.

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States that have Enacted Legislation Prohibiting In-State Tuition

- Arizona
- Colorado
- Georgia

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SLIDE 16

Eligibility Criteria for In-State Tuition

- Attend a state high school for two to four years
- Complete a high school diploma or GED in state
- Enroll in a public postsecondary institution
- File affidavit stating intent to legalize status and become permanent resident

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SLIDE 17

State Models for Undocumented Student Eligibility

- Redefine residency for the purpose of tuition charges
- Make exemptions for payment of out-of-state tuition for certain categories of students

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2. Eligibility Criteria

A review of the legislation passed by the states by Jobs for the Future reveals similar criteria that undocumented students have to meet in order to pay the lower in-state tuition rate, including:

- Attend a state high school from two to four years;
- Complete a high school diploma or GED in the state;
- Enroll in a public postsecondary institution; and
- File an affidavit stating intent to legalize status and become a permanent resident.

3. Models

As states consider and implement legislation, they are generally following one of two models to make undocumented students eligible for in-state tuition. In the first model, states redefine residency for the purpose of tuition charges, such as defining residents as those who have studied in and graduated from a state high school, usually for a minimum of three years.

In the second model, states make exemptions for payment of out-of-state tuition for certain categories of students, such as those who are undocumented. Such students have to meet similar criteria, such as graduation from a state high school, that are used in the first model. Of the 13 states that have enacted legislation, six use the first model and four utilize the second model.

We will now discuss other sources of financial aid for undocumented students, including colleges and universities as well as private sources.

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Aid from Colleges and Universities

- Institutional scholarships, grants, loans, or work-study programs
- Availability of institutional aid varies widely
- Scholarship funds come with a merit component

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Aid from Private Sources

- Fast Web
- Mexican American Legal Defense and Education Fund
- Get Ready for College
- Latino College Dollars
- Scholarships for Hispanics
- Genesco Migrant Center

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D. Other Sources of Aid

➔ *Direct participants to page 3 of the Handout to follow along with the discussion.*

1. Colleges and Universities

Depending on their resources, postsecondary institutions may be able to offer undocumented students financial aid in the form of scholarships, grants, loans, or a work-study program. The availability of institutional aid varies widely among colleges. Institutions with larger endowments, such as well-known independent colleges, may be in a better position to award funds. Scholarship funds especially come with a merit component, so encourage students to perform to the best of their potential.

2. Private Sources

As we all know, another source of financial aid is private sources, such as foundations, churches, and social organizations. The criteria for these awards, as well as the amount available, vary widely. Sources for scholarship information for undocumented students include:

- Fast Web;
- Mexican American Legal Defense and Education Fund;
- Get Ready for College;
- Scholarships for Hispanics; and
- Genesco Migrant Center.

The websites for these sources are listed in your Handout on page 3.

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Be Proactive with Private Aid

- Locating private aid sources is labor intensive and time consuming
- Be proactive and identify local sources of aid
- Make information easily available
- Good project for student assistants or local organization

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SLIDE 21

Counseling Undocumented Students

- Safe environment
- Non-threatening
 - Not required to report status
 - Be supportive

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SLIDE 22

Counseling Resources

- Be proactive
- Be aware of what is available at state and local level
- Include the student's family in counseling

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3. Be Proactive

Locating private sources of financial aid is a labor intensive, time-consuming task, and can discourage many students. Assist students as much as you can. Be proactive in identifying local sources of assistance, and make information about the private sources we just discussed easily available. Compiling scholarship information would make a good project for a student assistant or organization.

III. Counseling Undocumented Students

A. Safe Environment

As with other aspects of counseling, discussing financial aid with undocumented students should take place in a safe environment. This is especially important since students' legal status is such a key element in your discussion. Students should not feel threatened, and you should reassure them, if necessary, that you do not have to report your conversation to immigration officials. Be supportive as possible as undocumented students grapple with their options for financing a postsecondary education.

B. Resources

As we discussed a moment ago, being proactive will help you better counsel undocumented students. Be aware of what benefits are available in your state, including policies regarding tuition charges. As you interact with local scholarship providers such as churches, social organizations, and businesses, ask them if they will award their funds to undocumented students. If at all possible, conduct counseling or provide information when the student's family is present so that they will be aware of available resources.

Note to Instructor: Lead the group in a discussion of counseling strategies. Possible discussion questions include:

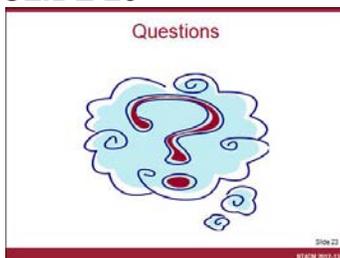
- What financial aid information do you currently make available to undocumented students?
- Do you conduct “financial aid night” type presentations for this population?
- How often do undocumented students seek out information about financial aid?

IV. Conclusion

A crucial element to effectively counseling undocumented students about financial aid is being aware of what assistance is available to them from you state and local and private sources. If at all possible, you should be proactive about making information available to students and their families. It is also important that you be as supportive as possible as undocumented students confront the challenge of financing a postsecondary education.

Note to Instructor: Ask the participants if they have any remaining questions.

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